



Duty to Promote Democracy
Impact assessment



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Summary: Intervention & Options

Department /Agency:

Title:

CLG

Impact Assessment of Duty to Promote Democracy

Stage: Final

Version: 5

Date: 5 November 2008

Related Publications: Communities in Control Community Empowerment white paper; Representing the future The Report of the Councillors Commission

Available to view or download at:

<http://www>.

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What is the problem under consideration? Why is government intervention necessary?

There is a reducing interest in local democracy demonstrated by low levels of involvement in elections, and low interest from citizens in standing for the role. Councillors and other civic governance roles are currently unrepresentative of the population with women, people of working age, people from ethnic minorities communities, young people and people with disabilities under represented. Not all local authorities are confident that it is their responsibility to promote local democracy, the duty is intended to clarify this.

What are the policy objectives and the intended effects?

We believe that improving interest in local democracy and achieving better representation of the community in civic roles will improve accountability and engagement. We also seek to make local authorities the democratic hubs of the locality encouraging involvement including taking civic roles.

What policy options have been considered? Please justify any preferred option.

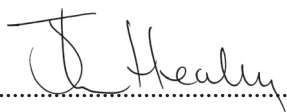
Option A. Do nothing.
 Option B. To promote greater civic involvement through the use of guidance for local authorities and the active promotion and dissemination of best practice.
 Option C. To create a new duty on local authorities to promote civic involvement solely aimed at councillors.
 Option D. To create a new duty on local authorities to promote understanding of the councils and its named partner authorities functions and governance processes and how to get involved including standing for office or a civic role. (This is the preferred option)

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? April 2013 – Through the Citizenship survey, and as part of the PSA 15 NI3 monitoring process.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister:



Date: November 2008

Summary: Analysis & Evidence

Policy Option:

B

Description: To promote greater civic involvement through the use of guidance for local authorities and the active promotion of best practice

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Cost to Communities and Local Government of £1.5m over 3 years.
	One-off (Transition)	Yrs	
	£		
	Average Annual Cost (excluding one-off)		
£500,000		Total Cost (PV)	£1.4m
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
£		Total Benefit (PV)	£
Other key non-monetised benefits by 'main affected groups' More local authorities providing more effective information on democratic processes and how best to engage people who do not normally participate or stand for civic roles. This will lead to an outcome of a more representative and vibrant local democracy.			

Key Assumptions/Sensitivities/Risks

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £-1.4m
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	2009			
Which organisation(s) will enforce the policy?	CLG			
What is the total annual cost of enforcement for these organisations?	£N/A			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£N/A			
What is the value of changes in greenhouse gas emissions?	£N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase – Decrease)
Increase of	£	Decrease of	£
Net Impact			£

Key: Annual costs and benefits: Constant Prices

(Net) Present Value

Summary: Analysis & Evidence

Policy Option:

C

Description: Create a new duty on local authorities to promote civic involvement solely aimed at councillors

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups'
	One-off (Transition)	Yrs	
	£		
	Average Annual Cost (excluding one-off)		Total Cost (PV) £16m
£2.1m			
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		Total Benefit (PV) £
£			
Other key non-monetised benefits by 'main affected groups' All Councils to provide clearly accessible information about the political control of the Council, governance processes and how to stand for election with the aim of encouraging those who may be interested to stand for election as a councillor. This will encourage an increasingly representative and vibrant local democracy.			

Key Assumptions/Sensitivities/Risks

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £-18m
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What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		2010		
Which organisation(s) will enforce the policy?		CLG		
What is the total annual cost of enforcement for these organisations?		£nil		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£N/A		
What is the value of changes in greenhouse gas emissions?		£N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)

(Increase – Decrease)

Increase of £ Decrease of £ Net Impact £

Key: Annual costs and benefits: Constant Prices

(Net) Present Value

Summary: Analysis & Evidence

Policy Option:
D

Description: Create a new duty on local authorities to promote civic involvement in a wider range of lay governance roles

