

Public Bill Committee response

# Levelling Up and Regeneration Bill

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## Inquiry details

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## Introduction and summary

1. The Equality and Human Rights Commission (the Commission) is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. The Commission has powers to advise the Government on the equality and human rights implications of laws and proposed laws, and to publish information or provide advice, including to Parliament, on any matter related to equality, diversity and human rights.
2. We welcome the opportunity to provide evidence to the Public Bill Committee in relation to the Levelling Up and Regeneration Bill (the Bill). The legislation is wide ranging but aims to provide a legal basis for setting and reporting against the 12 Levelling Up missions<sup>1</sup>, facilitate the regeneration of towns and cities through local leaders, and make changes to the planning system.
3. The Bill seeks to “spread opportunities”<sup>2</sup> on a geographical basis. The EHRC supports this aim but given our statutory remit to promote equality of opportunity and in order to achieve this aim the Bill must more systematically consider disparity between groups of people sharing particular protected characteristics<sup>3</sup>, including disparities which exist at a sub-regional level.

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<sup>1</sup> GOV.UK Government unveils levelling up plan that will transform UK - <https://www.gov.uk/government/news/government-unveils-levelling-up-plan-that-will-transform-uk>

<sup>2</sup> GOV.UK, Levelling Up and Regeneration Bill: Further information <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information>

<sup>3</sup> EHRC, Protected Characteristics <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics> - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, , race (including colour, nationality, ethnic or national origin), religion or belief, sex, sexual orientation, <https://www.legislation.gov.uk/ukpga/2010/15/part/2>

4. New entities created by the Bill, such as Combined County Authorities (CCAs) and development corporations will have obligations under the Public Sector Equality Duty (PSED)<sup>4</sup>. The EHRC is committed to working constructively with Parliament and the Government to ensure all relevant new and existing public bodies have due regard to equality considerations in the course of their work.
5. Clause 187 of the Bill allows for the creation of new criminal offences and civil liability – via secondary legislation – for conduct which is, or is similar to, conduct previously prohibited by sections 3 and 4 of the Vagrancy Act 1824 (which were recently repealed by the Police, Crime, Sentencing and Courts Act 2022). The Commission strongly recommends removing Clause 187 from the Bill, given that homelessness disproportionately impacts people with certain protected characteristics.
6. Failing this, and in light of the likely impact upon those with protected characteristics, any future decision taken by the Secretary of State to introduce new criminal offences pursuant to Clause 187 should be subject to parliamentary scrutiny under the affirmative procedure.

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<sup>4</sup> EHRC, PSED <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

## Part 1: Levelling Up Missions

7. Part 1 of the Bill relates to the 12 Levelling Up missions, including specifying a target date for their delivery, reporting on progress towards delivery, and provisions to allow for changes to be made to the methodology and metrics of mission progress.
8. Overall, the EHRC recommends amendments to the definition of the “statement of levelling-up missions” in Clause 1(2) so that there is an additional requirement that the documents set out how they will reduce disparity between those with certain protected characteristics. In conjunction with this, we would welcome an amendment to Clause 2(2) that would require the Minister to report on progress made towards each of the levelling up missions in terms of impact on certain protected characteristics relevant to that aim – for example, with reference to disability in missions 3 and 5.
9. The Bill in its current form requires Ministers, in preparing their statements of levelling-up missions, to set out objectives which they intend to pursue to reduce geographical disparities in the United Kingdom. The EHRC supports this but considers that going beyond place-based disparity and also addressing inequalities between different groups will help towards achieving the Government’s objectives.

10. The Government has stated that community cohesion is important in tackling hate crime, reducing extremism and generally reducing serious crime incidents<sup>5</sup>. Greater community cohesion can also enhance local democracies and help to lay the foundations in which local areas can flourish<sup>6</sup>, aligning with the levelling up agenda. Inequality undermines social cohesion<sup>7</sup>, and the COVID-19 pandemic has made this more evident. Therefore equalising disparity between protected characteristics as well as geographical locations would be conducive to the broader government levelling up agenda.
11. Embedding addressing inequalities between different groups in the Bill will also help to meet requirements under the Public Sector Equality Duty (PSED), such as to foster good relations between people who share a protected characteristic and those who do not.
12. For example, a broader approach to 'levelling up' could help address the following issues:
  - In the 8 years to July 2019 the proportion of apprenticeships started by people from Asian ethnic groups was 5.5%, compared to 8.8% of the general population (based on 2018 estimates).<sup>8</sup> The current scope of the Levelling Up agenda would not work to remove this disparity because of the purely geographical framing.

