

Explanatory Memorandum to the Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021

This Explanatory Memorandum has been prepared by the Local Government Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above Order and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021.

Rebecca Evans MS

Minister for Finance and Local Government

09 November 2021

1. Description

The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021 amend section 1 of the Equality Act 2010 in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities subject to the Socio Economic Duty.

Those provisions come into force on the 3 December 2021.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

The Equality, Local Government and Communities Committee will wish to note that this Regulation amends the Equality Act 2010 so as to make Corporate Joint Committees subject to the Socio Economic Duty within the act. A previous package of instruments which underpin the establishment of Corporate Joint Committees have already been laid which included the Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021 which made Corporate Joint Committees subject to the Public Sector Equalities Duty within the Act. The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021 ensures that the Socio Economic duty will be applied to Corporate Joint Committees established in March 2021 in advance of the commencement of their substantive duties in relation to Strategic Development Planning, Transport Planning and the Economic Wellbeing function (due to commence in 2022).

3. Legislative background

The powers enabling these Regulations to be made are contained in section 2(4)(a) of the Equality Act 2010. Section 2(4)(a) provides the Welsh Ministers with a power to add a relevant authority to the list of authorities that are subject to the duty.

These Regulations will be subject to the affirmative resolution procedure in the Senedd by virtue of section 209(2), (3)(a) and (6) of the Equality Act 2010

Subject to approval by the Senedd, these Regulations will be made by the Minister for Finance and Local Government and come into force on 3 December 2021.

4. Purpose and intended effect of the legislation

The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021 (“the Regulations”) amend section 1 of Equality Act 2010 (“the Act”) in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities subject to the Socio Economic Duty.

The Regulations form a package of amendments to legislation that will underpin all Corporate Joint Committees and put in place the necessary legislative framework for the effective administration and governance of Corporate Joint Committees.

Corporate Joint Committees are corporate bodies, established via regulation, and consist of those principal councils in Wales which are specified in the establishment regulations. In some circumstances National Park authorities in Wales are also included in a Corporate Joint Committee, where this is the case this will also be set out in the relevant Corporate Joint Committee establishment regulations.

The overall intent in establishing Corporate Joint Committees is that a Corporate Joint Committee will be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed.

The amendments within the Regulations amends section 1 of the Act so as to add Corporate Joint Committees to the list of relevant authorities to which the public sector duty regarding socio-economic inequalities applies.

5. Consultation

The application of wider public body duties was considered as part of the consultation on the draft Corporate Joint Committee Establishment Regulations which ran from 12 October 2020 to 4 Jan 2021. In line with the approach to treating Corporate Joint Committees as part of the 'local government family' respondents agreed that Corporate Joint Committees should be subject to the same public body duties as principal councils in Wales – including the duties within the Equality Act 2010.

6. Regulatory Impact Assessment (RIA)

A separate regulatory impact assessment has not been prepared in respect of these Regulations. However, the regulatory impact assessment to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations. In assessing the potential costs and benefits the RIA considers the overarching policy intent that Corporate Joint Committees should be treated as part of the 'local government family' including wider public sector duties such as those in the Equality Act 2010.

It was assumed for the purpose of the RIA that exercising such duties will be something which was undertaken by the corporate body function of a Corporate Joint Committees and the costs for exercising the public body duties within these Regulations are included in the range of costs provided for the overall corporate body function in the RIA.

A copy of the [RIA](#) to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those regulations.

As part of the consultation on the Corporate Joint Committee Establishment Regulations an [Integrated Impact Assessment](#) (IIA) was undertaken on the establishment of Corporate Joint Committees. The IIA noted the intention to apply the duties within the Equality Act 2010 to Corporate Joint Committees.

In addition, the [IIA](#) for commencement of the Socio Economic Duty in Wales included an Equality Impact Assessment. The outcomes of that Equality Impact Assessment can be applied equally to the application of the Socio-economic Duty to Corporate Joint Committees, given the approach to treating Corporate Joint Committees as part of the 'local government family'.