

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 5

Meeting date: 22 November 2023

Meeting time: 09.00

For further information contact:

Catherine Hunt

Committee Clerk

0300 200 6565

SeneddHousing@senedd.wales

(08:45 – 09:00 pre-meeting)

1 Introductions, apologies, substitutions and declarations of interest

2 Papers to note

(Pages 1 – 2)

2.1 Renting Homes (Wales) Act 2016 – Letter from the Chair of Legislation, Justice and Constitution Committee to Minister for Climate Change

(Page 3)

2.2 Draft Budget 2024–25 – Letter from the Chair of Finance Committee

(Pages 4 – 6)

2.3 Elections and Elected Bodies (Wales) Bill – Letter from Counsel General and Minister for the Constitution

(Pages 7 – 8)

2.4 Community Assets – Letter from Building Communities Trust

(Page 9)

2.5 Elections and Elected Bodies (Wales) Bill – Letter from the Chair of Reform Bill Committee

(Pages 10 – 11)

2.6 Letter from the Equality and Human Rights Commission – Equality and Human Rights Monitor: Is Wales Fairer? 2023

(Pages 12 – 17)



- 2.7 Housing Ukrainian refugees – Letter from the Minister for Social Justice & Chief Whip**
(Pages 18 – 21)
- 2.8 Inquiry into community assets – Letter from the Minister for Finance and Local Government**
(Pages 22 – 35)
- 3 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the following items of the meeting: 4 and 7**
- 4 Local Government Finance (Wales) Bill – Approach to scrutiny**
(09:00 – 09:15) (Pages 36 – 46)
[Local Government Finance \(Wales\) Bill](#)

[Explanatory Memorandum](#)
- 5 Elections and Elected Bodies (Wales) Bill – Evidence Session 4**
(09:15 – 10:30) (Pages 47 – 76)
Councillor Huw David, WLGA Presiding Officer and Leader of Bridgend County Borough Council
Councillor Llinos Medi, WLGA Plaid Cymru Group Leader and Leader of Anglesey County Council
Councillor Andrew Parkhurst, WLGA Liberal Democrat Group Leader
- Break (10.30 – 10.45)**
- 6 Elections and Elected Bodies (Wales) Bill– Evidence session 5**
(10:45 – 12:15) (Pages 77 – 102)
Clare Sim, Head of Member Support, Association of Electoral Administrators
Colin Everett, Chair, Wales Electoral Coordination Board
Catherine Uphill, Manager, The Electoral Commission

7 Elections and Elected Bodies (Wales) Bill – Consideration of evidence

(12:15 – 12:30)

Agenda Item 2

Local Government and Housing Committee

22 November 2023 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 1	Renting Homes (Wales) Act 2016	Chair of Legislation, Justice and Constitution Committee to Minister for Climate Change	To note
Paper 2	Draft Budget 2024–25	Chair of Finance Committee	To note
Paper 3	Elections and Elected Bodies (Wales) Bill	Counsel General and Minister for the Constitution	To note
Paper 4	Community Assets	Building Communities Trust	To note
Paper 5	Elections and Elected Bodies (Wales) Bill	Chair of Reform Bill Committee	To note
Paper 6	Forward Work Programme	Equality and Human Rights Commission	To note
Paper 7	Housing Ukrainian refugees	Minister for Social Justice & Chief Whip	To note
Paper 8	Community Assets	Minister for Finance and Local Government	To note

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

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Julie James MS
Minister for Climate Change

13 November 2023

Dear Julie

Joint working with UK Government on outlawing certain blanket practices in residential lettings

Thank you for your letter of 25 October 2023. We very much welcome that you have sought to draw this joint-working to our attention and your intention to provide further information in due course.

We would find it particularly helpful if, as part of that further information, you would:

- confirm that you are pursuing a Wales and England Bill (as indicated by the Counsel General's Written Statement on the UK Legislative Programme), and if so, why this approach has been followed given the recent creation of a new renting homes legislative framework for Wales and also given the Welsh Government's commitment to consolidating and codifying Welsh law, as well as to accessible legislation more generally;
- the timing of any proposed legislation and your plans for public consultation.

I am copying this letter to the Llywydd and the Chair of the Local Government and Housing Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies
Chair

Y Pwyllgor Cyllid

Finance Committee

Chair, Children, Young People, and Education Committee

Chair, Climate Change, Environment, and Infrastructure Committee

Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee

Chair, Economy, Trade, and Rural Affairs Committee

Chair, Equality and Social Justice Committee

Chair, Health and Social Care Committee

Chair, Legislation, Justice and Constitution Committee

Chair, Local Government and Housing Committee

14 November 2023

Dear Committee Chairs,

Draft Budget 2024-25

I wrote to you in April, setting out the Finance Committee's pre-budget engagement work. On the 12 July, the Committee held its annual Plenary debate on the Welsh Government's Spending Priorities for the forthcoming Budget, and I am grateful to all that contributed. I am now writing to provide a further update on scrutiny of the Draft Budget 2024-25.

Consultation and timetable

The Finance Committee has issued its pre-budget consultation, on behalf of all Committees, which closes on 30 November. The responses to the consultation will be available on our webpage.

Due to the UK Government's Autumn Statement that will take place on 22 November, the Minister for Finance and Local Government (the Minister) has confirmed that she will publish the outline and detailed Draft Budget together on 19 December. The Minister will appear before the Finance Committee the following day on 20 December for an initial evidence session.

Budget focus

The focus of this year's budget is likely to centre on the impact of the cost of living crisis, inflation and



the transparency of the Welsh Government's financial decisions. In addition, the Finance Committee has identified a number of areas which it would like to see the focus of scrutiny, namely:

- what impact inflationary pressures have had on revenue and capital budgets and how this has changed affordability of previous plans;
- how resources should be targeted to support economic recovery and what sectors in particular need to be prioritised;
- to what extent alleviating climate change should be prioritised in supporting economic recovery;
- how budget allocations support aspirations of the Net Zero Wales plan;
- Welsh Government policies to reduce poverty and the impact of cost of living crisis and gender inequality;
- the approach to preventative spending and how this is represented in resource allocations (preventative spending is defined as spending which focuses on preventing problems and eases future demand on services by intervening early);
- sustainability of public services, innovation and service transformation;
- how evidence is driving Welsh Government priority setting and budget allocations;
- how the Welsh Government should use taxation powers and borrowing;
- support for businesses, economic growth and agriculture post-EU transition;

In addition, the following areas were identified as priorities during the Committee's stakeholder and engagement events during the summer term:

- the need for services to collaborate to meet the challenges facing the NHS and social care sector;
- that local government needs sufficient resources to deal with mounting demands;
- that more support should be provided for those studying and working in the education sector;
- that a focus on community-led solutions and prevention is needed to tackle the root causes of poverty and inequality;
- that there needs to be a move away from ad-hoc funding for the voluntary sector;

- that there should be a focus on turning Wales's potential for green energy into reality.

We hope our engagement work, and forthcoming public consultation, will complement and inform the work of policy Committees and I would encourage you to use some of the areas outlined above as the focus for your budget scrutiny.

If you have any questions about any aspect of the Draft Budget process, please feel free to contact me or the Clerk to the Finance Committee, Owain Roberts, 0300 200 6388, seneddfinance@senedd.wales.

Yours sincerely,



Peredur Owen Griffiths
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CG/PO/383/2023
Ein cyf/Our ref qA1762325

15th November 2023

Dear John

Thank you for your letter of 3 November in relation to the Elections and Elected Bodies (Wales) Bill. I have provided further information below in answer to your queries.

Electoral Registration without Application

The provisions requiring an open register sit within the Representation of the People (England and Wales) Regulations 2001. As this is secondary legislation, we will use secondary legislation to remove its application to the local government register in Wales. This will be done following Royal Assent of the Bill. To make this change Welsh Ministers will exercise powers under Section 53 of the Representation of the People Act 1983, these regulations will be subject to the affirmative procedure in the Senedd.

The impact of removing the open register for the local government register in Wales is likely to have a minimal impact on organisations that are not able to access the full register. A 2013 report by the House of Lords concluded that the open register served no public good and presented risks to privacy. It also concluded that the existence of the register can be a disincentive to registering to vote. Given that we will be automatically registering electors, removing access to information for some organisations felt necessary to build confidence in this new way of registering and to safeguard our citizens. For those eligible to register for the Parliamentary register, the open register will still exist. This means that we are largely protecting those young people aged 16 and 17 that will be on the local government register but are not eligible to be on the Parliamentary register. For those electors on the Parliamentary register, the choice will still be in place as to whether they wish to be on the open register or not.

Services to promote diversity in persons seeking elected office

It is important the barriers which prevent people standing for election and therefore taking a full role in democracy are identified and addressed. While we are clear that the socio-economic circumstances individuals find themselves in can impact on their options in life,

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

more research is needed as to the appropriate criteria to use to determine eligibility under section 28 of the Bill and what measures can be taken to support individuals.

We will therefore shortly be commissioning research in this area aimed at identifying steps which can be taken to encourage people with a range of different socio-economic backgrounds to consider standing for election. It is intended to identify where an individual's socio economic background has or could lead to inequality of outcome along with identifying the measures that could be put in place to support individuals during the election process.

It is also important we consider intersectionality and how protected characteristics can combine with certain socio-economic circumstances to present barriers to individuals' participation in democracy.

This is a complex area, which requires further exploration, and we will be seeking a wide range of views to shape both the eligibility criteria and the services which can be made available under section 28 of the Bill.

I look forward to attending the Local Government and Housing Committee again on 7 December to discuss the Bill further.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style. Below the signature is a short horizontal line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



November 16th 2023.

Dear John,

I am writing to you in your role as Chair of the Local Government and Housing Committee, following the Community Assets event you kindly participated in on November 7th as a panellist. During the event you spoke about the vital role that the Committee has in following up on the work it has undertaken, with reference to monitoring the progress of recommendations made.

To that end, we note that the twelve-month time frame for the primary recommendation in the [Community Assets](#) report has now passed. We are aware you have written to the Welsh Government about this, and that a response from Welsh Government has been retracted, with a replacement response expected at the end of the week commencing November 6th 2023. We welcome your careful monitoring of the situation and would urge you to press for a further, more detailed update from the Welsh Government concerning the development of the Commission to look at Community Ownership.

You will have seen the high level of interest Community Ownership from across the political spectrum in Wales, as well as strong support from a range of community actors. We obviously recognise and acknowledge the multifaceted nature of pressures facing the Welsh Government (chiefly financial pressures and the crowded nature of the legislative programme) but feel strongly that strengthened guidance on Community Asset Transfer (at a minimum) would help to save public money in the long run, by enabling public bodies access to guidance based on best practice.

We would be happy to provide you with support in tabling questions to the Ministers involved if this would be useful. We look forward to hearing from you as how you feel it best to approach this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Johnes', is written over a faint, light blue circular watermark or stamp.

Chris Johnes
Chief Executive Building Communities Trust

Paper 5
Agenda Item 2.5
Y Pwyllgor Biliau Diwygio

—
Reform Bill Committee

John Griffiths MS
Chair
Local Government and Housing Committee

16 November 2023

Dear John

Senedd Cymru (Members and Elections) Bill

As you know, the Reform Bill Committee is currently scrutinising the Senedd Cymru (Members and Elections) Bill (“SC(ME) Bill”). During our work on this Bill, we have heard evidence from the Electoral Management Board for Scotland (“EMBS”) and Boundaries Scotland on 9 November 2023, and from the Wales Electoral Coordination Board on 15 November 2023, that may be of interest and relevance to your Committee’s scrutiny of the Elections and Elected Bodies (Wales) Bill (“EEB(W) Bill”).

The SC(ME) Bill includes, among other matters, provision to:

- Reconfigure the Local Democracy and Boundary Commission for Wales (“LDBCW”) as the Democracy and Boundary Commission Cymru (“DBCC”), and confer on it the function of reviewing and reporting on the Senedd’s electoral boundaries.
- Increase the maximum number of commissioners that may be appointed to the DBCC to seven (and make associated provision in respect of persons who may not be appointed as members of the DBCC, its chief executive, or assistant commissioners, and in respect of quorum).