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<sup>5</sup> Integrated Communities Strategy Green Paper Summary of consultation responses and Government response February 2019, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777160/Integrated\\_Communities\\_Strategy\\_Government\\_Response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777160/Integrated_Communities_Strategy_Government_Response.pdf)

<sup>6</sup> Building cohesive communities - An LGA guide, [https://www.local.gov.uk/sites/default/files/documents/10.31%20Community%20cohesion%20guidance\\_04.2.pdf](https://www.local.gov.uk/sites/default/files/documents/10.31%20Community%20cohesion%20guidance_04.2.pdf)

<sup>7</sup> Social Sciences & Humanities 7 COVID-19 Recovery Inequalities and Cohesion, <https://www.thebritishacademy.ac.uk/documents/3570/British-Academy-SSH7-Inequalities-Statement.pdf>

<sup>8</sup> GOV.UK Apprenticeship starts, <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/a-levels-apprenticeships-further-education/apprenticeship-starts/latest>

- Similarly, older workers face greater challenges returning to employment if unemployed, with 29% of 50+ unemployed people unemployed for more than 12 months, compared to 20% of those aged 25-49. Evidence suggests that despite discrimination on the grounds of age being unlawful, age bias in recruitment, poor quality and unsuitable employment support prevent people in their 50s and 60s from accessing and remaining in good work<sup>9</sup>. Again, in order to be truly transformational the Levelling Up agenda must properly consider these disparities.
13. Part 1, Clause 2 outlines how reporting on the missions must be delivered. The EHRC advises greater clarity over these reporting metrics. For example, Part 1, Clause 2 (2a) outlines that each report must include "the Minister's assessment of the progress that has been made", but does not give detail of how progress should be defined and measured. This will make it difficult to monitor impact, respond to risks and challenges, and ensure appropriate transparency and accountability.
  14. Specific monitoring criteria where equality data will be required include E1 better accessibility for disabled people; E33 reducing levels of economic inactivity and providing employment support (for people aged over 50, people with a disability and health condition, women, people from an ethnic minority); and E34 Digital skills acquisition as set out in the UK Shared Prosperity Fund: interventions, outputs and indicators<sup>10</sup>.

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<sup>9</sup> [Rest Less, January 2021 Unemployed Over 50s Are Two and a Half Times As Likely As Other Age Groups to Be Unemployed for At Least Two Years](#)

<sup>10</sup> [GOV.UK - UK Shared Prosperity Fund: interventions, outputs and indicators](https://www.gov.uk/government/publications/uk-shared-prosperity-fund-interventions-outputs-and-indicators/interventions-list-for-england)

## Part 2: Local Democracy and Devolution

15. Chapter 1 of Part 2 of the Bill allows for the creation of Combined County Authorities (CCAs). This is a new type of combined authority model which may be made up of upper tier local authorities only<sup>11</sup> and will extend devolution to more areas in England.
16. New local authorities will need to consider their obligations under the PSED. We understand that post-legislative regulation will deal with how CCAs interact with Schedule 19 to the Equality Act 2010, which lists the public bodies that are subject to the Duty<sup>12</sup>. The Commission considers it preferable for the Bill to include a consequential amendment to Schedule 19 to the Equality Act 2010 so as to make clear that CCAs are included in the list of public authorities that are subject to the PSED.
17. Compliance with PSED increases when public bodies have a strong knowledge and understanding of what it is and how it works. The EHRC will work with any new CCAs to ensure they have access to advice and support. Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017<sup>13</sup> there are three specific duties: to publish equality information, to publish equality objectives and to publish gender pay gap information. The EHRC's view is that CCAs should be listed subject to these Regulations alongside Combined Authorities (CAs) through a consequential amendment added to the Bill so as to amend Schedule 2 to of the Regulations.

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<sup>11</sup> GOV.UK Levelling Up and Regeneration: further information, <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information>

<sup>12</sup> GOV.UK, Equality Act 2010: Schedule 19 (consolidated) - April 2011 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/84984/Schedule-19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/84984/Schedule-19.pdf)

<sup>13</sup> (SI 2017/353)



18. The Commission has made a number of proposals to strengthen the PSED. These include Ministers being required to publish equality priorities, with public bodies setting out objectives for how they will deliver upon them; as well as more effective use of positive action provisions, and of public procurement to drive equality.