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups'	
	One-off (Transition)	Yrs	£86,000 for each county and unitary authority authority providing the equivalent of two employees working in this area and a publicity budget; and, £45,000 for each district authority providing 0.5 employees with administrative support and a publicity budget. Total cost £22.3m	
	£			
	Average Annual Cost (excluding one-off)			
£ m		Total Cost (PV)	£	
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'	
	One-off	Yrs	More effective local co-ordination and promotion of democratic understanding and civic roles and more effective work in reaching communities to develop knowledge and interest in standing for office and a change in culture resulting in increased number of people from under represented groups standing for civic roles.	
	£			
	Average Annual Benefit (excluding one-off)			
£		Total Benefit (PV)	£	
Other key non-monetised benefits by 'main affected groups'				

Key Assumptions/Sensitivities/Risks

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ m		
What is the geographic coverage of the policy/option?		England			
On what date will the policy be implemented?		2010			
Which organisation(s) will enforce the policy?		CLG			
What is the total annual cost of enforcement for these organisations?		£nil			
Does enforcement comply with Hampton principles?		Yes			
Will implementation go beyond minimum EU requirements?		No			
What is the value of the proposed offsetting measure per year?		£N/A			
What is the value of changes in greenhouse gas emissions?		£N/A			
Will the proposal have a significant impact on competition?		No			
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		Yes/No	Yes/No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)			
Increase of	£	Decrease of	£	Net Impact	£

Key: Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

Duty to Promote Democracy

Issue

To establish the principle that local authorities are hubs of local democracy, with a statutory duty to promote democratic understanding and participation; and encouraging local authorities to adopt a new culture which sees democratic politics as respected, recognised and valued.

Background

1. The 2006 Local Government white paper *Strong and Prosperous Communities* and subsequent Local Government and Public Involvement in Health Act 2007, made clear the intent to develop the role of councillors as democratically elected champions of local citizens. The white paper recognised that to do this there needs to be a much wider pool of people with the talent and the ability to be councillors to stand.
2. At present the talent and ability of significant sections of the community is just not being fully realised. Only around 1,500 councillors (7.8 per cent) out of nearly 20,000 are aged under 40 years; and of these only around 360 are aged under 30 years. Only 29 per cent of councillors are women. Similarly around four per cent of councillors are from black and minority ethnic communities, when just under 10 per cent of the adult population is from an ethnic minority background. To create a more vibrant local democracy more people from these underrepresented sectors of the community must be encouraged to stand for election.
3. The Councillors Commission, in looking at barriers to attracting people to become potential councillors, recognised the important role that awareness of what councillors do had. Qualitative research carried out on behalf of the Commission among civic activists, who found a very limited understanding of the role of councillor and governance in general (Hands et al., 2007). Lack of public awareness in relation to what councillors do is mirrored by a similar ignorance of participation opportunities and lack of knowledge of how to stand for selection or election (Haberis and Prendergrast, 2007) (Hands et al., 2007)
4. The conclusion reached by the Commission was that if we want to get people involved in local democracy then they need to know how the local governance systems work, who their representatives are and what they do. They also need to know how one becomes a councillor. This information should not only be clearly available to those that seek it, but also promoted to sections of the community who are less engaged and under represented as councillors. Their view, which we now support, was that the responsibility for this information

provision should fall to the local authority. Also, that given the local authority role as the accountable body for LAAs and the lead on local cross agency work they should also consider how to make links with other statutory agencies in promoting the governance processes and governance roles.

5. The overarching recommendation of the Councillors Commission was that there should be a statutory duty on all principal authorities to facilitate democratic engagement by:
 - proactively disseminating clear and accessible information on how local governance works and what councils and councillors do
 - facilitating more active civic participation
 - promoting the role of councillor, how to become a councillor and the activities of elected members
6. The full recommendation is set out below.

Recommendation 1 of the Councillors Commission report *Representing the future*.

