

MAYOR & CABINET			
Report Title	Response to the referral from Healthier Communities Select Committee – Lewisham People’s Parliament – advice and support service previously provided by the Lewisham Disability Coalition		
Key Decision	No	Item No.	
Ward	All		
Contributors	ED Community Services (James Lee)		
Class	Part 1	Date:	8 May 2019

1. Purpose

- 1.1. To provide Mayor and Cabinet with a response to the comments of the Healthier Communities Select Committee on the advice and support service previously provided by the Lewisham Disability Coalition.

2. Referral

- 2.1. Healthier Communities Select Committee recognises the importance of advice and support services for people with learning disabilities in Lewisham, as made clear to the committee by representations from Lewisham Speaking Up and the Lewisham People’s Parliament, and recommends to Mayor and Cabinet that the advice and support service previously provided by the Lewisham Disability Coalition is 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 Healthier Communities Select Committee.

4. Response

- 4.1 Mayor and Cabinet also recognises the importance of advice and support services for people with learning disabilities in Lewisham and the report on the Main Grants programme agreed on 24/4/19 outlined funding for a range of groups delivery services of this type including Lewisham Speaking Up who had addressed the committee.
- 4.2 Further to this, in attempting to recommend a comprehensive network of organisations to coordinate activity across a number of protected characteristics assessed through the Equalities Analysis Assessment, officers were mindful that no applications were received in this area from Disability Groups. This was identified as a potential gap in the new programme representing a disproportionate impact on disabled people, partially due to the closure of the Lewisham Disability Coalition at

the end of 2018. As such, officers have recommended that a commensurate allocation of £35,000 to 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.

- 4.3 It is hope that the Commission will identify both priorities and delivery partners for whom this funding will be appropriate. As this funding is unlikely to be allocated until April 2020, the appeals meeting held on 27th March has recommended that it is used for short term support for Lewisham Community Transport Scheme.

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.
- 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:

6. Financial Implications

- 6.1 There are no additional financial costs as a result of these recommendations. £35,000 per year has been allocated to support the work of the Accessibility Commission from April 2020.

7. Equalities Implications

- 7.1 There are no specific Equality implications although it should be noted that these recommendations aim to support people with disabilities.

8. Crime & Disorder Implications

- 8.1 There are no specific Crime and Disorder implications.

9. Environmental Implications

- 9.1 There are no specific 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