

<b>Council</b>			
<b>REPORT</b>	Report Of The Local Democracy Review Working Group: Spring 2019		
<b>KEY DECISION</b>	No	<b>Item No:</b>	
<b>WARD</b>	All		
<b>CONTRIBUTORS</b>	Executive Director for Resources & Regeneration		
<b>CLASS</b>	Part 1	<b>Date:</b>	3 April 2019

## 1. Summary

- 1.1. This report introduces the report of the Local Democracy Review Working Group, including findings and recommendations, which is attached at Appendix A.
- 1.2. The Working Group is meeting on 26 March 2019 to formally agree its report and recommendations. If any subsequent changes are made to the report as a result of that meeting, an updated version of the report will be circulated to Full Council in advance of the AGM.

## 2. Recommendations

Council is recommended to:

- Receive the report of the Local Democracy Review Working Group
- Agree and endorse the recommendations as outlined in the report attached at Appendix A (with particular reference to those recommendations on matters reserved to Council)
- Agree to retain a Local Democracy Working Group to oversee delivery of the recommendations of the Working Group over the course of the incoming municipal year (Recommendation 1 in the attached report)
- Subject to agreement of Recommendation 1, agree the appointment of eight councillors to the above body

## 3. Policy Context

- 3.1. The recommendations set out in the Local Democracy Review Working Group's report are consistent with the delivery of all of the Council's corporate priorities (contained within the new Corporate Strategy 2018-22) as effective decision making is required to underpin the delivery of every commitment within the strategy. The review is particularly relevant under the priorities of:
  - *Open Lewisham* – Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us
  - *Building Safer Communities* – every resident feels safe and secure living here as we work together towards a borough free from the fear of crime

## 4. Background

- 4.1. In July 2018, Full Council agreed to establish a Local Democracy Review Working Group (consisting of eight councillors) with the following Terms of Reference:

*'To make recommendations to Council about how the Mayor and Council could:*

- *Enhance their openness and transparency*
- *Further develop public involvement in Council decisions*
- *Promote effective decision-making'*

- 4.2. Full Council also agreed the key elements of the Working Group's methodology, which included a requirement to consult Mayor & Cabinet on any recommendations made (prior to Full Council).

- 4.3. Delivery of the review was divided into three stages, as outlined in the timeline below:

PHASE	DURATION	KEY ACTIVITIES
Preliminary Work	July to September 2018	<ul style="list-style-type: none"><li>▪ Preparatory research and analysis by officers</li><li>▪ Working Group agreed key areas of focus for the review and the subsequent plan for evidence-gathering</li></ul>
Evidence Gathering	October to December 2018 (extended until January 2019 due to the number of stakeholders who wished to engage with the review)	<ul style="list-style-type: none"><li>▪ Working Group engaged with a wide range of residents, community groups and local councillors to seek their views and gather evidence</li></ul>
Findings & Conclusion	January to March 2019	<ul style="list-style-type: none"><li>▪ Working Group reviewed all the evidence gathered and prepared their report &amp; recommendations</li></ul>

- 4.4. The evidence gathered during Phase 2 of the review included 705 responses to the online consultation, feedback from over 40 face-to-face events with community groups and written submissions from local councillors, members of the public and expert organisations. A dedicated Lewisham Democracy Review website and email address were created to support this engagement activity. The website received a total of 3,313 visits from 2,494 users between October 2018 and January 2019.

## 5. Report

- 5.1. The draft report of the Local Democracy Review Working Group is attached at Appendix A. The Working Group is meeting on 26 March 2019 to formally agree its report and recommendations. If any subsequent changes are made

to the report as a result of that meeting, an updated version of the report will be circulated to Full Council in advance of the AGM.

- 5.2. The report sets out the approach of the Local Democracy Review Working Group and provides context in terms of the profile of the borough, existing Council governance structures as well as current mechanisms for accessing information and public engagement.
- 5.3. The report addresses the areas of the Terms of Reference (openness & transparency, public involvement in decision-making and effective decision-making) and details the findings of the Local Democracy Review Working Group, drawing on an analysis of the relevant evidence. A full summary of the evidence gathered during the review is attached to the Local Democracy Review Working Group's report as a series of appendices.
- 5.4. The Local Democracy Review Working Group worked with experts and other local authorities (including LGiU and Kirklees Council) to develop the recommendations set out in the attached report. A total of 57 recommendations have been identified and categorised according to their potential delivery timeframe (either short-term i.e. 0-3 months, medium-term i.e. 4-9 months or longer-term i.e. 9+ months). By regulation, some of these recommendations are reserved to the executive and will therefore be for Mayor & Cabinet to agree whilst others are reserved to Council and will be for Full Council to consider.

## **6. Financial Implications**

- 6.1. £10,000 was allocated from corporate resources to cover any necessary expenses associated with the review. Expenditure to date is within this financial envelope. However, there are likely to be additional financial implications were the Council to act upon all or some of the recommendations; these would need to be considered in subsequent reports.

## **7. Legal & Equalities Implications**

- 7.1. Any changes to the Council's constitution which may be required as a result of the executive or Council's decision about the recommendations of the Working Group will be the subject of a further report to Council.
- 7.2. Some of the recommendations may be implemented without formal decision. (For example retaining the Local Democracy webpage). Others however may need detailed consideration with full service, corporate and financial implications set out in a formal report for consideration by the appropriate decision maker. Where this is the case, officers will need to provide full reports at the appropriate time and legal advice will be given in that context.
- 7.3. 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.

7.4. 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

7.5. 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 in the paragraph above.

7.6. 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, bearing in mind the issues of relevance and proportionality. The Mayor and Council 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.

7.7. 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>

7.8. 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

- 7.9. 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>

## **8. Crime & Disorder Implications**

- 8.1. There are no specific crime and disorder implications arising from this report.

## **9. Environmental Implications**

- 9.1. There are no specific environmental implications arising from this report.

If there are any queries about this report, please contact Salena Mulhere (SGM Inter-Agency, Service Development & Integration) on 02083143380.

## **Appendices**

**Appendix A – ‘Report Of The Local Democracy Review Working Group: Spring 2019’**