Local authorities should be charged with a statutory duty to facilitate local democratic engagement by:

- a) proactively disseminating clear and accessible information on how local governance works: what councils and councillors do; what the responsibilities of other agencies are; how local agencies relate to one another (or not); even how to register to vote and how exactly to vote
- b) facilitating more active civic participation in a range of areas (such as tenant and residents' associations, school governorship etc). This may well require a more specific capacity building/community development approach
- c) raising interest in and providing information on how to stand as a councillor
- d) proactively promoting the role of councillor and the activities of elected members

Principal authorities should also provide information and facilitate democratic engagement in respect of the parish and town council tier.

To support this recommendation central government departments must work far more effectively together than hitherto, to ensure a consistent and positive approach to local government.

7. The Community Empowerment white paper put forward proposals to empower communities through policy proposals that aim to reviving civic society and local democracy and creating mechanisms for public participation.
8. Councils, and councillors, were seen to be at the heart of local democracy. There was a clear desire to encourage local government to be confident about being politically led democratic organisations, and ensuring that people know

about the local governance processes, how to get involved and how to become a councillor.

9. The Community Empowerment white paper develops this idea into a Duty to Promote Democracy. With the intention that local authorities should be seen as vibrant hubs of local democracy, with a statutory duty to promote democratic understanding and participation. We are seeking to empower local councils to present themselves as democratic centres, with a new culture which sees democratic politics as respected, recognized, and valued.
10. The anticipated benefits were seen to be a reinvigoration of civic participation and local democracy. As a broader range of people, from all parts of the community, including those traditionally under represented as councillors and in lay governance roles – women, people of working age, people from ethnic minority communities and people with disabilities - will become aware and interested in these significant roles, particularly that of a councillor, and consider taking on a role themselves.
11. The outcomes we hope to achieve are:
 - a) citizens to be more aware of the democratic process
 - b) citizens to be able to get information on how to be involved
 - c) citizens to know more about how to stand for a formal governance role such as being a councillor or a school governor (or a magistrate if the duty is wider)
 - d) a wider pool of citizens putting themselves forward for governance roles including as councillors
 - e) improved co-ordination of promotion and recruitment effort at local level
 - f) a greater number of people moving from one role to another
12. There are two approaches to achieving this – through creating a statutory duty or by leaving it with local authorities, with varying levels of encouragement, to develop a stronger approach to promoting democracy.

Non-Statutory Approaches

13. Many local authorities are already working to promote democracy to some degree from providing clear web based information on Council meetings and councillors to a more complete approach such as that at Southwark who working through a third sector led Active Citizens Hub to do inform people how to get involved and to work with all communities to encourage involvement, including taking on civic roles.
14. The LGA have commented on that despite not supporting a new statutory duty *"...we believe local authorities have an important role to play in encouraging and facilitating local democratic engagement, and would want to see councils*

engaged in all the activities listed...” in the first recommendation of the Councillors Commission report.

15. The Councillors Commission recommendation 1 said:

Local authorities should be charged with a statutory duty to facilitate local democratic engagement by:

- a) proactively disseminating clear and accessible information on how local governance works: what councils and councillors do; what the responsibilities of other agencies are; how local agencies relate to one another (or not); even how to register to vote and how exactly to vote;*
- b) facilitating more active civic participation in a range of areas (such as tenant and residents’ associations, school governorship etc). This may well require a more specific capacity building/community development approach;*
- c) raising interest in and providing information on how to stand as a councillor;*
- d) proactively promoting the role of councillor and the activities of elected members.*

Principal authorities should also provide information and facilitate democratic engagement in respect of the parish and town council tier.

To support this recommendation central government departments must work far more effectively together than hitherto, to ensure a consistent and positive approach to local government.

