

<b>Council</b>			
<b>REPORT</b>	Report of the Barriers to Politics Working Group		
<b>KEY DECISION</b>	No	<b>Item No:</b>	
<b>WARD</b>	N/A		
<b>CONTRIBUTORS</b>	Executive Director for Resources & Regeneration		
<b>CLASS</b>	Part 1	<b>Date:</b>	22 November 2017

## **1. SUMMARY**

- 1.1. This report sets out the approach of the Barriers to Politics Working Group, who were tasked by Council with examining the barriers to those wishing to enter politics as an elected member and, once elected, the barriers to remaining in post or progressing.
- 1.2. The final report of the Barriers to Politics Working Group, including recommendations and findings, is attached at Appendix A.

## **2. RECOMMENDATIONS**

- 2.1. The Council is recommended to:
  - a. Note the recommendations of the Barriers to Politics Working Group as outlined in the report attached at Appendix A.
  - b. Refer the recommendations to the appropriate bodies as stated within the recommendations.

## **3. CONTEXT**

- 3.1. The Equality Act 2010 defines the following characteristics as protected characteristics:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation
- 3.2. Lewisham's Comprehensive Equality Scheme (CES) 2016-20 sets out how the Council will meet its duties to improve the quality of life and life chances of all Lewisham's residents as well as the various equality groups afforded specific protection under the Equality Act of 2010. The scheme contains the following five overarching objectives:

- Tackle victimisation, discrimination and harassment.
  - Improve access to services.
  - Close the gap in outcomes for our citizens.
  - Increase mutual understanding and respect within and between communities.
  - Increase participation and engagement.
- 3.3. The Census of Local Authority Councillors 2013, conducted by the Local Government Association, provides the most up-to-date 'snapshot' of local government representation and analysis of trends over time. The Census asked councillors about their work as councillors, their views on a range of issues and their background.
- 3.4. Over a third of councillors in London were female at the time of the last Census (36% in London and 31.6% nationally). The proportion of women in leadership roles was smaller than the proportion of men: 13% of council leaders across England were female.
- 3.5. The average age of a councillor in London was 56.5 years (cf. 60.2 nationally); 10.2% of councillors in London were aged under 35 years, 46.7% were aged over 60 years.
- 3.6. A smaller proportion of councillors in London described themselves as having a long term illness, a proxy for disability, than nationally (8.9% in London and 13.2% across England); this compares with 14.1% of the overall London population and 14.4% of the Lewisham population describing themselves as having a limiting long-term illness or disability.
- 3.7. At the time of the Census, 84.3% of councillors across London were White ethnic origin (cf. 96% nationally); 11.8% were Asian, Asian British ethnic origin (cf. 2.8% nationally) and 2.1% were Black, African, Caribbean, Black British ethnic origin (cf. 0.6% nationally).
- 3.8. No information was collected on religion or belief, sexual orientation, gender reassignment or marriage and civil partnership as part of the Census of Local Authority Councillors 2013.

#### **4. BACKGROUND**

- 4.1. The Barriers to Politics Working Group was established by a Motion to Council on 22 February 2017 in the name of Councillor Clarke and seconded by Councillor Elliot.
- 4.2. The Barriers to Politics Working Group was tasked with examining the barriers to those wishing to enter politics as an elected member and, once elected, the barriers to remaining in post or progressing.
- 4.3. The Group's aims were to identify and investigate the various barriers that exist for individuals wishing to apply for or to undertake the role of a councillor, and to put forward recommendations to Council on how to address them.
- 4.4. The Group's discussions were broadly focused on barriers in relation to the protected characteristics, the nine criteria by which all people are protected from discrimination

by equalities legislation, as defined within the Equality Act 2010 and set out in section 3.1 of this report.

- 4.5. The Barriers to Politics Working Group invited expert witnesses and considered research conducted by campaigning organisations, charities and public bodies. Details of the expert witnesses and evidence sessions are contained within the report attached at Appendix A.
- 4.6. In addition to evidence sessions, the group conducted surveys of existing councillors and residents to gather perceptions about the role and barriers which people had faced or thought they would face as a local councillor. The survey of residents was sent out through local assemblies, the Lewisham Life online newsletter and was featured in the News Shopper local newspaper.
- 4.7. Due to the wealth of evidence submitted to the Barriers to Politics Working Group, it was agreed that reporting deadlines were to be extended from the original September Council meeting to November 2017.