The Explanatory Memorandum to the SC(ME) Bill explains that the provisions in the SC(ME) Bill have been formulated to reflect not only the additional functions the current LDBCW will take on as a result of this Bill, but also those that will be conferred on it by the EEB(W) Bill. We understand that these will include:

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- The establishment of an Electoral Management Board for the purpose of discharging electoral administration functions, including directions and advice to Returning Officers and Electoral Registration Officers.
- The functions currently undertaken by the Independent Remuneration Panel for Wales.

During the evidence session on 9 November 2023, the EMBS and Boundaries Scotland, the witnesses raised cautions about the proposal in the EEB(W) Bill that a Welsh statutory Electoral Management Board should be part of the functions of the DBCC. On 15 November 2023, the Wales Electoral Coordination Board said that provided appropriate arrangements were put in place, it could be appropriate for a Welsh EMB to be established within the DBCC.

Yours sincerely



David Rees MS
Chair, Reform Bill Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



John Griffiths MS
Chair Local Government and
Housing Committee
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Thursday 16 November 2023

Dear Chair,

Subject: Equality and Human Rights Monitor: Is Wales Fairer? 2023

I am writing to bring to your attention our landmark report into the state of equality and human rights in Wales in 2023. This report focuses on the Welsh context and sits alongside our report on Britain which we have laid in the UK Parliament and published today (16 November) In particular, we would like to highlight findings and recommendations relevant to you as Chair of the Local Government and Housing Committee.

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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Following on from our last “Is Wales Fairer?” report in 2018, the Equality and Human Rights Monitor: Is Wales Fairer 2023 draws on the comprehensive data outlined in our to assess progress on equality and human rights over the last five years across Wales.

Overall, we have found that there have been significant challenges to equality and human rights over the last five years including:

- the profound impact of the COVID-19 pandemic
- the UK’s departure from the European Union
- the period of high inflation as well as the economic impact of the war in Ukraine

These events have exacerbated some persistent, long-term inequalities. For example, the data shows that whilst more young people have been reporting mental health conditions since 2010, the numbers rose further during the pandemic and remain high.

These events have also been a catalyst for new trends. For example, the increase in home working has benefitted parents, older and disabled people,

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and those with caring responsibilities.

You can read the full report on our website. I would particularly like to draw your attention to some of our findings where we have seen that:

- The education attainment gap at foundation phase level between disabled and non-disabled children has widened and disabled adults are less likely to be employed than non-disabled adults.
- There has been a drop in the proportion of rape offences recorded against women that result in charges. Black or mixed ethnic people are more likely to have experienced sexual assault in the past year than other ethnic groups.
- There are significant equality and human rights data gaps in Wales, particularly for the protected characteristics of religion, gender reassignment, and sexual orientation in all areas of life and additionally for race in the areas of tertiary education and health.
- The proportion of public appointments of people from ethnic minority backgrounds has increased in recent years and women's representation in local government and as chief executives in public appointments has risen.

Our report also sets out recommendations to address these findings, including for:

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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- The Welsh Government, local authorities and schools should address the widening attainment gap between disabled and non-disabled children and the under-representation of disabled people participating in and completing apprenticeships.
- The Welsh Government, police forces and other members of the Wales Criminal Justice Partnership Board should better understand ethnic disparities in experiences of sexual assault and ensure that charge rates for hate crimes, sexual assault, and rape are appropriate to reported and recorded levels.
- We recommend that the Welsh Government and all public bodies identify how they can better understand issues and fill evidence gaps by the protected characteristics of religion, gender reassignment, and sexual orientation to meet the needs of their communities.
- To increase diversity in political representation and to ensure that diversity data is collected, the Welsh Government and the Senedd Commission should call on the UK government to commence section 106 of the Equality Act 2010 in relation to Senedd elections, to transfer the powers to do so, or to legislate for the Senedd electoral arrangements.

As you will be aware, public authorities are required under the [Public Sector Equality Duty \(PSED\)](#) to publish specific and measurable equality objectives.

Our recommendations are designed to support the development of these objectives and help ensure that this legal obligation can be performed in a way

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that is strategic and focused on the most significant equality challenges identified by the data.

I would encourage you to consider how our findings and recommendations can inform the work of the Committee and support scrutiny of the actions and progress of Welsh Government and public bodies in Wales to address inequalities.

We would be keen to discuss these findings and recommendations in more detail and would be delighted to offer you a meeting at your convenience.

Yours sincerely,

Rev Ruth Coombs

Head of Wales, Equality and Human Rights Commission

Direct telephone: 029 2044 7720

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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Welsh Government

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17 November 2023

Dear John,

Thank you for your letter of 20 October following my appearance at the Local Government and Housing Committee on 5 October, where the housing of people fleeing Ukraine was scrutinised. In your letter, you requested some additional information, which I am pleased to provide below.

Firstly, you asked for clarification of whether our new accommodation provider 'Calder World of Travel' has been used by the UK Government to provide refugee accommodation, as well as some additional information on the anticipated length and value of this contract. I understand that Calders World of Travel is used by the Home Office from time to time for various schemes including Afghan bridging accommodation. In terms of contract duration and value, the current initial accommodation contract booked through Calders World of Travel runs until April 2024. There is potential to extend the contract until September 2024 should this prove necessary. The value of the contract in the Crown Commercial Services contract is £15m - £18m over the life of the contract, but this may differ depending on demand, so these figures represent the estimated spend at award, based on the numbers/requirements known in summer 2023.

You also asked for an update on how many Ukrainian refugees are currently living in Wales and any further information relating to what measures are in place to collect this information, including whether the Welsh Government is recording numbers of those leaving Wales and their reasons for doing so. On that, we have a secure data sharing service in place between the Welsh Government, local authorities, health boards and the Contact Centre. It gives an up to date, single source of information for those who provide support to Ukrainian citizens coming into Wales. The service shows that as of 9/11/23 there were around 4,700 Ukrainians living in Wales. The service also provides information on numbers who have left and the location that they have moved to but does not collect reasons why those individuals have left.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Building on my written evidence on the budget, you requested a further breakdown of how the £40 million budget for 2023-24 has been administered. I hope the following table is helpful:

Cost Heading		Budget Allocation	Revised Budget
Initial Accommodation	Hotels		£8,985,000
	Holiday Parks		£6,100,000
	Welcome Centres		£5,050,000
	Wraparound costs		£3,700,000
	Sub- Total	£27,827,300.00	£23,835,000
	Welcome Phase Support	£150,000.00	£25,000
	10% Contingency	£2,782,700.00	£0
	Total	£30,760,000.00	£23,860,000
Host 'Thank You' Top Up Payments		£2,500,000.00	£1,300,000
Contact Centre		£1,748,000.00	£1,300,000
Emergency Transport		£50,000.00	£100,000
Communications and Internal Administration inc. Legal Costs and Translation		£285,000.00	£160,000
Accommodation for Pets		£210,000.00	£110,000
Data Platform		£496,000.00	£500,000
Move-on Pan-Wales Task Force		£0.00	£150,000
LA Funding - Homes for Ukraine	Move-on Support	£2,000,000.00	£1,520,000
	Settle and Integrate Funding	£1,951,000.00	£1,950,000
	Further LA Funding (Homelessness UKG Consequential)		£4,750,000
	Total		£8,220,000
Total		£40,000,000.00	£35,700,000.00

In terms of the reduction of £4.3 million to this budget, this decision followed months of intensive cross-government work. We as Welsh Government have developed a prudent plan to respond to the extraordinary financial pressures facing public services. As you will be aware, my colleague the Finance Minister, Rebecca Evans, [Speaking in the Senedd](#) on 17 October, set out that the priority for this government is to protect core services, jobs, and people hardest hit by the current cost of living crisis. She announced a package of changes to spending plans. Every ministerial portfolio was asked to make a contribution to meet the extraordinary financial pressures. We have re-prioritised spending and activities as much as possible, rather than cutting programmes as a whole.

This has included £4.3 million released from the Ukraine Humanitarian Response programme. This saving has been secured due to the highly successful delivery of our plan to move guests from initial accommodation into longer term, independent accommodation. This, coupled with the slowdown in arrivals from Ukraine, has led to efficiency savings.

In terms of your questions about Wales' £8.22 million share of the UK Government's £150 million Homelessness Prevention Fund, £2 million was originally set aside for move on support including £500k for national support, and £1.95 million in respect of a discretionary fund, with allocations being adjusted in year in line with the terms and conditions in the grant offer letter. An additional £4.75 million was subsequently allocated directly to local authorities as homelessness prevention funding.

During the Committee session, your members requested additional information on four additional areas. Taking each in turn:

- Feedback on progress in relation to converting appropriate placements into commercial lodging arrangements, should thank you payments not be available in year 3

We have established a small working group consisting of several local authorities and Housing Justice Cymru to explore the practicalities of, and appetite for, converting appropriate host placements into lodging arrangements where the lodger would make a rental contribution to their landlord. This is intended to provide an opportunity for existing host/guest living arrangements to continue if thank you payments come to an end, if that is what both the host and guest wish to do. This is also anticipated to have wider benefits for the host and guest in terms of having more formalised arrangements in place and the guest having the opportunity to begin living more independently in a supported environment, which may help them to eventually move onto private rental accommodation. We are working with a small number of local authorities who will pilot these arrangements in order to develop some case studies, which will be presented to other local authorities along with some light-touch guidance to enable a wider roll-out should the pilots be successful.

- More details on analysis undertaken by the Welsh Government on the reasons for refusal of accommodation

Feedback on the reasons why guests refuse offers of longer-term accommodation has been received anecdotally from local authority caseworkers and Housing Justice Cymru, who work directly with guests to support move on. There is a complex range of reasons why different households have refused longer term offers of accommodation. Reasons include guests' preferences for certain types of accommodation or a particular location, concerns around the affordability of housing and in some cases a reluctance to commit to longer-term arrangements as they have intentions to move back to Ukraine or outside of Wales. Local authorities and third sector partners continue to work with guests to manage their expectations about their housing options and highlight the benefits of living more independently within communities, where they can live more settled lives. The recent changes we have made to the Code of Conduct for guests residing in initial accommodation clearly sets out the requirement for guests to engage positively with local authorities to find longer-term housing. The revised Code came into effect on 27 October.

Supporting guests into longer-term accommodation continues to be a priority for the Welsh Government, and this is reflected in the funding we have made available to local authorities across Wales to support the move on of guests from initial accommodation.

- Details of the total costs paid to CTM, once all figures are reconciled

To date we have made payments of £24.2m to CTM since the start of the contract on 17 June 2022 and we're currently processing additional outstanding invoices, liaising closely with CTM as is our usual process to resolve any outstanding queries prior to payment.

- Details of the Welsh Government's ongoing work to analyse annual returns on the grant provided to local authorities and registered social landlords to provide homes (including modular accommodation) for those in housing need

The Transitional Accommodation Capital Programme (TACP) was established in year during the 2022-23 financial year to provide good quality, longer-term accommodation for everyone in housing, including those being resettled from Syria, Afghanistan and Ukraine. In its first year, the Programme provided £76.4m to local authorities and Registered Social Landlords to bring forward 936 homes.

Following the 2022-23 financial year, officials asked TACP grant recipients to complete and return an annual return form. This return requested information such as the dates of completion and occupation of TACP-funded properties, where occupants have been rehoused from, and whether the property is being used on a transitional or longer-term basis. Not all annual returns have been received, but work is currently underway to secure outstanding returns and analyse data provided within them.

I hope this information will assist the Committee in your scrutiny.

Yours Sincerely

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first few letters.

Jane Hutt AS/MS
Gweinidog Cyfiawnder Cymdeithasol a'r Prif Chwip
Minister for Social Justice and Chief Whip



Llywodraeth Cymru
Welsh Government

Our ref: RE/371/2023

John Griffiths MS,
Chair,
Local Government & Housing Committee

John.Griffiths@senedd.wales

17 November 2023

Dear John,

Further to my original letter on 03 November, I am writing to you to provide some further assurance in respect of Recommendation 1, as it also has implications for several of the other recommendations detailed in the 2022 Local Government and Housing Committee Report on community assets.