16. This suggests two non-legislative approaches. The first (**Option A**) is that we do nothing and leave it with the local government sector to develop practice as it suits them and the needs of their community. However, this would mean that a large number of authorities would not consider this core business, and therefore not seek to change the way they promote Council meetings, councillors and the opportunity to stand for formal civic roles such as councillors. This suggests that some level of action is needed.
17. This action could take the form of **promoting greater civic involvement through guidance for local authorities and by actively promoting and disseminating best practice (Option B)**

Costs

18. This could take the form of a range of activities led by the LGA/IDeA/Local Government Leadership Centre to develop relevant good practice materials and approaches; and to develop ways to most effectively promoting this through existing means – such as the web site and publications – and embedding the information within existing programmes of work directly with local authorities.
19. We would expect to work with the LGA, IDeA and Local Government Leadership Centre to develop a relevant good practice materials and approaches. The planned Local Government Leadership Centre programme of Exemplar Authorities, who will develop and showcase many of the

Councillors Commission recommendations including the facilitating democratic engagement, would be a useful starting point. We would also look to work with the IDeA in involving the Network of Empowering Authorities, and the local authorities who have included N13 in their LAAs to promote good practice.

20. We currently fund IDeA £500k for 2008–09 and £564,000 for 2009–10 to support the group of 18 authorities making up the Network of Empowering Authorities and to disseminate good practice. We would expect to build on this and extend the work beyond the 18 authorities. We envisage that depending on the extent of the work this could cost £0.5m – £1.5m. We would also seek to embed the work within core IDeA/LGLC work and the work of the Regional Efficiency and Improvement Partnerships.
21. **This suggests a cost to Communities and Local Government of £1.5m over a three year period from 2009–10 – 2011–12.** We would look to establish the appropriate costs and review each annual allocation subject to performance in previous years. These costs could be met from within the Councillors Commission Implementation Budget.

Benefits

22. Taking a light touch approach would be welcomed by the Local Government sector. The programme of work to promote and disseminate would be an effective way of encouraging local authorities to develop new approaches to promoting democracy.
23. However, not all local authorities would accept this work as core business, and may be unwilling to divert resources towards promoting democracy. To ensure that all local authorities focus their attention on how best to promote democracy within their locality, which is a central ministerial objective as set out in the Community Empowerment white paper, there is a view that local authorities must be required to do so. We do not intend to progress this option.

Legislative Routes

24. Three options for the scope of duty were considered as the duty has been developed.
 - to create **a new duty on local authorities to promote civic involvement solely aimed at councillors** (Option C)
 - to create **a new duty on local authorities to promote civic involvement in a wider range of lay governance roles**, with, in two tier area, counties taking on the collation and dissemination role for information on other agencies for the districts in their area (Option D)
25. It is proposed that any duty is backed by statutory guidance

A new duty on local authorities to promote civic involvement aimed solely at councillors

(Option C)

26. A duty focused on local government to provide information and support to citizens on the local authority's functions, governance arrangements, the role of councillors and how to become a councillor.

Costs

27. At its most simple the focus could be solely on local authority governance processes, including councillors with the duty requiring councils to inform communities about the role of councillors and how to stand as a councillor and actively promote it as a key civic role; and having regard to any relevant guidance. This has the advantage of being tightly defined with its focus being on local councillors, and an expectation of a low additional burden on local authorities.
28. Many local authorities already do this work; a new duty would focus attention on this and ensure that all authorities do so.
29. The additional burden for authorities is assumed to be slim and involve ensuring Council websites and other promotional materials explain governance processes and how to become a councillor. We anticipate that this would involve two days a month on average for a middle manager (PO4), in each local authority.
30. Costs are based on

	Est costs (including 20 per cent on costs)
15 per cent of an officer at middle manager level	£6,000
For 355 Local Authorities	£2,130,000

31. **The costs of this are estimated to be £2.1m.**

Benefits

32. This represents a very slim expectation on local authorities. We would anticipate better co-ordination and presentation of local authorities' information on the political leadership and make up of a council, councillors role and council meetings making it easier for people to find out information, if they chose to seek it, about what a councillor does, how to stand as a councillor and when and what council meetings are being held. We do not intend to progress this option.

A new duty on local authorities to promote civic involvement in a wider range of lay governance roles.

