

Mayor and Cabinet			
Title	Comments of the Safer Stronger Communities Select Committee on a Councillor Call for Action		
Contributor	Safer Stronger Communities Select Committee	Item No.	
Class	Part 1	Date	13/11/13

1. Summary

This report informs the Mayor and Cabinet of the comments of the Safer Stronger Communities Select Committee, arising from discussions held on the Councillor Call for Action submitted by Councillor Owalabi- Oluyole entitled Parker House, considered at its meeting on 22 October 2013.

2. Recommendation

The Mayor is recommended to note the report of the Safer Stronger Communities Select Committee as set out in section three of this referral and agree a response.

3. Safer Stronger Select Committee views

3.1 On 22 October 2013, the Safer Stronger Communities Select Committee considered a Councillor Call for Action submitted by Councillor Owalabi- Oluyole entitled *Parker House*. All of the papers submitted to the Select Committee appear at Appendix 1 to this report.

3.2 Though he was invited to make representations to Safer either in writing or in person, Councillor Owalabi -Oluyole did neither. In view of this, having considered the report before it, the committee resolved to report the matter to the Mayor and Cabinet for consideration.

4. Financial implications

There are no financial implications arising out of the implementation of the recommendation in this report.

5. Legal implications

5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

5.2 The Council's Constitution at Part E 10 (b) reflects the procedure which is set out in Section 9FC Local Government Act 2000. This contains provisions commonly referred to as the "councillor call for action"

5.3 The councillor call for action allows any member of the Council to place an item on the agenda of the Overview and Scrutiny Committee, the Select Committees or Business Panel, regardless of whether or not they are a member of that body,

providing it is relevant to the functions of that body and is not an excluded matter
The Head of Law advises that the referral by Councillor Owalabi-Oluyole does not relate to an excluded matter.

- 5.4 The matter which is the subject of this councillor call for action relates to an executive function . The Select Committee, having considered the referral, may decide to exercise any of the powers normally available to overview and scrutiny bodies. (Section 9F(2) LGA 2000.)
- 5.5 The relevant powers in this case are:
- the power to scrutinise decisions made or action taken by the Executive,
 - to make a report or recommendations to the Executive in respect of any Executive function.
- 5.6 In considering whether or not to exercise its powers under the councillor call for action, the Committee may have regard to any representations made by Councillor Owalabi-Oluyole as to why it would be appropriate for the committee to exercise any of the above powers. Councillor Owalabi-Oluyole did not make any representations.
- 5.8 As the Select Committee decided to make a report to the Mayor a copy of this report has been sent to Councillor Owalabi—Oluyole.
- 5.9 Following consideration by the Mayor, his response must be forwarded to the Select Committee.
- 5.10 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.11 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.
- 5.12 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 5.13 The Equality and Human Rights Commission has recently 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

5.14 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

5.15 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6. Crime and disorder implications

There are no direct crime and disorder implications arising from the implementation of the recommendation in this report.

7. Further implications

At this stage there are no specific environmental or equalities to consider.

Appendix 1:

Councillor Call for Action, Safer Stronger Communities Select Committee: 22 October 2013

If you have any queries on this report, please contact Salena Mulhere, Overview & Scrutiny Manager (0208 3143380), or Kevin Flaherty, Head of Committee Business (0208 3149327).