The work on establishing the Commission, its membership, scope and how it will work is well advanced. I expect to be in position to make a formal announcement on the chair and membership of the Commission by early January 2024. The work to support the Commission is also progressing to the point where some important research work will shortly be commissioned looking at relevant legislation from across the UK and beyond and its impact on community ownership of assets. It is also looking to gather detailed case studies at where community ownership of land and assets has worked well and examples where the process was not successful.

I am expecting the Commission's work, including recommended proposals and suggested next steps to be concluded by the end of March 2025. As previously advised, I will continue to provide updates on progress with the Commission and its work.

Yours sincerely,

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



Llywodraeth Cymru
Welsh Government

Our ref: RE/371/2023

John Griffiths MS,
Chair,
Local Government & Housing Committee

John.Griffiths@senedd.wales

03 November 2023

Dear John,

Thank you for your letter requesting an update on actions arising from the 2022 Local Government and Housing Committee Report on community assets.

The written update on progress against each recommendation is set in the document annexed to this letter, including details of the activities we have been supporting in respect of recommendation 14 and funding for community-led and cooperative housing.

I continue to support his valuable work and will continue to provide updates on progress with the commission and its work.

Yours sincerely,

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

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ANNEX 1 Update to Chair of the Local Government and Housing Committee entitled Community Assets November 2023

Recommendation 1.

The committee recommends that:

The Welsh Government should take action to establish a commission to stimulate innovative thinking on community ownership of land and assets in Wales. The commission should be established within 12 months of the publication of this report and should work with stakeholders to develop an action plan for its work. The commission should make recommendations to the Welsh Government.

Original Response: Accept in Principle

The Minister for Climate Change has already stated that she is minded to agree to a commission. The form and scope of a commission will need to be carefully considered before action is taken to implement this, and other recommendations making reference to a commission. It is important that stakeholders are involved in that work.

The establishment of the commission within the recommended timescale must also have regard to our existing Programme for Government commitments, which will remain our key priorities.

Financial Implications: Yes. Current resourcing will not support the development of this work within recommended timeframe.

November 2023 Update

Engagement has taken place with stakeholders on the proposed form and scope of the commission. Stakeholders have been supportive of the proposal. This will be taken forward in 2023-24 and 2024-5, subject to resources being available.

Recommendation 2.

The committee recommends that:

The Welsh Government and Ystadau Cymru should review and update its existing guidance on Community Asset Transfers. The review should begin within 12 months of this report's publication. In conducting the review, the Welsh Government should consult relevant stakeholders, including community groups with direct experience of the CAT process, to ensure their feedback can be used to shape updated guidance.

Response: Accept

Our evidence presented to the Committee acknowledged that a further review of the current guidance would be undertaken and that this should include wider

engagement. It is also important that any revised guidance aligns with wider community policy.

Financial Implications: Yes. Current resourcing will not support the development of this work within recommended timeframe. External resource can be procured, subject to confirmation of Ystadau Cymru budget for 2023-24.

November 2023 Update

Current guidance reflects the present position in Wales. Revised guidance will be considered during the work of the commission and will be delivered after the commission's recommendations have been considered.

Recommendation 3.

The committee recommends that:

The Welsh Government should make arrangements for consideration to be given to whether community groups who meet agreed criteria should be able to instigate the asset transfer process for themselves. This work should be undertaken by the commission we have recommended.

Response: Accept

Community Groups are already able to instigate the assets transfer process.

The committee's comments recognise, however, that there is inconsistency across local authorities, with not all having a CAT policy. We also acknowledge that there is evidence that other public bodies are less active in transferring assets to communities and that they play an equally important role in asset transfers.

Officials consider that similar impacts can be derived by improving the guidance and ensuring consistency without setting or creating overly ambitious community expectations. This guidance could include sample policies which have been shown to be effective.

A review of the guidance will include promotion of the benefits of asset transfer through the use of case studies.

Financial Implications: None. The planned work can be accommodated within existing resources.

November 2023 Update

Current guidance reflects the present position in Wales. Revised guidance will be considered during the work of the commission and will be delivered after the commission's recommendations have been considered. Communities in Wales are able to instigate the asset transfer process themselves.

Recommendation 4.

The committee recommends that:

The Welsh Government should, when updating its guidance on Community Asset Transfers, make it clearer that the transfer process is applicable to all public bodies, not just local government.

Response: Accept

The recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2.

Financial Implications: Yes. A review and update existing guidance is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

November 2023 Update

Current guidance reflects the present position in Wales. Revised guidance will be considered during the work of the commission and will be delivered after the commission's recommendations have been considered.

Recommendation 5.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, consider how it can be strengthened to provide clarity and assurance to local authorities on assessing the social value benefits of transferring an asset, including in circumstances which result in transferring it for lower than the market value.

Response: Accept

This recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2. Stakeholder engagement will assist in developing a framework to assist public bodies to identify and measure the social value arising from transfers.

Financial Implications: Yes. A review and update existing guidance is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

November 2023 Update

A social value matrix has been developed and tested on a selection of asset transfers. Further consultation and development will take place as part of the work of the commission.

Recommendation 6.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, strengthen its links with the Well-being of Future generations Act to ensure the guidance is clearly underpinned by the Act.

Response: Accept

The recommendation can be incorporated into any revised guidance, accepted in our response to Recommendation 2.

Financial Implications: Yes. A review and update existing guidance, is accepted subject to confirmation of a Ystadau Cymru budget for 2023-24.

November 2023 Update

Current guidance reflects the present position in Wales. Revised guidance will be considered during the work of the commission and will be delivered after the commission's recommendations have been considered. The social value matrix referred to in Recommendation 5 has been structured around the Wellbeing of Future Generations Act.

Recommendation 7.

The committee recommends that:

The Welsh Government should, when reviewing the guidance on Community Asset Transfers, improve the availability of case studies relating to successful asset transfers, and should also include more recent projects among the studies. The Welsh Government should review the case studies periodically to ensure the most up to date examples are available for others to learn from.

Response: Accept

Ystadau Cymru continue to develop case studies and promote best practice as part of their core work. Case studies are included in their newsletters and have an important role in the annual conference. This work forms part of the current Ystadau

business plan which includes a review of how best to disseminate good practice case studies.

A review of the guidance will include promotion of the benefits of asset transfer through the use of case studies.

Financial Implications: None. The planned work can be accommodated within existing resources.

November 2023 Update

Ystadau Cymru continue to promote case studies through its newsletter and annual conference. The Assets Collaboration Wales Grant Fund has assisted Community Groups and their public sector partners in collaboration projects involving Community Assets. The fund is available to public sector bodies collaborating with another partner on assets-based projects.

Examples include grant funding to:

Wrexham and Powys County Council to procure decarbonisation assessments on leisure centres and community centres operated by third sector organisations.

Llanelli Town Council to improve community run sports facilities, to include a publicly accessible changing places toilet. This is understood to be the first of this type of facility in Wales. The Council were able to use their resources and expertise to support those communities which would not otherwise have had the capacity to do so.

Vale of Glamorgan Council to support decarbonisation of community run assets. The Council were able to use their resources and expertise to support those communities which would not otherwise have had the capacity to do so.

Wrexham Council to install solar panels on leisure centres operated by not-for-profit partners.

These projects are also promoted through the Ystadau Cymru newsletter and the annual conference and awards. Award categories include economic, environmental and social sustainability and innovation. Past winners have included community assets.

Examples include:

2022- Ogmore by Sea Village Hall - collaboration instigated by the Village Hall Association to overcome a range of legal and planning obstacles and construct a new village hall.

2021 – Newtown and Llanwchaiarn Town Council – acquisition of redundant town centre premises to create re-use and repair 'Emporium'.

2021 – St David’s Befriending Group - use of local school premises and catering teams to support community meals on wheels service.

Recommendation 8.

The committee recommends that:

The Welsh Government should work with relevant partners to establish an asset transfer peer network to enable community groups to facilitate the sharing of experiences and best practice with each other.

Response: Accept

Ystadau Cymru have already begun to consider the best way to share good practice. This will form part of the work being undertaken in the response to recommendation 7.

Financial Implications: None. The planned work can be accommodated within existing resources.

November 2023 Update

This work continues. The Ystadau Cymru Board are considering options for restructuring to enable a thematic workstream focussed on community assets. This work is ongoing and part of a wider review of Ystadau Cymru.

Recommendation 9.

The committee recommends that:

The Welsh Government should establish a coordinated support package to support communities that are seeking to buy or lease land or assets. The commission we have recommended should explore with stakeholders the package of support that should be available.

Response: Accept in Principle

Welsh Government provides support to community groups through the [Community Facilities Programme](#), and the [Community Asset Loan Fund](#), managed by WCVA on Welsh Government’s behalf. Other support is also available from other sources.

The terms of reference for the commission can include review of the support package available.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission, within the recommended timeframe.

November 2023 Update

This will be considered as part of the work of the commission.

Recommendation 10.

The committee recommends that:

The Welsh Government should make arrangements to explore options, including legislative approaches, to find solutions that can empower communities and give them equal opportunity when competing against private investors to purchase assets of interest. This work should be undertaken by the commission we have recommended.

Response: Accept in Principle

Exploration of legal solutions adopted elsewhere and how they might empower communities in Wales can be included in the terms of reference of the commission.

The work of the commission in response to this recommendation will need to reflect the findings of independent evaluations of legislation enacted elsewhere to ensure that any legislative recommendation would achieve its intended aims and deliver value for money.

The work of our Communities Policy Board will be able to contribute to this recommendation. The Board includes cross government representation and is planning to develop pilot projects through Public Service Boards in a few Local Authority areas. The role and potential of community assets in empowering communities will be a key strand of this work. Feedback from the pilots will be shared with the commission once it has been established.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

November 2023 Update

This will be considered as part of the work of the commission.

Recommendation 11.

The committee recommends that:

The Welsh Government should make arrangements to review funding streams that support community assets, including Welsh Government and local authority funding, and explore options to increase the availability of affordable loan finance for community groups. This could be undertaken by the commission we have recommended.

Response: Accept in Principle

Welsh Government already invests in Community Assets through the [Community Asset Loan Fund](#), delivered for us by the Wales Council for Voluntary Action (WCVA), and directly through the [Community Facilities Programme](#).

A review of existing funding streams can be included in the terms of reference of the commission.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Additional grant or loan finance will increase the financial obligations of Welsh Government during a period when we are looking to constrain non-Programme for Government spending.

November 2023 Update

This will be considered as part of the work of the commission.

Recommendation 12.

The committee recommends that:

The Welsh Government should give consideration to the establishment of a Community Asset Fund. The commission we have recommended should give further consideration to the establishment of such a fund.

Response: Accept

The Welsh Government is already meeting the intent of this recommendation. The [Community Facilities Programme](#) (CFP) provides grants of up to £300k to help communities buy, develop and improve community assets – buildings and green spaces. The CFP has provided over £41m in capital grants to projects across Wales since 2017. This fund works alongside the £5m [Community Asset Loan Fund](#)

delivered for us by the WCVA which provides up to £300k (100%) to enable communities to purchase assets.

Financial Implications: None. The planned work can be accommodated within existing resources.

November 2023 Update

The Community Facilities Programme has provided nearly £50m in capital grants across Wales since 2017.

Recommendation 13.

The committee recommends that:

The Welsh Government should set out how it intends to make the process of ascertaining ownership of land assets easier for communities and how the process can help to empower groups to take on assets they would like to see continue. This should include making arrangements for considering whether a register of assets would be beneficial and be undertaken by the commission we have recommended.

Response: Accept in Principle

A review of whether a register of assets would be beneficial, or cost effective, can form part of the terms of reference of the commission.

Officials have commenced a review of the data which is available. DataMap Wales already publishes data on publicly owned land in Wales which is freely available to the general public. The UK Land Registry holds data on land ownership of registered land which is also available to the general public. This covers approximately 85% of all ownership. We are making enquiries into the potential to expand the current data available through DataMap Wales to include privately owned, registered land.