## **5. REPORT**

- 5.1. The Report of the Barriers to Politics Working Group is attached at Appendix A.
- 5.2. The Report sets out the timeline and approach of the Barriers to Politics Working group and provides context in terms of the profile of the London Borough of Lewisham, the structure of the Council and the roles which councillors have. Information about the current support available to councillors in the London Borough of Lewisham and neighbouring boroughs is also provided.
- 5.3. The body of the attached Report is structured around the evidence sessions which have taken place since the Barriers to Politics Working Group was established; these were broadly themed around the protected characteristics as outlined in section 3.1 of this report. Each of the themed sections of the Report provides context (largely from the most up-to-date Census of Local Authority Councillors), a summary of evidence considered as part of the evidence sessions, and details of the findings of the Group.
- 5.4. The Barriers to Politics Working Group has made 31 recommendations to the Council, elected members, political parties and the Local Government Association.
- 5.5. Some of the issues raised at the Barriers to Politics Working Group were not within the direct influence of Lewisham Council, however they were identified as having a significant impact. Wider recommendations were made by the Working Group which could be addressed through other organisations or at national level.

## **6. EQUALITY IMPLICATIONS**

- 6.1. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 6.2. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 6.3. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 6.2 above.
- 6.4. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 6.5. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
  - <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 6.6. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 6.7. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed

guidance on key areas and advice on good practice. Further information and resources are available at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6.8. The measures in this document are designed to be consistent with the Council's equality duties.

## **7. FINANCIAL IMPLICATIONS**

7.1. There are no direct financial implications from noting the recommendations of the Barriers to Politics Working Group. There may be financial implications were the Council to act upon all or some of the recommendations; these will be considered in subsequent reports.

## **8. LEGAL IMPLICATIONS**

### **General**

8.1. The Localism Act 2011 provides a general power of competence to local authorities to do anything which an individual generally may do. This power is subject to limitations which existed prior to the enactment of the Localism Act, and to specific post implementation limitations.

### **Recommendations 1 – 6 – Addressing Discrimination and Promoting Equality**

8.2. The recommendations are generally within the powers of the Council. The Standards Committee has within its remit the review of the Member Code of Conduct. It reviews the Code periodically. The Code must reflect statutory minimum requirements but there is some discretion to local authorities to build on these minimum requirements. The Code only applies to members when they act or hold themselves out as acting as such. Specific legal implications will be given to the Standards Committee when it reviews the Code of Conduct. Any proposed changes would be for the Council to agree.

### **Recommendations 7 -16 - Ways of Working**

8.3. There are no specific legal implications. The recommendations are within the powers of the Council. Member induction does include training on the Member Code of Conduct and this is frequently refreshed.

### **Recommendations 17 – 18 - Councillor Complaints and Concerns**

8.4. Recommendation 17 relates to representations to the Local Government Association and does not have any legal implications. Recommendation 18 proposes that the Council provide a counselling service for elected members. Further legal advice would be needed on this proposal if it is pursued in detail.

### **Recommendations 19 – 22 Financial Support**

8.5. Allowances to be paid to members are subject to regulation. The relevant regulations are the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended. The Council must publish its Scheme of Members' Allowances, dealing with basic allowances and special responsibility allowances. Payments to members of the

Council may only be made in accordance with this scheme. The Scheme may also provide for travel allowances, subsistence and carers' allowance.

- 8.6. Payments may only be made in accordance with a scheme of members' allowances which has been agreed by full Council, having first had regard to the recommendations of an independent remuneration panel.

#### **Recommendations 23 – 27 Wider Engagement**

- 8.7. There are no specific legal implications. The Young Mayor and Young Advisers have already been very involved in encouraging electoral registration and participation in the political process.

#### **Recommendations 28 – 31 Political parties**

- 8.8. These recommendations are for the political parties and not the Council and so do not involve action by the Council and therefore have no legal implications for it.

### **9. BACKGROUND DOCUMENTS**

- 9.1. Appendix A: Report of the Barriers to Politics Working Group (November 2017)