(Option D)

33. This would be a broad duty on local government to provide information on the council and its named partner authorities' functions, governance arrangements, and how to get involved including standing for office or taking on a civic role.
34. This would be a significant new responsibility for local authorities, requiring co-ordination of information with other agencies. It is anticipated that a linked new duty might need to be placed on other agencies, possibly those on the duty to co-operate list, such as PCTs, to provide information to the local authority about their respective governance roles.
35. This option provides the broader cross cutting scope that would support the proposals for lay governance co-ordination within the white paper. However, there would be greater requirements to co-ordinate with other public services, and for the local authority to take on the responsibility for promoting the range of non local government public roles. This would have resource implications for local authorities. The resource implications on the public bodies named under the duty have been discussed with the departments and organisations affected. There is support for the work, and an expectation that this fits with work already done, or intended.

Costs

36. This model would establish a greater requirement on counties and unitary authorities than on districts. As such it is estimated that cost impact on the districts would be lower. Counties and unitaries would still be required to build links with the other public agencies in order to provide information on their governance processes and recruitment activities. Counties would be expected to provide the collated information to the districts within their geographical area.
37. An initial estimate of costs based all or part of a middle manager (PO4) plus administrative support and a promotions/systems budget suggests **costs of this option are likely to be in the order of £86,000 for each local authority.**
38. Districts would be required to promote understanding of their own governance and democratic processes, as well as information provided to them by the county. The estimate of the **cost of this is £45,000 per local authority based on 0.5 of a middle manager with some administrative support and a promotions budget.**
39. The total cost of option D is £22.3m.

	Est costs (including 20 per cent on costs)
<i>Counties and unitaries</i>	
Officer – manager	£42,000
Administrative Support	£23,000
Promotions/systems budget	£21,000
Total	£86,000
For 154 Local Authorities	£13,244,000
<i>Districts</i>	
0.5 fte Officer plus administrative support	£25,000
Promotions budget	£20,000
Total	£45,000
For 201 districts	£9,045,000
TOTAL	£22,289,000

40. These wider proposals would expect the local authority to take a more proactive role than Option B. We would expect the local authority to work develop the information on the Councils functions and governance processes and its councillors and committees, as in Option C. In addition we would expect the local authority to develop work that seeks out different communities to raise awareness of the role of Councils and councillors and how to hear what is happening, make their views heard or stand for formal role, such as a councillor. We would also expect work on making links with other named statutory agencies around their processes for recruiting to civic roles, particularly around outreach work with under represented groups.
41. Enforcement. There are no specific enforcement measures proposed. The duty would be a core part of local authority business and as such considered within the CAA review. This is not anticipated to present an additional burden on the CAA.

Benefits

42. Option D would enable authorities to establish a culture change in how they present themselves as politically led democratic organisations, and removing any mystique around how people can get involved formally.
43. The more tangible benefits of option D are expected to be:
- more effective local co-ordination, improved information and promotion of the various civic roles that exist at local level
 - engaging with all communities including those traditionally under represented linking up existing work with communities such as capacity building and information
 - a higher level of people from traditionally under represented groups
 - women, people from ethnic minority communities, people of working age,

disabled people and young people – taking on civic roles and standing for election

- increased retention rates of councillors from under-represented groups
- increased confidence in the democratic process from people from under-represented groups

44. At present the talent and ability of significant sections of the community is just not being fully realised. Only around 1,500 councillors (7.8 per cent) out of nearly 20,000 are aged under 40 years; and of these only around 360 are aged under 30 years. Only 29 per cent of councillors are women compared to 52 per cent of the general population. Similarly around four per cent of councillors are from black and minority ethnic communities, when just under 10 per cent of the adult population is from an ethnic minority background. The duty to promote democracy is intended to encourage and support greater awareness and involvement of people from all parts of a local authority's community. The intended aim is to create a more vibrant local democracy with more people from these underrepresented sectors of the community stand for office or taking on other civic roles.

Preferred Option

45. **Option D is the preferred option.** It will require, and provide for, local authorities to put significant effort into promoting understanding of the Council, and partner authority functions, their governance processes and how to get involved in the decision making processes including standing for office or taking on a civic role. This would best support the achievement of the benefits set out in the previous paragraph.