The creation of new data, such as registers of assets, will require significant resources from central and local government and may duplicate existing sources of information on ownership. The creation of registers or databases on non-registered land is neither cost effective nor feasible.

Feedback from this work will be shared with the commission.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

Developing and maintaining additional datasets on DataMapWales, if available, will require additional resource.

November 2023 Update

Officials have been considering how best to incorporate Land Registry data into DataMap Wales. Data on ownership is not likely to be available for assets outside of the public sector. This data is, however, available on a case-by-case basis from the Land Registry.

Recommendation 14.

The committee recommends that:

The Welsh Government should establish a specific Welsh fund for community housing projects, similar to the funds available in England and Scotland.

Response: Reject

The Minister for Climate Change accepted a recommendation of the Independent Review of Affordable Housing Supply (May 2019) to streamline funding programmes for affordable housing. Community-led housing groups can access Social Housing Grant funding when they partner with a Registered Social Landlord, and the Minister for Climate Change has been keen to explore access to other existing funding streams for community-led housing groups. Officials are working with Cwmpas in connection with the development of a specific community-led housing proposition utilising the Land and Buildings Development Fund.

November 2023 Update

Whilst the Committee's recommendation was rejected, work has been taken forward to provide access to further support and funding to Co-operative and Community-led Housing Groups.

Our support through Cwmpas is designed to do just that and we have increased funding through Cwmpas to £180,000 revenue funding for three years (2022-23 to 2024-25). This builds on our historical support of the sector since 2012.

The Gwyr CLT (Swansea) pilot, through which co-operative and community-led groups can access funding from the Land and Buildings Development Fund is progressing. The application is at grant offer stage and some final details are being worked through. Should this pilot prove successful, it could result in a Cwmpas-led initiative for community-led housing projects utilising the Land and Buildings Development Fund.

We continue to support co-operative and community-led housing groups wishing to develop new homes to access Social Housing Grant where they partner with a Registered Social Landlord.

Community-led housing groups can also access the Empty Homes Grant Programme. Applications have been made by Community-led Housing groups and these are currently being considered.

Support to community groups is also being provided through the Perthyn Small Grants Scheme as part of the Welsh Language Community Housing Plan. This allows community groups to apply for up to £12,500 each to support the development of new ideas and develop new social enterprises and community-led co-operative housing. In the first round, grants were awarded to 21 community groups, 7 of which are aiming to provide community-led housing. Round 2 of the funding opened on the 8 August.

Recommendation 15.

The committee recommends that:

The Welsh Government should make arrangements to consider options for developing Welsh specific legislation, tailored to meet Welsh needs. The commission we have recommended should consider the need for legislation to support community ownership and empowerment in Wales by the end of the current Senedd term.

Response: Accept in Principle

The terms of reference for the commission can include a review of legislative options for Wales.

The commission will, in implementing this recommendation, need to reflect on independent evaluation(s) of the impact of legal provisions enacted elsewhere, to ensure that a legislative recommendation for Wales would actually support increased community ownership and empowerment and deliver value for money.

Financial Implications: Yes. Current resourcing will not support the development and establishment of a commission within the recommended timeframe.

November 2023 Update

This will be considered as part of the work of the commission.

Recommendation 16.

The committee recommends that:

The Welsh Government should make arrangements to review Welsh planning guidance to ensure it empowers communities and supports asset transfers.

Response:

Accept in principle

Planning Policy Wales (PPW) is supportive of the principles of placemaking which includes the provision of community infrastructure. Community assets will form a notable part of community infrastructure in some places and it is right that PPW should recognise that the transfer of assets can be beneficial to the sustainability of some communities.

We will look to enhance the policy guidance around the transfer of community assets; however, it should be recognised that the planning system regulates the use and development of land and should not differentiate between planning applications based on who the applicant is. Consequently, there may be instances where the transfer of an asset to the community, for a particular purpose, could run counter to established planning policies and any changes to PPW would not give such proposals any favourable consideration if they were evidently contrary to policy.

Financial Implications: None

November 2023 Update

This will be incorporated when PPW is updated, which is expected to be later this year.

Agenda Item 4

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Document is Restricted



Title: WLGA Response to the Elections and Elected Bodies Bill

Recipients: Local Government and Housing Committee

Author: Paula Walters, Interim Head of Corporate Policy and Services

Email address: paula.walters@wlga.gov.uk

About Us

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
2. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.
3. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales. Our goal is to promote, protect, support and develop democratic local government and the interests of councils in Wales.
4. We achieve our vision by:
 - a. Promoting the role and prominence of councillors and council leaders
 - b. Ensuring maximum local discretion in legislation or statutory guidance
 - c. making the case for long-term and sustainable funding for councils
 - d. Promoting sector-led improvement
 - e. Encouraging a vibrant local democracy, promoting greater diversity
 - f. Supporting councils to effectively manage their workforce

Introduction

The WLGA welcomes the opportunity to submit evidence to the Committee on the Elections and Elected Bodies (Wales) Bill and to give oral evidence on 22nd November 2023.

The WLGA's response provides a high-level overview commentary relating to the key chapters and themes and several of the proposed reforms rather than addressing each area in turn. More detailed and expert technical consideration of the proposed reforms are included in submissions provided by returning officers and



local authority electoral administrators, including the Association of Electoral Administrators (AEA) and the Wales Electoral Coordination Board (WECB).

Welsh local government is committed to improving and reforming the electoral process and has a track record of working constructively and proactively with the Welsh Government and other partners, including the Electoral Commission. There is therefore much that is welcomed and supported in the Bill, and several proposed reforms that have developed through extensive engagement between Welsh Government, local authorities and electoral administrators.

Electoral administration and reform are however complex and challenging and there are inevitable capacity, resource and systemic constraints. One of the critical challenges which has been highlighted in discussions and responses from local authorities to the previous White Paper, is the increasing complexity and risk of confusion caused by diverging electoral law and practice between Wales and the UK.

Local authorities are clear that combined elections of reserved and non-reserved elections should be avoided in the future as these would inevitably cause voter confusion given the growing divergence in law and practice at the Wales and the UK levels. They would also pose logistical challenges for both electoral administrators and political parties with a greater risk of errors consequently. Risks of electoral failure should be averted wherever possible and, therefore, combined elections should be avoided by agreement.

Create an Electoral Management Board for Wales

The WLGA is supportive of the transitioning of the Wales Electoral Management Board (WECB) to a statutorily based Elections Management Board (EMB). The WECB was set up in 2017, and includes the Electoral Commission, Welsh Government, WLGA and Returning Officer representatives. The WECB has helped coordinate the planning and management of elections in Wales, provided views on electoral reform proposals and has provided guidance to and supported electoral administrators in Wales. The WECB is currently voluntary and given the scale of electoral reform, a more substantial statutory model is therefore supported by local government. We are supportive of the EMB being hosted by the Local Democracy and Boundary Commission for Wales and will play a key role in supporting the transition arrangements.

Introduce electoral registration without application

The WLGA is supportive of automatic registration as a means to streamlining the process for electors and to the introduction being informed by piloting and learning from practice. There will need to be very clear communications to the public so they understand that for Wales elections they will be automatically registered (following notification from the Returning Officer and their acceptance) whereas for UK



Parliamentary elections they will be required to engage with the individual electoral registration (IER) process. Hence, the importance of piloting and evaluating this new approach and including the messaging to the public.

Access and Equality

The Association is supportive of ensuring elections and the electoral process is accessible to disabled people and supports the social model of disability. We note however, there are limitations on the suitability and availability of portable equipment on the market currently and many polling stations have spatial limitations. It will require investment to equip polling stations effectively and the WLGA is committed to working closely with Welsh Government, WECB and other partners in this area. We welcome the proposals for the Electoral Commission to provide guidance to Returning Officers on the provision of equipment and aids to make it easier for disabled people to vote and also to report on elections' accessibility for disabled voters in Senedd and local government elections in Wales.

The WLGA continues to support the principle of an Access to Elections Office Fund (AEOF), as a means of supporting candidates, to promote diversity in participation. We also agree with the proposal to create a duty for Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and local government democratic structures with the intention of tailoring the approaches for different protected characteristics as appropriate. The Welsh Government's review of the AEOF (included in paragraph 3.81 of the Explanatory Memorandum) provides key learning points for future schemes and for it being extended to support wider diversity in local government and the Senedd.

Candidate survey

The WLGA agrees with the proposals to have greater flexibility to develop the survey in collaboration with key partners including equality representatives, and to have a set of core questions for candidates across Wales. Having consistency of data is key to exploring trends over time, identifying improvements in data collection and the ability to share practice on 'what works'. The flexibility for local authorities to add questions to reflect local issues is also welcomed.

Voter Information Platform

The WLGA supports the views expressed in this area by the WECB in its evidence submission, which includes the views of local authority Returning Officers and electoral administrators. The need for a form of digital platform or portal for the uploading of candidate statements for local elections is not proven. Candidates, and their political parties where they have one are increasingly effective in promoting their campaigning locally. This is particularly so with social media platforms and increasing public uptake of them. The WLGA and electoral administrators have



previously raised concerns about these proposed reforms as this would be a significant and complex task and risks accusations of political bias if statements are reviewed and edited before publication.

The policy intent to place a duty on Welsh Ministers “...to put in place arrangements for an online voter information platform” is noted. If this introduced, it should be nationally coordinated and resourced, given the number of candidates involved in local elections across Wales. Candidates should be responsible for their own uploading and any editorial control, which in itself would be a logistical challenge, should not sit with Returning Officers as this would pose a conflict of interest between administering an election and some jurisdiction over campaigning material commentary.

Campaign Finance

The WLGA supports the intent to bring about changes to campaign finance rules for Senedd and local government elections, so they are aligned with changes made for the UK elections in 2022. As a principle we support attempts to reduce the divergence between reserved and non-reserved elections.

Arrangements for Local Government

The WLGA echoes the views of the WECB in this area and is supportive of the main proposals on reviews of local government boundaries and we also welcome the provisions set out in paragraph 3.102 of the Explanatory Memorandum. In our response to the White Paper, we stated that the 10-year programme of reviews should be maintained but we are supportive of the move for the Commission undertaking a review at least once in a 12-year period and likewise, for local authorities to review electoral arrangements for each community every 12 years.

Abolition of Independent Remuneration Panel for Wales

In our response to the White Paper the WLGA indicated its support for the proposal to dissolve the Independent Remuneration Panel (IRP) and transfer the functions to the Local Democracy and Boundary Commission. However, the Liberal Democrat Group is not of this view and opposes the abolition of the IRP and feels that an independent pair of eyes to review the proposed pay is important to maintain consistency of Chief Executive’s pay levels across local government.

The other political groups in the WLGA (Labour, Plaid Cymru and Independent Groups) remain of the view that it is critically important that the body determining councillors’ salaries and remuneration remains independent and not part of the function of the Local Democracy and Boundary Commission. They support the abolition of the IRP as the WLGA has long made the case for this removal as local authorities, as employers, should be trusted to set their own pay structures under their own governance arrangements.



Resettlement Payments

The WLGA also supports the introduction of ‘resettlement payments’ for councillors who may cease to be a member of a local authority and subject to the criteria to be set by the Commission. This proposal is welcome and the WLGA has made the case for ‘parachute payments’ in recent years. Councillors are the only paid public roles that do not have financial protection and are not entitled to receive a ‘redundancy’ payment if they lose office at an election. Members of the Senedd and Members of Parliament receive a resettlement grant and redundancy payments are also a protected right for public sector employees. Senior councillors, in particular, tend to be full-time, often must give up careers to focus on their councillor role and many have family as well as other financial commitments; the personal risk of a sudden and significant loss of a salary is inconsistent and unfair compared to other public roles. It is also a disincentive for diverse people with careers or family responsibilities to consider taking on the most senior roles in local government.

Disqualification

The WLGA supports consistency in disqualification arrangements for elections to the Senedd, community and town councillors and principal councillors (i.e., bringing community and town councils in line with the current rules for principal councils). We are also supportive of the proposal to remove the ‘grace period’ following the election of a councillor as a Member of the Senedd; the councillor should resign, and the seat become vacant immediately following election and a by-election triggered.

