

Council		
Title	Constitutional Matters: Public Transport Liaison Committee	
Key decision	N/A	
Contributor	Head of Law	
Class	Part 1 (open)	30 March 2016

Reason for lateness and urgency

The report has not been available for five clear working days before the meeting and the Chair is asked to accept it as an urgent item. The report was not available for despatch on Thursday 17 March 2016 because a decision was due at constitution working party on 21 March. The report cannot wait until the next meeting because there is an established and pressing need for the Council to continue the activity set out in the report.

1. Summary

- 1.1 This report proposes the creation of a Public Transport Liaison Forum. It sets out the proposed terms of reference (appendix 1) for the Forum and asks Members to establish it as a body of the Council.

2. Recommendations

Council is asked to agree:

- 2.1 To the creation of a Public Transport Liaison Forum.
- 2.2 Subject to agreement of the terms of reference in appendix 1, to appoint the Chair and Vice-Chair of Sustainable Development Select Committee and the Cabinet Member with responsibility for Transport to sit on it.
- 2.3 Subject to the agreement of the recommendations in 2.1 and 2.2, to amend article 12 of the Council's constitution in order to incorporate the forum as a body of the Council.

3. Background

- 3.1 The public transport liaison committee was an informal body, which provided a forum for discussion and information sharing between councillors, community groups in Lewisham and public transport providers. It was set up under the remit of London Councils and Transport for London by agreement with London boroughs. A member of the Council chaired the forum and it was supported by Council officers.
- 3.2 The purpose of the group was to provide councillors and other representatives of the public with the opportunity to discuss operational problems directly with public

transport providers. It also served as a forum for public transport providers to consult public transport users, and address the issues and difficulties that they face.

- 3.3 The forum previously met four times a year – and invitations were sent to the following organisations:
- Transport for London
 - Network Rail
 - Rail operators – South Eastern, Southern, Thameslink, DLR, LOROL
 - Bus Operators – Abellio, Arriva, FirstGroup, Go-ahead, Metrobus, Stagecoach
 - Transport user groups
 - Local assemblies
 - Local residents societies
- 3.4 The format for the meeting involved a call for questions from the invitees. These questions would be collated and sent to the relevant organisations who would endeavour to respond in advance of the meeting. The agenda for each meeting would therefore comprise of the questions and answers, for both bus-related issues, and for rail-related issues, and the Chair of the meeting would lead a discussion on any matters arising.
- 3.5 The forum was a place for discussion that enabled the views of stakeholders to be put to providers. It did not have decision making powers.
- 3.6 A reorganisation of the teams that deliver the Council's transport related activities resulted in the loss of the officer support to the liaison committee and from March 2015, the group ceased to meet. This led to a review of the activities of the public transport liaison committee and an appraisal of options for the future.
- 3.7 At its meeting on 21 March, the Constitution Working Party received a report entitled, *options for the future of the public transport liaison committee*. The report set out these four options for the future of the group:
- a) To cease the activity
 - b) To incorporate it as a body of the Council
 - c) To incorporate its functions in the Programme of Overview and Scrutiny
 - d) To explore a digital approach to its future operation
- 3.8 The working party resolved to recommend option B.
- 3.9 The working party also discussed the potential membership and the terms of reference for the new group. The proposed membership and terms of reference are set out at appendix 1.
- 4. Legal implications**
- 4.1 The legal implications are reflected in the body of the report.
- 4.2 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.

4.3 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.

4.4 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.

4.5 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/>

4.6 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
- Equality objectives and the equality duty
- Equality information and the equality duty

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

5. Financial implications

- 5.1 Should Council agree to the incorporation of the Public Transport Liaison Forum, as a body of the Council resources would need to be allocated to enable its delivery.
- 8.2 Some of the activity could be incorporated into existing functions (primarily in transport casework and asset management) however; there is currently no capacity available to provide services to clerk and minute a new group. Work would need to take place in order to make capacity available to facilitate this work.

Appendix 1: proposed terms of reference

Background Information

- Report on options for the future of the public transport liaison committee considered at Constitution Working Party on 21 March 2016

For any further information on this report call Kath Nicholson, Head of Law on 0208 3147648

Appendix 1: Public Transport Liaison Forum terms of reference

Body	Composition	Terms of reference
Public Transport Liaison Forum	Chair and Vice-Chair of Sustainable Development Select Committee and the Cabinet Member with responsibility for transport.	<p>The Public Transport Liaison Forum will provide a place for councillors and members of the public to meet with public transport providers operating in Lewisham in order to:</p> <ul style="list-style-type: none"><li data-bbox="967 510 1457 656">• enable local users of transport services and councillors to raise issues with providers of public transport services<li data-bbox="967 696 1457 913">• enable transport providers to supply responses to those issues and further information about services and proposed services to councillors and local users