How would the Duty as described in Option D work in practice?

46. The proposed duty would be developed to establish the principle but leave local authorities to interpret this in locally relevant ways, "having regard" to the statutory guidance. This would provide the opportunity to set out the options that we would want local authorities to consider in taking forward their obligations under the Duty. They would be expected to build on and embed promotion of democratic processes within existing activities.
47. District councils in two tier areas would not be expected to collect and organise information from other public agencies.
48. The Statutory Guidance would be expected to include the following suggestions for how Councils to consider in developing their response to the new Duty:
- acknowledgement in official council publications of the democratic, political nature of local government, including clear information about political control, contact details for councillors, information about councillors' surgeries, and contact details for political parties

- using basic communications technologies such as emails and conference calls as well as new applications such as social media to improve dialogue between councillors and their citizens
- empowering young people through better, more accessible information, structures, cultures and systems of engagement for example by giving young people a positive experience of voting such as young mayors, the UK Youth Parliament, mock elections and school councils
- publicising to all communities how to get involved by being a councillor or taking up other civic roles within the local authority or within other public agencies using a variety of media such as websites and newsletters
- publicising to all communities how people can get involved by attending Council meetings, including overview and scrutiny meetings, how to find out what they are discussing and what was decided and any public meetings where people can make their views heard
- practical support for councillors, including allowing councillors to hold surgeries on council premises, and allowing political parties to hold meetings and events on council premises
- training front-line staff such as call centre staff, council tax, housing and planning officers in the basic facts about the democratic system, such as which political party controls the council, when the next set of elections is, how to register and where to vote
- councils may opt to involve staff or former councillors in promoting local democracy within the authority and to the public through programmes such as 'Civic Champions' or 'Democracy Advocates'. This could involve:
 - selected members of their staff becoming democracy experts with a greater depth of knowledge about local politics and democracy, to provide a focal point for colleagues' inquiries, and to provide detailed information to the public
 - ex-councillors becoming mentors for serving councillors
 - working with local schools, including initiating visits to explain their role and to support active citizenship education
 - giving talks to local volunteer groups or boards where those already active could hear a positive presentation about governance roles and how to apply
 - engaging with people from community groups where the role of council and councillor could be promoted
 - developing links with town and parish councils and supporting democracy activities
 - co-ordinating existing activity in all statutory agencies to advertise governance roles, and application process for civic roles
- Consider how to work with the developing locality based arrangements of all public agencies, such as Local Involvement Networks
- co-ordinated targeting of groups not well represented among councillors (women, young people, people of working age, people from ethnic minority)

communities) to develop awareness and skills to facilitate their participation in civic roles. Options to this might include using Take Part, Youth Parliament and Operation Black Vote

- working with third sector organisations to ensure that active citizens in community and voluntary groups know about the opportunities available in more civic roles
 - liaising with local employers to encourage support for staff members who have taken on a civic governance role
49. The Guidance would also make the links the Electoral Administration Act 2006 to encourage voter participation¹ which might include positive campaigns to encourage voter registration and voting, especially with young people.

Taking the proposed duty forward

Context

50. The Councillors Commission recommendation to create a statutory duty to facilitate democratic engagement was widely drawn. (Annex A) It covered ground that was within the remit of the Electoral Administration Act on registering to vote, and potential overlaps with the Duty to Involve. The new duty would need to be more narrowly drawn to avoid any overlaps with existing legislation.
51. It is intended to shape the proposed duty to complement the **Duty to Involve and s69 of the Electoral Administration Act 2006**. The proposed duty would build on the principles of the **Duty to Involve**.
52. The proposals also dovetail with the European initiative that you agreed last October in Valencia that there should be a protocol to the European Charter on Local Self Government (which the UK ratified in April 1998) on citizen participation. The Ministers at Valencia agreed in principle to such a protocol which would recognise citizens' rights to participate in local affairs and the duty on local authorities to facilitate such participation.
53. It is worth noting that local authorities already have the powers to undertake these activities using the Wellbeing Powers from the Local Government Act 2000. The difference with a duty is that they would be obliged to undertake the activities.