Undue Influence

The WLGA is supportive of the Welsh Government seeking to update and modernise the definition of undue influence. It will provide consistency and reduce divergence with UK legislation while also ensuring it reflects societal changes and address wider harms to individuals, rather than a focus on physical harm.

Regulatory Impact Assessment (RIA)

The RIA provides an estimate of the increased costs to local authorities of the proposed changes to electoral administration. There is always a risk with new legislative proposals that there may be unforeseen costs which later emerge at the implementation stage. We advocate that all changes and new requirements on local authorities should be fully funded.

The Association of Electoral Administrators

Response to the Elections and Elected Bodies (Wales) Bill consultation

Evidence submitted on behalf of an Organisation: The Association of Electoral Administrators (AEA).

Summary of Organisation: Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

Contact Details:

National AEA:

Clare Sim, Head of Member Support on behalf of the
AEA Email: clare.sim@aea-elections.co.uk

Consultation

Our response focuses solely on areas that fall within our area of expertise. It concentrates on matters where we have concerns of the potential impact on electoral administrators, Returning Officers (ROs) and Electoral Registration Officers (EROs) and the services they provide to the electorate and other key stakeholders such as candidates and political parties.

Electoral Management Board of Democracy and Boundary Commission Cymru

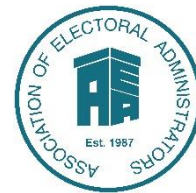
In our 'Blueprint for a Modern Electoral Landscape', we made the following recommendation:

"Consider establishing an Electoral Management Board for Wales - utilising the Electoral Management Board in Scotland as a proven model - to provide support and development for the high number of recently appointed ROs in Wales. The Board should look to utilise the expertise of electoral administrators more extensively to inform the decision-making process"

We continue to support this recommendation and believe Wales would benefit from the establishment of an Electoral Management Board (EMB).

However, what the Bill proposes creates serious concerns. We are not convinced the proposed EMB structure would include the much-needed expertise and elections and registration knowledge the electoral community in Wales requires.

The Association of Electoral Administrators



While the Democracy and Boundary Commission Cymru (DBCC) may offer a structure to support the secretariat service, it has little or no experience or expertise in electoral law amongst its members. It is essential the DBCC receives adequate funding, resource, and training to help them address current gaps in knowledge. This will be crucial to adequately understand the challenges ROs, EROs and electoral administrators in Wales face, and to provide the extensive support they require.

We appreciate provision has been made for the DBCC Commissioner who will act as EMB chair to have previously acted as an RO or ERO. However, we are aware of a significant variance in RO/ERO engagement and feel the chair and ROs/EROs (both current and past) appointed to the board needs to be people who has been heavily involved in electoral delivery.

The proposed membership of four current or former ROs/EROs plus a Chair is a reduction compared with the current membership of the Wales Electoral Co-ordination Board (WECB). The WECB includes a Chair, five current regional ROs and four representatives from the Association of Electoral Administrators (AEA). Given the increasing scope of the current WECB's role and important work carried out by its sub-groups, reducing the size and breadth of membership could impact its effectiveness.

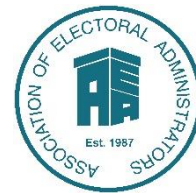
We also believe at least initially, and possibly indefinitely, a stronger electoral administrator voice should be part of the EMB. The WECB currently has two electoral administrators as members – the Chair and Vice Chair of the AEA Wales Branch. Most ROs/EROs in Wales are relatively new and face challenges understanding many delivery implications due to time pressures in their substantive roles. We therefore believe it would be beneficial to include a number of experienced electoral administrators on the EMB. This would allow their expertise and practical knowledge of elections and electoral registration to be at the forefront of decision making. It would also help development of the ROs/EROs on the Board.

While we believe an EMB should have powers to issue directions for devolved electoral events, Welsh Government should be satisfied they are suitably qualified to do so. Any directions should not be made lightly or in isolation. Directions should be subject to further consultation with the wider electoral community, not just the Electoral Commission, before being issued. In addition, any directions should not impinge on the statutory and independent role both ROs and EROs have.

Electoral registration without application

This is a matter for the Welsh Government to decide. We appreciate the Bill has addressed some of the points we previously raised in our consultation response to the white paper. This includes:

The Association of Electoral Administrators



- Introducing a period of 45 days to allow electors to opt out of appearing on the local government register if they are vulnerable or would need to register anonymously
- Removing the open electoral register in Wales for devolved elections
- Providing a prescribed notice to be sent to electors making clear their registration is for devolved polls only and are required to complete an invitation to register (ITR) to be registered for reserved polls
- Clarification that an elector added to the register automatically will appear on the monthly alteration notice once the 45-day period has passed.

However, we remain concerned electors will be unclear and/or unhappy that despite being automatically registered for devolved polls, the ERO is still legally required to send an ITR for reserved polls. This will include two subsequent reminders including a personal visit if they fail to respond. This has the potential to lead to elector confusion where both during and immediately after being registered for devolved polls, they receive a series of correspondence asking them to register for reserved polls.

This issue may lead to electors failing to register for reserved polls and being subsequently disenfranchised. Equally, it does not remove the administrative burden on the ERO to provide ITRs during the same period for reserved polls. It potentially makes their task of getting an elector to register for reserved polls more challenging. Furthermore, if a potential elector does not want to be registered automatically for devolved polls, the ERO is still required to send them an ITR to register for both the local government and parliamentary register – leading to more correspondence and annoyance.

The Bill does not appear to address whether a five-day objection period and subsequent reviews apply to electors who are registered automatically. Regulation 29 of the Representation of the People (England and Wales) Regulations 2001 (RPR 2001) which provides for the five-day objection period is limited to registration based on application. Therefore, there appears to be no grounds to object to someone being automatically added to the register. We believe this should be focused to allow people to object to a person's registration prior to them being added to the register. While we assume Regulation 27 of the RPR 2001 still applies to allow someone to object to a person's entry on the register, this only applies once they have been added to the register.

The Bill and the explanatory memorandum is also unclear on what grounds the ERO can decide a person is not entitled to register based on information provided by the person or otherwise. It would be helpful for consistency if examples could be provided. For example, can undeliverable mail be considered information that the person is not entitled to be registered.

The Association of Electoral Administrators



While we are supportive of the open register being abolished, we must acknowledge the limitations if UK Government do not take the same approach. You intend for electors who only appear on the local government register (used for devolved polls) and not the parliamentary register to be exempt from the open register. As a result, only a small number of electors would benefit - qualifying foreign citizens, 16/17-year-olds and electors who have been automatically registered for devolved polls and failed to register for reserved polls. All other electors would still be required to opt-out of the parliamentary register to prevent their details appearing on the open register. Consideration would be needed around communication messages to prevent elector confusion when completing registration forms. In addition, practical implications of how this will be identified and recorded in election management systems.

It should be noted EROs have a legal duty to prepare two separate registers; one for UK parliamentary electors, and one for local government electors. Although the registers are created separately, they are stored on the same software system. We question if this presents challenges when the open register is abolished but only for certain categories of electors. It would be important to address such issues in any feasibility study.

We have previously called for the electoral register to be defined as one document in law rather than the current two versions, with the franchise defining which election an elector can vote in.

Welsh elections piloting and reform

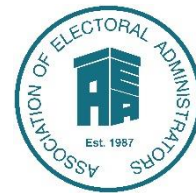
We have reservations about Welsh Ministers having the power to compel a local authority to pilot electoral innovations.

As previously referenced in past consultation responses, in recent years there have been several new ROs/EROs in Wales. This has resulted in most councils having a RO/ERO with limited understanding of the electoral process.

In addition to ROs/EROs, there is starting to be significant churn in the number of new Electoral Services Managers (ESMs) in Wales. While some new ESM appointments are the result of succession planning, many are not. Several recent ESM appointments have been a person with no prior knowledge or experience of electoral services. There has been a consequent loss of expertise in key areas of electoral law and practical implementation of elections and electoral registration.

If a local authority with limited knowledge and capacity were compelled to run an electoral pilot, it could seriously jeopardise the smooth running of the election, leading to a loss of confidence in the electoral process. It could also leave the RO personally liable for any failings and may result in an election petition.

The Association of Electoral Administrators



If this was to be implemented, checks and balances should be in place to ensure the local authority being compelled is adequately experienced (at both RO and ESM level) and resourced to deliver the pilot.

Welsh Government should also be mindful of the volume of pilots it intends to implement and their timing over the coming years. Electoral administrators have very little capacity to deliver additional projects beyond the running of electoral events and electoral registration. The volume of change introduced by UK Government via the Elections Act has placed a huge administrative burden on teams and will take time to embed. The impact of the change has been more keenly felt by Welsh administrators due a multitude of divergence issues. To expect administrators to also undertake pilots is potentially placing them at risk, limiting their ability to meet ERO and RO statutory duties.

Consideration should also be given to potential confusion if a series of different pilots were run on the same day in different areas. A comprehensive national communications plan from both Welsh Government and the Electoral Commission needs to be in place for pilot areas to mitigate potential for elector confusion and support pilot authorities to successfully delivery.

We would welcome the use of by-elections to pilot different models and systems rather than scheduled authority wide polls. This should help make delivery more manageable for local authorities when concentrated on smaller electorates. However, several pilots in different types of local authorities should be conducted before attempting to draw any conclusions. We also believe that following by-election piloting, there should be subsequent pilots at scheduled polls before any measures are rolled out. This would identify any unintended consequences and reduce the potential for failure when introduced to a larger electorate.

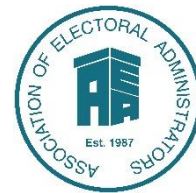
Accessibility and diversity: Welsh elections

We are supportive of the intent for a consistency of approach towards equipment provision for disabled electors across reserved and devolved polls, and guidance issued by the Electoral Commission.

We note the intention for more flexibility in the format and wording in the candidate survey and increasing diversity amongst candidates. As these are not electoral administration issues, it is not appropriate for us to comment further.

We acknowledge there are benefits to allowing local candidates to publish a personal statement or provide online voter information, with the public citing lack of information available on each candidate or political party presented as a reason for voter apathy.

The Association of Electoral Administrators



However, we do not believe it is the RO's role to address the lack of publicly available information on candidates or political parties. This sits firmly with candidates and parties themselves. This can be achieved through effective campaigning and the utilisation of third-party independent community resources. These include those already available and provided by community interest companies such as Democracy Club.

As previously stated, we consider the arrangements currently in place with UK Government for Police and Crime Commissioner Elections should be replicated, with any website/platform directly managed and maintained by Welsh Government. There is potential scope for a statutory EMB to fulfil this function too.

We believe the information provided should follow the format already established by <https://whocanivotefor.co.uk/>. It provides candidates the option to supply their name, photograph, statement to voters, contact details and links to any social media accounts.

We welcome the EMB being responsible for the delivery of the central information platform rather than a local authority or RO. However, as we have previously stressed, the means of collecting candidate information statements should not fall to the RO as part of the nomination process.

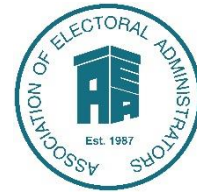
As stated in our 2017 response to the consultation on electoral reform, the then intended requirement for ROs to take responsibility for reviewing and publishing what could be several hundred personal statements (in both Welsh and English) would be a significant extra burden. This would fall on electoral service staff during the candidate nomination processing period, where huge pressures are already evident. We strongly believe any provision related to online voter information supplied by candidates should be completely distinct from the nomination process.

We believe candidates and political parties should be providing online voter information directly to the designated host of the platform. The process should be prescribed in legislation in terms of timeframe, content rules, photo requirements, online/paper submission requirements and language requirements. It would be for the platform host to then determine whether the information meets the requirements before making it available.

Guidance on the submission process should be provided by the platform host in various accessible formats and languages to support candidates and political parties. The Electoral Commission could provide additional support by including information on the platform in their guidance for candidates and agents. They could also include related slides in their template briefing for candidates and agents used by ROs.

