

<b>MAYOR &amp; CABINET</b>			
<b>Report Title</b>	Response to the referral from Safer Stronger Communities Select Committee relating to perceived of disability provision in the borough previously provided by Lewisham Disability Coalition		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	ED Community Services (James Lee)		
<b>Class</b>	Part 1	<b>Date:</b>	8 May 2019

## 1. Purpose

- 1.1. To provide Mayor and Cabinet with a response to the request from the Safer Stronger Communities Select Committee for assurances that organisations with similar expertise to that of the now closed Lewisham Disability Coalition would be supported as part of the Council's Main Grants provision to maintain capacity of this nature in the voluntary sector in Lewisham.

## 2. Referral

- 2.1. Safer Stronger Communities Select Committee recognises the importance of retaining expertise within the Lewisham voluntary sector to meet the needs of people with disabilities, and recommends to Mayor and Cabinet that the disability support services previously provided by the Lewisham Disability Coalition are adequately replaced within existing grant aid funding.

## 3. Recommendation

- 3.1 Mayor and Cabinet are asked to note the referral and the response from officers and agree that it be submitted to the Safer Stronger Communities Select Committee.

## 4. Response

- 4.1 Mayor and Cabinet also recognises and is committed to the importance of retaining expertise within the Lewisham voluntary sector to meet the needs of people with disabilities. The report agreed by Mayor and Cabinet on 24/4/19 confirms this commitment.
- 4.2 It should be noted that Council officers, in analysing Main Grants applications with a view to developing a comprehensive network of organisations to coordinate activity across a number of protected characteristics assessed through an Equalities Analysis Assessment, identified that no applications had been received from specialist disability organisations. This was identified as a potential gap in the new programme creating a disproportionate impact on disabled people, partially due to the closure of the Lewisham Disability Coalition at the end of 2018. As such, officers recommended that a commensurate allocation of £35,000 be held back pending the establishment of the Accessibility Commission, which will be led by disabled people that is committed to in the Council's Corporate Strategy 2018-22. It

is hoped that the Commission will identify both priorities and delivery partners for whom this funding will be appropriate.

- 4.3 It has now been recognised that this reserved funding is unlikely to be allocated until April 2020. A recommendation has therefore been agreed as part of the Main Grants process that short term funding equivalent to the reserved £35,000 (pro rata'd for 8 months) should be allocated to support Lewisham Community Transport Scheme to enable them to develop their future plans, including those for people with disabilities.

## **5. Legal Implications**

- 5.1 The Localism Act 2011 includes a 'general power of competence'. This gives local authorities the legal capacity to do anything an individual can do that is not specifically prohibited. This includes the making or withdrawing of grants.
- 5.2 The Council owes a fiduciary duty towards its taxpayers to ensure that grant monies paid to voluntary organisations are properly incurred and spent and are for the purposes for which the grant is made.
- 5.3 The giving or withdrawing of grants to community organizations is a discretionary power which must be exercised reasonably, taking relevant considerations into account and ignoring irrelevant considerations.
- 5.4 Article 6.2 (xiii) (page 72) of the Council's Constitution provides that it is a key decision whether to grant or withdraw funding to any voluntary organisation in excess of £10,000. The constitution provides (Page 346) that decisions to grant, or withdraw grants, over £10,000 is normally a matter for members.
- 5.5 The Council's final Conditions of Grant Aid for non-statutory organisations (with effect from 1 July 2015) allows for grant termination. Organisations, if appropriate, may be given the right to make representations to the Council decision maker as to why a grant should not be withdrawn.
- 5.6 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.
- 5.7 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.
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- 5.8 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. 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.

- 5.9 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>

- 5.10 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](#)

- 5.11 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>

## **6. Financial Implications**

- 6.1 There are no financial implications.

## **7. Equalities Implications**

- 7.1 There are no Equalities implications. It should be noted that this funding will support people with disabilities.

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

- 8.1 There are no Crime & Disorder implications.

## **9 Environmental Implications**

- 9.1 There are no environmental implications.

If there are any queries on this report please contact James Lee on 020 8314 6548 or at [james.lee@lewisham.gov.uk](mailto:james.lee@lewisham.gov.uk)