A new duty

54. As part of the devolutionary approach, Communities and Local Government aims to minimise the number of new duties to be placed on local government. A balance will need to be struck between being clear that there are enough specific actions we want to see from local authorities to warrant the introduction of a new duty, and not being too prescriptive in terms of the

¹ S69 Electoral Registration Act 2006

implications for councils' resource deployment which would add to the new burden costs involved.

55. The proposed duty is intended to be simple and specific. It does aim to make clear, when read alongside any statutory guidance, what needs to be done in order to comply. The more focussed the legislation, the more likely that the desired outcomes are achieved.

Implementation and Monitoring

Implementation

56. The Duty to Promote Democracy will be included in the planned Local Democracy, Economic Development and Construction Bill. The associated statutory guidance will be developed during the passage of the Bill and consulted upon following Royal Assent of the Bill. This is anticipated to be by, or before, Autumn 2009.

Monitoring

57. Local Authorities' progress will be reviewed through the performance framework and through the monitoring of performance against PSA 15 NI3.

Specific Impact Tests

58. We have considered the specific impact tests for; competition, small firms, Legal Aid, Sustainable development, Carbon and other environmental impacts, health, human rights and rural impacts and we found that there were no impacts in these areas. However an equality impact assessment has been completed.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	Yes
Disability Equality	Yes	Yes
Gender Equality	Yes	Yes
Human Rights	No	No
Rural Proofing	No	No

Annexes

Summary of the Conclusions of the Equalities Impact Assessment

[The full Equalities Impact Assessment will be produced before the Bill's introduction]

Evidence from the National Census of local authority councillors (IDeA 2007) shows that councillors are not representative of the population as a whole. In 2006, only 29 per cent of councillors in England were women and 4.1 per cent had a non-white ethnic background (compared to 9.5 per cent of the population over 21 years old). Very few young people are councillors – 7.8 per cent of councillors are under 40 years old.

The National Census also indicates that people with disabilities or limiting long-term illnesses are not under-represented in local councils. In 2006, 10.9 per cent of councillors reported that they had a limiting long-term illness, health problem or disability that limited the daily activities or work they could do. This is higher than the proportion in the general population which is 9.9 per cent. However, these figures are likely to reflect the age profile of councillors as the health status of councillors declines with age and disguise an under-representation of younger people with disabilities or limiting long-term illnesses. In addition some disabilities or impairments may present more significant barriers to participation than others.

In research commissioned by the Councillors Commission, women identify domestic duties, caring responsibilities, time poverty, lack of confidence and the sometimes aggressive way of conducting council business as key barriers to standing for office. Time is a significant barrier: both the amount of time the role can take up, and the timing of council meetings which can go on until late at night. For women, whether employed in full or part time work, or who have other commitments such as caring for family members, this can be off putting.

A number of factors have been identified which discourage people from ethnic minorities from becoming councillors. These include: difficulties in being selected as candidates, the alienating culture, structures and procedures of many local authorities, and those issues which tend to discourage many people from standing, such as lack of time in the face of work and family responsibilities.

A number of factors have been identified which discourage young people from becoming councillors. These include: the pressure of combining full-time employment with being a councillor, the impact of council work on leisure time, and family and social life, a lack of support, the potential to damage career prospects and the general disconnection of young people from local politics.

The duty to promote democracy is intended to encourage a proactive approach by councils to encourage, and facilitate, involvement from all sections of the community, in particular those under represented groups. The aim is to improve the level of

representation among women, black and minority ethnic communities, and disabled people across age groups.

There are some risks that councils might not implement effectively or fairly, that groups will not be receptive to council actions or that tensions will arise between groups due to perceptions that some are being favoured over others. We will seek to mitigate this through statutory guidance and wider promotion of the duty, including developing a programme of best practice exemplars to ensure that best practice is disseminated and encouraged.

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