Before provision is made to implement an online voter information platform, it would be useful to evaluate the impact of personal statements for PCC and Mayoral elections in England. This would help inform what information should be included and how well

The Association of Electoral Administrators



it is received by voters. We also believe the idea should be piloted before being rolled out further.

Clare Sim

Head of Member Support on behalf of the AEA

8 November 2023



Elections and Elected Bodies (Wales) Bill

Written Evidence of the Wales Electoral Coordination Board (WECB)

The Wales Electoral Coordination Board (WECB)

The Wales Electoral Coordination Board (WECB) has been in existence since 2017. Whilst currently operating under a voluntary arrangement, with no statutory basis or formal powers and, until very recently, with no national grant funding, the WECB is recognised by the professional elections network, national partners and both governments.

The WECB:-

- coordinates the planning of, and de-risks, all electoral events in Wales – both non-reserved and reserved elections;
- advises on the planning, drafting and implementation of electoral reform policy, legislation and test/pilot innovation,
- maintains and supports a resilient network of returning officers and electoral administrators; and
- promotes good, innovative and consistent practice.

The WECB has been highly effective in fulfilling these roles, and in meeting its objectives over the past six years, through a combination of good leadership, networking, and consensus. Wales has a national reputation and proven track record for high performance in elections and electoral registration management. This is borne out by independent evaluations of our performance e.g. reports of the Electoral Commission on the management of major elections, and in the consistent achievement of the national performance standards set for Returning Officers.

The Board will be appearing before the Local Government and Housing Committee on 22nd November to give oral evidence.

The role of the WECB in giving evidence

Under the provisions of its terms of reference the Board has a limited role in giving written and oral evidence on draft legislation at the scrutiny stage.

We can provide expert advice on (1) the practicality of implementing the provisions of draft legislation once published (2) the risks which will need to be managed to ensure that any electoral reform, ongoing electoral registration and the electoral events themselves can be administered efficiently and safely, with integrity, and with the trust and confidence of the electorate and all stakeholders and (3) the resource

requirements for returning officers and elections services teams within local authorities and their national partners.

The Board contributes to the development and drafting of legislation - from conception to publication – in the background, through close liaison with civil servants and alongside national partners. This has been the case with this particular Bill and we compliment the lead officials, and their teams, for working so inclusively to help ensure that the specific provisions of the Bill are capable of implementation both legally and practicably as far as is possible.

Our evidence should be read in conjunction with any written evidence submitted by the Electoral Commission, the Association of Electoral Administrators (AEA) and the Welsh Local Government Association (WLGA) as our national partners, all of whom are members of or advisors to the WECB. The Society of Local Authority Chief Executives (SOLACE) has formally endorsed our written and oral evidence as speaking for the WECB and SOLACE jointly. There will be a high level of consistency, and complementarity, within and across our collective evidence.

Written Evidence on the Bill

Principles

The WECB advocates the following principles in advising on electoral reform:-

- That any legislation should be passed in sufficient time for advance and safe planning, and no later than six months before the next applicable electoral event according to the Gould principle;
- That legislation should be conceived, drafted and tested in close partnership with stakeholders and specifically with those who will be responsible for its implementation both legally and practicably;
- That any electoral reform initiated by Governments should be fully funded by the respective Government;
- That where there are identified risks for implementing new legislation then the responsibility for those risks should be shared and not simply transferred to those who have to implement them in practice e.g. Returning Officers; and
- That, wherever possible, divergence in electoral law and practice for reserved (to the UK Parliament) and non-reserved (to the Senedd) elections should be minimised to avoid the risks of voter confusion and/or administrative error by electoral administrators and political parties alike.

Electoral Management Board

No-one is better placed than the WECB to comment on the proposals to create a new Electoral Management Board (EMB) in our place as set out in paragraph 3.14 onwards of the Explanatory Memorandum.

We are fully supportive of the proposal, having been a leading advocate for the concept of a statutory board for some time. We are also supportive of the EMB being hosted by the Local Democracy and Boundary Commission as the most appropriate national body.

We are in early discussion with the Commission, and with Welsh Government and Electoral Commission colleagues, over transition planning. For information, we would expect that within the transition:-

- the legacy of the WECB is respected and built-upon in the planning arrangements for the new EMB;
- the principles under which the WECB operates are followed in the planning of the new EMB - *inclusivity*, *collectivism* and *independence*. Specifically: *inclusivity* in membership and the way the EMB will communicate, engage and operate; *collectivism* through working by consensus wherever possible – both within the EMB and in building support from the Returning Officer/Elections Services Manager (RO/ESM) community for key decisions e.g. the making of directions; *independence* of thought and advice for example in advising on the wisdom and/or practicality of legislative and policy proposals;
- the EMB should be given a high degree of delegation and independence within the constitution of the Commission, and not be overly directed;
- the membership of the elections community within the EMB should be as now within the WECB as a model, alongside the appointed commissioners and others (as per the Bill where a minimum number only is set out in the draft legislation);
- the functions and activities of the EMB should follow and build on those of the WECB with the addition of any new responsibilities conferred on the Commission;
- the EMB should take care to plan its activities in such a way that the roles and work plans of the EMB are complementary to those of the Electoral Commission and the AEA, wherever possible, and do not duplicate or conflict; and
- that directions should be issued sparingly and following the above principle of collectivism. There is protection for ROs and EROs from the risk of conflict between issued directions and their substantive legal duties and powers within the provisions of the Bill. However, the need for balance between the national desire to coordinate and the local requirement upon an RO to enact according to local circumstances/legal duties, should be a constant consideration and uppermost in the minds of EMB members.

We would foresee the new EMB coming into being in the first quarter of 2025.

Electoral Registration Without Application

We support the proposals for automatic registration as set out in paragraph 3.23 onwards and are supportive of the ongoing work on planning for, and piloting, new practice. Notwithstanding this support we do need to again stress that Electoral Registration Officers can only secure high registration rates to a point.

We are equally frustrated that a sizeable minority of the eligible public do not register, whether through lack of awareness, disinterest or evasion. We can only share in responsibility for any lack of awareness – of registration rights and

processes - which might prevent a citizen from registering or from maintaining their registration over time. We cannot share in the responsibility for 'failure rates' in registration that are due to disinterest or evasion as this is a question of citizen responsibility.

We are confident that automatic registration will make a positive impact on registration rates. We fully support the removal of the open register of electors, a measure which in itself might encourage some who evade registration to come forward. The open register has often been used for commercial marketing purposes. This was never an intention and is arguably a use of the register that conflicts with the principles behind the substantive legislation for data protection.

Having said the above, the maintenance of different registers for reserved and non-reserved elections under different measures (IER versus IER/Automatic registration respectively) will create administrative complexity with additional cost, and will cause some voter confusion.

The proposals will need to be planned and implemented with care, noting the risks of voter confusion and error.

Elections Piloting and Reform

We are supportive of the continued approach to piloting reform as set out in paragraph 3.27 onwards and of the roles and responsibilities for oversight and evaluation as set out. Any proposed pilot should be supported by a business case, be fully funded, and should give value for money. The risks, and costs – direct and hidden – should not outweigh the benefits.

We cannot support the proposal for Ministers to be vested with powers to compel participation in pilots as set out in paragraph 3.51. This would be counter-intuitive to the very notion of a pilot exercise where any participating local authority must have the compulsion, confidence and capacity to make it succeed. We have a strong track record of co-operative partnership working in Wales and particularly so in the field of electoral registration, electoral reform and elections management. The concept of mandating is alien to our style of working, and should be withdrawn from the Bill.

At this point we should raise the need for a broader national strategy for digitisation – to be led by Welsh Government in close co-operation with the WECB and our partners. Piloting, and reform, will be held back by a variable approach to digitisation across councils and a lack of investment. The WECB and Welsh Government officials are about to work on a digital strategy looking beyond the provisions of this Bill. An essential first step will be to grant-aid all councils to be able to digitise the administration of the issue of ballot papers, and the maintenance of the recorded electoral registers, within and across all polling stations on the day of an election. Without this platform the scope for pilots e.g. early voting is limited. Whole-sector digitisation would then be a platform for more ambitious reform, such as the introduction of a single digitised electoral register for Wales.

Accessibility and Diversity

We support the proposals for support for voters with disabilities as set out in paragraph 3.52 onwards to be consistent with the provisions of UK legislation and avoid divergence between reserved and non-reserved elections (based on one of our principles as set out above). Our support is though conditional that expectations meet the tests of reasonableness – polling stations can only be equipped to meet the needs of voters to a certain extent, noting that polling station teams are themselves able to assist voters with discretion, and without breaching the secrecy to which the voter is entitled in casting their vote. Officials in both Governments, and within the Electoral Commission, are very aware of the limitations in equipping polling stations on the grounds on logistics and cost.

Candidate Survey

We support the proposals as set out in paragraph 3.61 onwards in the interests of flexibility and pragmatism. There is no need for statutory regulations to be so prescriptive as has been the case.

Voter Information Platform

We are not persuaded that there is value in creating a new voter information platform as set out in paragraph 3.71 onwards. Notwithstanding the public opinion research referred to there is ample information in the public domain - in many accessible and innovative forms - from national bodies, local authorities, and other organisations who promote awareness of citizen democratic rights, electoral registration and individual election events. This combines both regular information and special campaign information around specific initiatives and events. Improved co-ordination of what exists, rather than introduction of another layer of sign-posting, would be a better solution. It will be hard to justify the effort and cost of a new platform alongside the effort and costs of implementing so much electoral reform.

We support the concept of candidates being encouraged to provide personal statements to help voters understand the choice of candidates before them in an election. Many candidates in all types of election are adept in using social media platforms alongside the more traditional mediums for communication, as are the political parties themselves. Therefore, we would need to consider the positioning of any new centralised information platform in this rapidly changing landscape of communications.

We do have major reservations over the proposals as set out.

It would not be feasible for a local authority to host a website upon which candidate statements are uploaded (as referenced in paragraph 3.75). For a combined set of principal and community council local elections, for example, a Returning Officer will field hundreds of candidate nominations in a very tight and challenging electoral timetable. For the Returning Officer and their team to facilitate candidate statements as an administrative process, and crucially to validate/regulate the content provided by each candidate in good time – content which would have to conform to a set of guidance and controls – would be an impossibility. The only precedent we have here is the Police and Crime Commissioner (PCC) elections where the Police Area Returning Officer (PARO) receives, reviews and validates, and uploads a short

statement for each candidate on a national platform. The number of statements involved in PCC elections is typically small in number yet this is still another administrative burden, and one which can be time-consuming depending on the quality and conformity of the information provided by the candidates, in a tight and challenging election timetable.

If a candidate were required to submit a statement as suggested, rather than being entitled to do so, who would enforce this? What would be the sanction for non-compliance? Enforcement would not be an appropriate role for a Returning Officer, and would be a major departure from their substantive role.

Neither would it be comfortable for a local authority to host such a website. Should there be a legal challenge to the content of a candidate statement, for example on the grounds of the truthfulness of their statement, this might reflect on the local authority itself where the Returning Officer, who is normally the Chief Executive of the said authority, has to stand beyond reproach for their independence and personal integrity in overseeing the election in hand. Even were indemnifications to be provided, such a challenge may still cause reputational damage to the local authority and its Returning Officer.

We recommend that the nature and extent of the duty proposed within the Bill for a new voter information platform is given careful thought at this stage.

Access to Elected Office Fund

We support the continuation of the Fund as set out in paragraph 3.79 onwards in the interests of making candidature as accessible, and supportable, as possible.

Campaign Finance

We support the proposals for changes to the regulation of campaign finance as set out in paragraph 3.89 onwards to be consistent with the provisions of UK legislation and avoid divergence in regulation and practice between reserved and non-reserved elections.

Arrangements for Local Government

We support the proposals for the conduct for boundary reviews as set out in paragraph 3.98 onwards. We particularly welcome the provisions in paragraph 3.102 for timescales for the completion of reviews, flexibility in the criteria/matters to be taken into account in determining the number of representative councillors, and the power for Ministers to make modifications to recommendations for example in response to representations.

