

<b>COUNCIL</b>		
<b>Report Title</b>	<b>Ward Boundary Review</b>	
<b>Key Decision</b>		
<b>Ward</b>	<b>All Wards</b>	
<b>Contributors</b>	<b>Head of Law</b>	
<b>Class</b>	<b>Open</b>	<b>Date 24 July 2019</b>

## **1 Summary**

The Local Government Boundary Commission (LGBC) is undertaking a review of the number of councillors and wards for the London Borough of Lewisham.

A draft submission will be compiled by officers for consideration by a working group of members and officers for submission to the LGBC in early September 2019.

The Council is asked to agree the Councillors to sit on the working group and that the final submission be agreed by Council Urgency Sub Committee during recess in August 2019.

## **2 Purpose**

- 2.1 This report asks Council to note the process for submission to the LGBC and to appoint 8 Councillors to a working group to oversee development of the Council's submission to stage 2 of the LGBC review.

## **3. Recommendations**

- 3.1 It is recommended that Council:

- appoints 8 councillors to a working group to oversee the development of a further Council submission to the LGBC.
- agrees that Council Urgency Committee be convened in August to agree a final submission on behalf of Council to be submitted to the LGBC by 2 September 2019.

## **4. Policy Context**

- 4.1 The Council's recently adopted Corporate Strategy sets out the Council's priorities, namely:-

1. **Open Lewisham**
2. **Tackling the housing crisis**
3. **Giving children and young people the best start in life**
4. **Building an inclusive local economy**
5. **Delivering and defending: Health, Social Care and Support**
6. **Making Lewisham greener**
7. **Building safer communities**

4.2 Although not directly linked to any specific area of Council business, the outcome of this review will have implications in all policy areas. The number of Councillors and the Ward boundaries have significant influence over the decision making processes and policies and will impact how we deliver our corporate priorities and services.

4.3 In particular, the ward boundaries need to appropriately reflect our diverse and unique communities and localities and ensure that all residents are fairly represented in decision making processes.

## **5. Background**

5.1 The LGBC is allowed to undertake reviews of local authorities periodically. The LGBC is reviewing the arrangements for all London authorities that have not had a review since 2000. Lewisham's last review was in 1999 when the number of councillors was fixed at 54.

5.2 The review is a 2 stage process:

**Stage 1** determines the total number of Councillors Lewisham will require to undertake our responsibilities in 3 cores areas; i) decision making, ii) scrutiny and partnerships, iii) and the representational role of Councillors as community leaders.

Stage 1 concluded in June 2019 and the Commission recommended that Lewisham retain 54 Councillors.

**Stage 2** determines the number and names of wards and the number of Councillors to be elected to each ward. The LGBC invite any interested parties to submit their own proposals. This will be followed by a consultation period. Having considered the responses, the LGBC will then make their own proposals which will be subject to further consultation. This stage was announced in late June and closes on 2 September 2019.

**Finally**, the LGBC will submit its definitive proposals, having considered all feedback received during this 2<sup>nd</sup> stage, to Parliament for enactment. Lewisham will begin using the new arrangements for the elections to be held in May 2022.

## **6 Finalising a Council Submission**

- 6.1 Council officers have begun reviewing the necessary data to inform a potential Council submission at stage 2 of the review, following on from the submission the Council made at Stage 1. To enable agreement of a Council submission, it is recommended that 8 councillors be appointed to a councillor and officer working group to oversee this work. This would enable a draft submission to be considered by Council Urgency Committee.
- 6.2 A number of drop in sessions with key officers has been set up to enable all councillors to have an input into the development of the proposals at Stage 2 . Also, all councillors have been invited to make written submissions if they wish to do so. Any and all representations received will be considered by the working group before final report to the Council.

## **7 Legal implications**

- 7.1 The report reflects the legal process for a ward boundary review.
- 7.2 Approval of the submission to the LGBC is a decision for the Council. Given the tight timeframe for development of a submission it is proposed that a Council Urgency Committee be convened to approve the submission on behalf of Full Council in accordance with the Council's constitution. .
- 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. 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.

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 above.

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.

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>

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

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 Financial implications**

None.

## **10 Conclusion**

Members are asked to agree the way forward suggested in this report as a practical means to ensure that the Council’s submission is a robust one and is submitted to the LGBC in accordance with the tight timescales to which we have to work.