

EEB 16

Bil Etholiadau a Chyrff Etholedig (Cymru)

Elections and Elected Bodies (Wales) Bill

Ymateb gan: Cymdeithas Llywodraeth Leol Cymru

Response from: Welsh Local Government Association

WLGA Response

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Title: WLGA Response to the Elections and Elected Bodies Bill

Recipients: Local Government and Housing Committee

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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.