Disqualification and Undue Influence

We support the proposals for changes to the provisions for disqualification as set out in paragraph 3.115 onwards in the interests of consistency and simplicity.

We support the proposals for the definition of the offence of 'undue influence' as set out in paragraph 3.123 onwards both (1) to be consistent with the provisions of UK legislation and to avoid divergence in regulation and practice between reserved and

non-reserved elections and (2) to more easily enable prosecution where offences have occurred.

Regulatory Impact Assessment

The WECB was fully involved with the work on parts of the Regulatory Impact Assessment (RIA) co-ordinated by the Welsh Local Government Association. The RIA is comprehensive and its construction was an inclusive process. We have no specific observations or additional comments to make.

Local Government and Housing Committee consultation on the Elections and Elected Bodies (Wales) Bill – Electoral Commission response

November 2023

Introduction

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity by:

- enabling the delivery of free and fair elections and referendums, focusing on the needs of electors and addressing the changing environment to ensure every vote remains secure and accessible
- regulating political finance – taking proactive steps to increase transparency, ensure compliance and pursue breaches
- using our expertise to make and advocate for changes to our democracy, aiming to improve fairness, transparency and efficiency

The Commission was set up in 2000 and reports to the Welsh, Scottish and UK parliaments.

Response overview

This response sets out our views on the Elections and Elected Bodies (Wales) Bill. We have responded to the provisions that are directly relevant to our work – there are some aspects which do not fall within our remit and where this is the case we have not commented.

If the Bill is passed into law, we will work with the Welsh Government, electoral administrators, campaigners and voters to ensure that everyone involved in elections understands and is prepared for the changes being introduced. We will produce guidance for electoral administrators and provide support for campaigners to comply with the law, and will work to ensure that voters understand any changes, both from this Bill and wider Senedd reform legislation.

Background to the Bill and key areas

The Welsh Government's [White Paper on Electoral Administration and Reform](#), published in 2022, proposed a number of changes that we have previously called for. These included plans to establish an Electoral Management Board for Wales, explore options for modernising electoral registration processes through automatic registration, and take steps to consolidate and simplify Welsh electoral law.

The White Paper also considered the challenges that diverging rules for reserved and devolved elections in Wales could present in the future, particularly given the changes introduced by the Elections Act 2022 that will apply to UK parliamentary and Police and Crime Commissioner elections in Wales, but not to Senedd or local government elections. The White Paper sets out the Welsh Government's position that, in areas where there is a policy alignment, it would seek to maintain as much consistency in the rules for reserved and devolved elections as possible.

The Elections and Elected Bodies (Wales) Bill is a significant milestone in delivering some of these changes. It will take forward provisions to pilot the automatic registration of electors and will establish an Electoral Management Board for Wales, who will carry out the functions currently exercised by the Wales Electoral Coordination Board. It will align the rules for devolved and reserved elections in several important areas, including campaign finance and how disabled people can be supported to vote independently. These are positive changes, and we will work with the Welsh Government and the electoral community to implement them effectively.

Consolidating electoral law

This Bill, alongside the two pieces of primary legislation to deliver Senedd reform and any associated secondary legislation, will substantially increase the body of devolved electoral law in Wales. The Welsh Government should consider the steps it will take to realise its ambition, as set out in the White Paper, to modernise electoral law in Wales.

The Welsh Government has indicated that the first step in this process will be to replace the National Assembly for Wales (Representation of the People) Order 2007 with a more modern and accessible Conduct Order, and we look forward to supporting this work. The Welsh Government's focus should then turn to the wider consolidation of devolved electoral law ahead of the 2030 election, in line with the principles set out in the White Paper, the Legislation (Wales) Act 2019, and the recommendations of the UK's law commissions that are widely supported by the electoral community.

Implementation of reforms

The Welsh Government will need to ensure that electoral administrators are properly supported and resourced to deliver these reforms. Implementation of this Bill is likely to run in parallel with Senedd reform legislation and ongoing work to deliver Elections Act provisions for reserved elections, and many administrators in Wales have raised concerns about their capacity to deliver these multi-layered changes within an already complex environment. The Welsh Government must ensure these changes are properly resourced, and that effective planning and communication with electoral administrators takes place throughout, via forums such as the Wales Electoral Coordination Board, the Wales Electoral Practitioners Working Group and any future Electoral Management Board. We will also play an important role in supporting electoral administrators through the provision of guidance and support.

All legislation should be in place as early as possible – at least six months before it is required to be implemented or complied with by campaigners or electoral administrators. This is a well-established principle of effective electoral administration that is widely supported by the electoral community. Ensuring that all legislation is clear as early as possible will allow sufficient time for us to prepare the required guidance and codes of practice, and for the electoral community to plan and prepare for the changes being introduced.

We have set out some specific comments below on relevant clauses of the Bill.

Part 1: Electoral administration and registration

Chapter 1: Co-ordination of electoral administration

Electoral Management Board of Democracy and Boundary Commission Cymru

The Wales Electoral Coordination Board (WECB) has played an important role since 2017 in bringing together stakeholders to coordinate electoral activity. It has provided a platform for discussion and helped to ensure consistency in the delivery of elections. It has been able to establish and implement schemes such as the Returning Officer (RO) mentoring programme and the Glossary of Bilingual Electoral Terms.

We have previously called for the WECB to be placed on a statutory footing and given appropriate resources in order to build on this work. Once established, the proposed Electoral Management Board (EMB) will be able to play a strengthened role in bringing together electoral administrators and ensuring consistency in the delivery of all-Wales electoral events.

We have provided some comments below on specific aspects of the provisions.

Independence of the EMB

As the explanatory memorandum outlines, the EMB will be established as part of the Democracy and Boundary Commission Cymru (DBCC). The Bill inserts new sections 20A to 20I into the Democracy and Boundary Commission Cymru etc. Act 2013 (“the 2013 Act”), conferring a general function of co-ordinating the administration of Welsh elections and referendums onto the DBCC. New section 20E sets out that the DBCC must establish an Electoral Management Board, and that the DBCC’s functions under sections 20A to 20D must only be exercised by this Board.

Whilst we understand the rationale behind this approach, it will be critically important to ensure that the EMB remains operationally independent from both the Welsh Government and the DBCC to ensure continuing confidence in the democratic process.

Several of the new sections inserted into the 2013 Act by the Bill will help to ensure this independence, notably new sections 20E (functions delegated to the EMB) and Section 20F (membership of the EMB). However, risks remain in relation to how stakeholders and the wider public may perceive the EMB’s level of independence under this model, including the fact that it will be set up as part of a Welsh Government sponsored body. The Welsh Government should take every opportunity in legislation, guidance, and any

external communications around the Elections and Elected Bodies (Wales) Bill, to clearly demonstrate how the independence of the EMB will be protected. This could include consideration of whether the EMB should be formally accountable to a Senedd committee such as the Llywydd's Committee.

Related to considerations around the EMB's independence, there is a potential inconsistency in the Bill's drafting which the Committee may wish to explore further with the Welsh Government. New section 20E(4) would enable the EMB to exercise the 'conducive and incidental' powers that are set out in Section 12 of the 2013 Act. The latter wording in new section 20E(4), however, provides that these incidental or conducive powers may also be exercised by the DBCC in relation to the functions delegated to the EMB. As new section 20E(2) explicitly provides that the functions delegated to the EMB can only be exercised by the EMB itself, it is not immediately clear how or why the DBCC would be able to use these 'conducive and incidental' powers in relation to the EMB's delegated functions.

Overlap with Electoral Commission functions

The explanatory memorandum for the Bill sets out the Welsh Government's intention that the role of the EMB will be complementary to the work of the Electoral Commission and will not overlap with any of our existing responsibilities. This is an important principle. Our existing statutory functions (specified in the Political Parties, Elections and Referendums Act 2000) include the provision of guidance to ROs and Electoral Registration Officers (EROs), advice to Welsh ministers and the Senedd, and voter information and awareness-raising. We will work with the Welsh Government and the EMB itself, both in the planning stages and once it has been established, to ensure that its work does not overlap with our own and that the roles and responsibilities of the EMB and other groups and organisations are set out clearly.

Membership

New section 20F of the 2013 Act, as amended by the Bill, relates to the membership of the EMB. It sets out that the EMB should consist of:

- A chair, who must be both a member of the DBCC and a former elections officer
- One other member of the DBCC
- At least four members who are either current or former elections officers, with one of these to serve as deputy chair

We have previously said that the chair of the EMB will need to have significant electoral administration experience, at a senior level, to ensure credibility within the electoral community in Wales. The requirement for the chair to be a former Returning Officer or Electoral Registration Officer will go some way towards ensuring this.

The requirement for at least four other members who are current or former elections officers is also important, and should help to ensure a level of experience and expertise within the core membership of the EMB. Our view is that as much of the membership as possible should be drawn from current elections officers rather than former ones, to help ensure a live understanding and experience of delivering elections in Wales. In terms of wider membership beyond the requirements set out in law, the current membership of the WECB consists of the Chair, five lead regional Returning Officers, and up to four representatives from the Association of Electoral Administrators, Wales. Although

ultimately a matter for the new EMB, this membership structure has worked well for the WECB.

Several stakeholders are also invited to attend the WECB in an advisory capacity, including the Electoral Commission, Welsh Government, Senedd Commission, the Welsh Local Government Association and the UK Government's Department for Levelling Up, Housing and Communities. This approach has worked well to date, allowing for a range of stakeholders to be involved in discussions, and we would recommend that these organisations continue to attend meetings of the EMB in an advisory capacity. New section 20(H)(4) would allow for non-members to attend meetings in this way.

Directions to Returning Officers and Electoral Registration Officers

New sections 20B and 20C of the 2013 Act, as amended by the Bill, would allow the EMB to issue directions to ROs and EROs about their duties in relation to devolved elections and referendums in Wales. New section 20D would require the EMB to consult the Electoral Commission before giving a direction of this nature.

These provisions would help to ensure consistency in the delivery of devolved elections. They would bring Wales in line with the current position in Scotland, where the EMB's power to issue directions to ROs and EROs has helped to ensure a level of consistency – for example, in dispatch dates for postal votes and poll cards and the colour of ballot papers. The requirement for the EMB to consult us before giving a direction to an RO or ERO is also consistent with the existing model in Scotland, where it has worked well and has helped to ensure that any directions are not inconsistent with our existing guidance or framework of performance standards for ROs and EROs.

Chapter 2: Electoral registration without applications

The need to modernise electoral registration

There is an urgent need to reform electoral registration in the UK. Our [most recent research](#) on the accuracy and completeness of the December 2022 electoral registers suggests there could be 400,000 people in Wales who are either not correctly registered or have inaccuracies in their local government register entries. We have consistently found that some specific groups of people are significantly less likely to be correctly registered, particularly young people, people who live in private rented accommodation, and those who have recently changed address.

There is little evidence to suggest that this situation will significantly improve without major changes to the current electoral registration system, and we continue to recommend that governments across the UK explore potential reforms in this area in greater detail. As part of our recent report on the accuracy and completeness of electoral registers, we highlighted several [case studies](#) showing how electoral registration could be modernised, ranging from automatic registration to forms of integrated or assisted registration where voters would still need to provide some information themselves. We also made a series of recommendations, including that:

- The UK, Scottish and Welsh governments should pass legislation creating clear legal gateways for government departments and public sector bodies to share data on potentially eligible individuals with EROs.

- There should be a consistent approach between governments, to ensure that any changes are developed and delivered in a way which makes it as straightforward as possible for EROs and data source organisations.
- The UK Government should develop the existing Individual Electoral Registration (IER) digital service to support secure and efficient data sharing between data source organisations and EROs and their electoral management software systems.

Duty to register local government electors without an application

The Elections and Elected Bodies (Wales) Bill would introduce a new requirement on EROs to automatically register individuals on the local government register where they are satisfied they are entitled to be registered. The ERO would be required to issue a notice of registration to each eligible elector, who would then have 45 days to respond if they were eligible to be registered anonymously or did not wish to be registered automatically. At the end of the 45-day period, the ERO would be required to add them to the register.

