

Mayor and Cabinet		
Title	Response to the Sustainable Development Select Committee - Post Office changes	
Contributor	Executive Director for Customer Services	Item
Class	Part 1 (open)	28 June 2017

1. Summary

- 1.1 This report sets out the actions that have been taken by the Council to oppose the changes to New Cross and Sydenham Post Offices.

2. Recommendation

- 2.1 Note the actions taken to date and approve this report for submission to the Sustainable Development Select Committee.

3. Background

- 3.1 The Post Office plans to introduce changes to the operation of New Cross and Sydenham Crown Post Offices. The plan is to change these Crown Post Offices to franchises which the Post Office says will allow them to keep these services on the high street.

- 3.2 On 22 February 2017 a motion was adopted at Council calling for New Cross Post Office to remain open and for it to be operated and managed directly by the Post Office.

- 3.3 On 8 March 2017 the Sustainable Development Select Committee considered a report about the Post Offices changes. On the 22 March 2017 the Sustainable Development Select Committee referred their discussions on the Post Office changes to Mayor and Cabinet and asked that:

- The Mayor write to the government minister responsible and the Chief Executive of the Post Office about the potential loss of Sydenham Crown Post Office
- Officers be tasked with investigating how lease arrangements might be negotiated to retain the Crown Post Office in Sydenham
- The Mayor writes to Jim Dowd MP about the potential closure
- The Council requests further information from the Post Office about its strategy to preserve the full range of Post Office services for Lewisham residents.

- 3.4 It should be noted that the Post Office was consulting on the changes to the Sydenham Post Office until 26 May 2017. At the time of writing this report the outcome of the consultation is not known.

3.5 The Executive Director for Customer Services was asked to provide a response to these requests. This report provides that response.

4. Response

4.1 The Mayor has written to Ellie Reeves MP, the Chief Executive of the Post Office and the minister responsible opposing the changes to the Sydenham Post Office. The Post Office Chief Executive has also been asked for further information about their strategy to preserve the full range of Post Office services for Lewisham residents.

4.2 The Post Office occupy the ground floor of 44 Sydenham Road, currently holding over on the terms of their existing lease which expired in June 2015. Officers in the Regeneration and Place Division are currently in negotiations with the Post Office to renew this lease. Any major changes away from the terms of existing lease, in particular proposals to restrict the use of the property (i.e. a requirement for use as only a Crown Post Office) would need to be agreed with the Post Office.

5. Financial Implications

5.1 There are no financial implication arising out of this report per se; but there may be financial implications arising from carrying out the actions.

6. Legal Implications

6.1 The constitution provides for select committees to refer reports to Mayor and Cabinet who are obliged to consider the report and the proposed responses from the relevant Executive Director and report back to the committee within 2 months (not including recess).

6.2 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 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.

6.4 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

- 6.5 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 6.6 The Equality and Human Rights Commission has 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:
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 6.7 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: A guide for public authorities](#)
[Objectives and the equality duty. A guide for public authorities](#)
[Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 6.8 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:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Equalities Implications

- 7.1 There are no direct implications arising from this report. However, access to Post Office services for the community has equalities implications that the Post Office should be considering.

Background papers

Meeting of Council 22 February 2017:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=138&MId=4255>

Sustainable Development Select Committee agenda 8 March 2017:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=4176>