## Part 6: Development Corporations

19. Part 6 of the Bill allows for the Secretary of State to designate any area of land in England as an urban development area, if it is deemed appropriate for high density development. Local authorities will be able to bring forward proposals for urban development areas but the decision will remain with the Secretary of State. Urban development corporations, entities established and funded by the Government but accountable to local authorities, will be responsible for the delivery of this urban development.
20. The EHRC recognises the potential that development work carried out by urban development corporations could have for people with certain protected characteristics. For example, in the past development corporations have delivered new transport links such as the Docklands Light Railway in London, which included step-free access as required by some disabled people. It is important that any new developments have due regard to the impact that they will have on those with a protected characteristic and take full advantage of opportunities to build equality and accessibility into any new infrastructure at an early stage of design and development.
21. The EHRC encourages local authorities to be aware of their PSED obligations when undertaking development work through a development corporation, in order to ensure representative views, including those with a range of protected characteristics, are involved in shaping changes to communities.
22. Urban development corporations have been in existence for many years. However, they are not mentioned specifically under the 'Environment, Housing and Development' section of Schedule 19 to the Equality Act 2010. We recommend that this Bill makes them subject to the PSED through consequential amendment to Schedule 19. We also recommend that a consequential amendment to Schedule 2 of the regulations be laid that ensures development corporations are subject to the specific duties of the PSED.

## Part 10: Clause 187- Vagrancy

### Act

23. Although the causes vary, risk of homelessness disproportionately affects people with some protected characteristics and those who have been disadvantaged in another way. This includes lone parents (almost all of whom are women), young care leavers, young offenders, ethnic minorities, LGBT young people,<sup>14</sup> those with mental health conditions, women who have experienced or are at risk of domestic abuse, ex-service personnel,<sup>15</sup> and people who live in material deprivation or in a deprived neighbourhood. Experiencing poverty in childhood also increases an individual's likelihood of being homeless as an adult.<sup>16</sup>
24. Disabled people, women, and many ethnic minorities are more likely to live in poverty or to experience severe material deprivation, which is linked with homelessness. For example, from 2006/7-2016/17, 28% of all homeless households in England were ethnic minorities.<sup>17</sup> Comparatively, 14% of the total population are from an ethnic minority background.<sup>18</sup>

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<sup>14</sup> Watts, B., Johnsen, S. and Sosenko, F. (2015), 'Youth homelessness in the UK'. Available at: <https://pureapps2.hw.ac.uk/ws/portalfiles/portal/9258335>

<sup>15</sup> Just Fair (2015), 'Implementation of the International Covenant on Economic, Social and Cultural Rights in the United Kingdom. Parallel report. Submission to the Committee on Economic, Social and Cultural Rights'. [http://docs.wixstatic.com/ugd/8a2436\\_4b339b81cc104497a9d9626522c7f796.pdf](http://docs.wixstatic.com/ugd/8a2436_4b339b81cc104497a9d9626522c7f796.pdf)

<sup>16</sup> Fitzpatrick, S. and Bramley, G (2017), 'Homelessness in the UK: who is most at risk?', *Housing studies*, vol 33 no, 1, pp. 96-116. Available at: <https://www.tandfonline.com/doi/ful l/10.1080/02673037.2017.1344957> [accessed: 11 July 2018].

<sup>17</sup> EHRC, *Is Britain Fairer?* <https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-accessible.pdf>

<sup>18</sup> *Ethnic diversity in politics and public life*, <https://commonslibrary.parliament.uk/research-briefings/sn01156/>

25. The EHRC therefore welcomed steps from the Government to repeal the Vagrancy Act 1824 through the Police, Crime, Sentencing and Court Bill (now Act). The Vagrancy Act criminalised homelessness and allowed for fines of up to £1,000<sup>19</sup> for some begging offences, and risked placing those groups of people at greater risk of criminalisation.
26. The EHRC maintains that homelessness should not be criminalised and that issuing fines to those who cannot afford basic shelter is more likely to push people away from the vital services they need. We also agreed with the responsible Government Minister who stated in their justification for repealing the Vagrancy Act that no one should be criminalised for having nowhere to live.
27. We are therefore concerned to see that Clause 187 of the Bill allows for the “disregarding of the repeal of that [The Vagrancy] Act by the Police, Crime, Sentencing and Courts Act 2022”<sup>20</sup> and allows for, by secondary legislation, section 3 (offences relating to begging) and section 4 (persons committing certain offences deemed to be rogues and vagabonds) of the Vagrancy Act 1824 to be effectively reinstated. In view of the disproportionate negative effect of the Vagrancy Act provisions on people with certain protected characteristics, we advise that the original intent to repeal the Vagrancy Act be retained and so this Clause be removed from the Bill.

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<sup>19</sup> UK GOV, Review of the Vagrancy Act: consultation on effective replacement, <https://www.gov.uk/government/consultations/review-of-the-vagrancy-act-consultation-on-effective-replacement/review-of-the-vagrancy-act-consultation-on-effective-replacement>

<sup>20</sup> The Levelling Up and Regeneration Bill, <https://publications.parliament.uk/pa/bills/cbill/58-03/0006/220006.pdf>