Automatic registration of voters is common around the world, and could help to improve levels of completeness – particularly among under-registered groups. More recent international comparative research has shown that automatic registration can also have a positive impact on accuracy. However, there are also a range of considerations for the Welsh Government as it takes these provisions forward. These include:

- The datasets, or combination of datasets, that would be available to EROs for the purposes of registering electors without an application, and whether these would provide sufficient information to allow an ERO to register a person. Any data used as the basis for automatic voter registration will need to be trustworthy, current, and complete enough to verify a person’s eligibility to be registered.
- The challenges involved in making these changes for the local government register without equivalent changes to the parliamentary register, particularly in relation to communication with voters and ensuring they understand which elections they have been registered to vote in.
- Knowing when somebody is already on the register.
- The technical infrastructure required to support these reforms.

The Welsh Government has said that it will work with local authorities to design and pilot models of automatic registration, with an independent evaluation of any pilots carried out by the Electoral Commission, before commencing these provisions. This will be critically important in ensuring that any system is workable and realistically deliverable by electoral administrators before being rolled out more widely. We will continue to work closely with the Welsh Government and the wider electoral community to support this area of reform.

Communication with voters

As these provisions are taken forward and work begins to develop automatic registration pilots with local authorities, careful consideration will need to be given to how this policy is communicated to the public by the Welsh Government.

For example, the explanatory memorandum for the Bill states, in relation to the new duty on EROs to register eligible local government electors, that *“this will mean that citizens won’t have to apply to register to vote in either Senedd or local elections”*. Although this may be the long-term intention behind these provisions, it is not yet clear how any system

would work in practice, and there are likely to be people who will be unable to be automatically registered under the new duty due to the ERO not having sufficient data to be satisfied that the person is entitled to be registered. The Welsh Government must ensure that this is clearly communicated to the public as these provisions are taken forward.

There is a separate risk that a voter receiving a notice of registration under these provisions may not understand that they would still need to go through the Individual Electoral Registration (IER) application process in order to be registered to vote for UK parliamentary and Police and Crime Commissioner elections. As a minimum, this will need to be clearly stated on the notice of registration sent by the ERO.

Anonymous electors

The Welsh Government will need to carefully consider and address the risk that someone who is eligible to register anonymously misses or does not receive the notice from the ERO and their name is added to the register after the 45 days.

The notice of registration from the ERO will need to clearly and prominently state when the 45-day period will expire in order to allow people to take timely action, for example to make an application for an anonymous entry or to inform the ERO that they do not wish to be registered.

Removal of open register

We have [previously recommended](#) that the open register should no longer be compiled or made available for sale, and instead used only for electoral purposes and a limited range of statutory security and crime-prevention purposes.

As the Welsh Government takes forward its proposals to remove the open register for devolved elections in Wales, it will need to carefully consider how it can ensure voters understand that the open register will still exist for the parliamentary register and that they would still need to take action in order to opt out of this.

Chapter 3: Welsh elections piloting and reform

Welsh election pilots

Chapter 3 of the Bill introduces significant new powers to allow for the piloting of electoral innovations at devolved elections in Wales, expanding on the existing provisions around pilot schemes in the Representation of the People Act 2000. Pilots will now be able to be proposed by Welsh Ministers, local authorities and Electoral Registration Officers, and may relate to a wider range of electoral matters than under the 2000 Act. This will allow the Welsh Government to proceed with plans to pilot the automatic registration of local government electors, for example, before introducing any changes more widely.

Any pilots that are taken forward by the Welsh Government should be carefully designed, with clear and realistic objectives, to ensure they can provide robust evidence to support future policy decisions.

Evaluation of pilot regulations

Clause 18 sets out a specific duty on the Electoral Commission to prepare a report on the operation of pilot regulations and to send this to Welsh Ministers and relevant Returning

Officers/Electoral Registration Officers. Clause 6(1)(b) requires Welsh Ministers, when making pilot regulations, to specify by when we must send our report. The Welsh Government should consult us before specifying this date in order to ensure that it takes into account the time that will be required for the relevant data to be captured, reported to us and analysed before we publish our report.

Welsh Ministers' power to compel pilots

Whilst it would be beneficial for future electoral pilots to include a range of local authorities from both urban and rural areas and of different sizes, the Welsh Government will also need to consider the adverse effect that directing a local authority to hold a pilot without their consent could potentially have – for example, if there were significant capacity gaps in a local authority's electoral services team or there was a new or relatively inexperienced Returning Officer in place.

Early planning and communication with local authorities about the Welsh Government's plans, as well as assurances that they will be provided with sufficient resource to support the delivery of the pilots, may help to increase take up and reduce the likelihood that Welsh Ministers would need to use this power.

Chapter 4: Accessibility and diversity – Welsh elections

Assistance for disabled voters

Everyone should be able to register and cast their vote without facing barriers. While there have been significant improvements in recent years, we know there is still more to be done to improve the voting experience for disabled people. At the 2022 local elections, [our research](#) found that nearly all voters (97%) found the ballot paper easy to fill in, and three in four (74%) found it very easy, but this figure was lower amongst disabled voters or those with a health issue (67%).

Changes introduced by the Elections Act 2022

For reserved elections in Wales, the Elections Act replaced the specific requirement to provide a tactile voting device in polling stations with a broader duty on Returning Officers to provide such equipment as is reasonable to enable, or make it easier for, disabled people to vote independently and in secret at the polling station. It also placed a duty on the Electoral Commission to produce guidance to assist ROs and to [consult on this guidance](#), and for ROs to have regard to this guidance.

This new duty should increase flexibility around the type of equipment and support that can be made available at the polling station, as well as speeding up the process of providing additional support when opportunities or gaps are identified – for instance in response to developments in assistive technology. We have produced guidance and examples of good practice to support ROs in meeting their new duties, and are working alongside partner organisations to communicate these changes to voters.

Equivalent provisions for devolved elections

The explanatory memorandum outlines the Welsh Government's plans to align the rules for devolved elections in this area with the changes introduced by the Elections Act. Achieving consistency in the rules between reserved and devolved elections in this area will make it easier for people to understand the support they can expect when voting, and less complex for electoral administrators to deliver.

The Bill itself will introduce a duty on the Electoral Commission to report on the steps taken by ROs to assist disabled people at Senedd and local government elections in Wales. To facilitate this, it will also extend our formal election reporting duties to include ordinary local government elections in Wales. We already report on local government elections as a matter of course, but these provisions will formalise this.

The broader duty on ROs to support disabled voters, as well as the requirement for the Commission to issue guidance to assist ROs in meeting this duty, will be introduced via secondary legislation. The explanatory memorandum does not state whether the Commission would be required to consult on this guidance. Given that we have already consulted widely with stakeholders, including the electoral community and disability organisations in Wales, on the guidance that will apply to UK parliamentary elections and Police and Crime Commissioner elections in Wales, our view is that ROs in Wales should be required to have regard to this guidance for both devolved and reserved elections. This would help to ensure consistency in the provision of support for voters.

We note that, as part of the Regulatory Impact Assessment for the Bill, the Welsh Government indicates that it will provide funding to support ROs with implementing this change, and that an estimate of costs will be produced as part of the development of secondary legislation. Appropriate funding will be vital to ensuring that ROs are able to provide the required equipment and support in practice.

Welsh elections information platform

In our response to the White Paper on Electoral Administration and Reform, we highlighted that any online voter information platform for Wales will need to be developed in a way that complements rather than duplicates our existing statutory duties around voter information. This remains our view, and we will work with the Welsh Government and others to ensure that any platform that is developed under these provisions does not cut across or duplicate the work we already do to provide information to voters.

Although the provisions set out in clause 27 are generally quite broad, with much being left to future regulations being made by Welsh Ministers, clause 27(4)(b) specifies the publication of candidate statements as a potential function to be carried out by the information platform. This is consistent with proposals previously set out by the Welsh Government in the 2022 and 2017 white papers.

Publishing candidate statements online could help to increase the visibility of candidates for some voters. At the 2022 local elections in Wales, [our research](#) found that over a quarter of people (28%) said it was fairly or very difficult to obtain information on candidates. 45% of voters said they had enough information on candidates to make an informed decision when voting.

There will be several practical issues to consider, particularly given the significant number of candidate statements that would need to be hosted ahead of ordinary principal council elections. These include:

- The logistics involved in processing hundreds of candidate statements in a relatively short timeframe, as well as checking the veracity and content (e.g. offensive language) of any statements. As previously discussed as part of the development of the draft Rules for the 2021 local elections, this is not a role that should be carried out by Returning Officers due to the significant administrative burdens involved. We have previously suggested that the new Electoral

Management Board would be an obvious candidate to host a Welsh elections information platform and manage the provision of online candidate statements.

- Ensuring the accessibility of the elections information platform and that all information is available bilingually and in a range of accessible formats, including paper versions if required.
- Any potential level playing field implications of not having candidate statements available online from all candidates in a given election.

Access to Elected Office Fund

The decision to establish the Access to Elected Office Fund on a permanent basis, following the piloting of the fund in 2021 and 2022, should help to improve the accessibility of standing for election in Wales.

As the Welsh Government takes forward these provisions ahead of the next scheduled devolved elections in 2026 and 2027, it should consider how it can raise awareness of the fund among potential candidates and political parties. In our survey of candidates following the 2022 local elections, less than a third of respondents (29%) were aware of an Access to Elected Office Fund being in place. In our response to last year's White Paper, we recommended that the Welsh Government take appropriate steps to increase awareness of the fund ahead of the 2026 and 2027 elections, and we were pleased to see that the Committee's recent ['Diversity in Local Government'](#) report includes a similar recommendation.

The Bill would also allow for services or financial assistance to be provided to support candidates with other protected characteristics or socio-economic circumstances, via a new overarching duty on Welsh Ministers to put in place arrangements to promote diversity within the Senedd and local government in Wales.

The Welsh Government would need to consider what changes, if any, might be needed to relevant spending rules to ensure that any services or financial assistance provided under these wider provisions would not count against a candidate's spending limits. As the explanatory memorandum notes, similar changes have already been made for costs relating to a candidate's disability to ensure that funding provided through the Access to Elected Office Fund does not count towards a candidate's spending limits. Consideration will also need to be given to how any services or financial assistance provided under these provisions might interact with existing controls on donations to candidates.

Chapter 5: Campaign finance

Campaign finance laws for devolved elections

These provisions will bring several campaign finance laws for devolved elections in line with the equivalent changes for reserved elections that were introduced by the Elections Act 2022. This will include laws relating to notional expenditure, third party campaigners, and who is authorised make payments on behalf of a campaign.

Maintaining consistency across different types of election in this way should make it easier for campaigners to comply with the law across both reserved and devolved elections. As with the changes for reserved elections that have been introduced by the Elections Act, we will continue to provide guidance to help the regulated community understand and comply with the law. This will include producing a code of practice for non-party

campaigners as part of the changes that clause 38 of the Bill will make to the Political Parties, Elections and Referendums Act 2000. We will also continue to monitor the impact and implications of these changes, at both reserved and devolved elections.

Part 2: Elected bodies and their members

Chapter 3: Disqualification and undue influence

Undue influence

In our response to last year's White Paper on Electoral Administration and Reform, we were supportive of the Welsh Government's plans to update the definition of the offence of undue influence in line with the changes introduced by the Elections Act 2022.

Clarifying the offence of undue influence in this way will provide voters with more meaningful protection against exploitation and make clear what is and is not acceptable behaviour. It will also make it simpler for the police to act when allegations of undue influence are made.

We will update our guidance for electoral administrators and polling station staff to set out what is and what is not allowed at polling stations. We will also update our [Code of Conduct for campaigners](#) on what they should consider when campaigning outside polling stations, and will continue to run [public awareness campaigns](#) so that voters understand how to protect their vote from undue influence.

As the explanatory memorandum notes, the provisions within the Bill itself will only apply to the definition of the offence for local government elections in Wales. The definition for Senedd elections is currently set out in the National Assembly for Wales (Representation of the People) Order 2007, and we note the Welsh Government's plans to make an equivalent change for Senedd elections when it remakes the Conduct Order ahead of 2026.