

EXTRA POLICY AND RESOURCES COMMITTEE – 24 AUGUST 2020

PART I – DELEGATED

4. NEW SUB-COMMITTEE OF POLICY AND RESOURCES COMMITTEE (CED)

1 Summary

1.1 A motion was passed at the Extraordinary Council meeting on 28 July 2020: which required the setting up of a sub-committee to discuss any changes needed to the Council's Comprehensive Equalities Policy to reflect definitions affecting community groups and the impact on others. The full motion can be seen at Appendix 1.

1.2 This report sets out the proposed Terms of Reference for the sub-committee and the proportional representation of the sub-committee.

1.3 It is suggested that the sub-committee be called the Equalities sub-committee and the proposed Terms of Reference can be seen in Section 2.3. The proposed representation on the Committee can be seen in Section 2.7.

2 Detail

Equalities Sub-Committee

2.1 The new Equalities sub-committee would not have any decision-making powers delegated to it. Its remit would be to:

“To discuss any changes needed to the Council's Comprehensive Equality Policy and to consider definitions affecting community groups and the impact on others and make recommendations to the Policy and Resources Committee for approval and/or ratification by Council as appropriate.”

2.2 As Members know, any sub-committee of the Policy and Resources Committee can only have membership taken from this Committee which would have to be politically proportionate. Although, all Members of the Council could act as substitutes on it.

Terms of Reference for the Equalities sub-committee

2.3 The Equalities sub-committee will undertake:

- To develop a timeframe and plan for detailed discussion and development of recommendations noted below. This will include reviewing and researching actions taken by other Councils on the below definitions and to support a future review of the Council's Comprehensive Equality Policy.
- To discuss and agree the adoption of the definition of antisemitism proposed by the International Holocaust Remembrance Alliance (IHRA) which Government has requested all local authorities to accept and make recommendations to Policy and Resources Committee for approval at the first meeting.
- To discuss and agree the adoption of a definition of Islamophobia with a view to making a recommendation to Policy and Resources Committee for approval.

- Following this, the Equalities Sub Committee will undertake a review of the Council's Comprehensive Equality Policy to ensure agreed definitions affecting community groups are reflected in the policy. The Equalities Sub Committee will make recommendations for any changes to the Equality Policy including other definitions affecting community groups.
- Work with the Community Safety Partnership to find out about the experiences of our communities, to understand how people have been affected by prejudice and discrimination, the impact this has on individuals and the resulting community needs. This insight will guide the work with partners, to tackle discrimination and prejudice.
- To provide an opportunity for research and discussion with organisations, charities and community groups to review the Council's Comprehensive Equality Policy and support work of the Community Safety Partnership.

2.4 Members are asked to consider whether the sub-committee be allowed to set up small task and finish groups reporting to the sub-committee. The advantages would be that such groups could be formed to include representatives outside the Council, councillors not on the parent committee or sub-committee and which could meet as often as needed on specific matters outside of the normal Committee meetings dates and schedules and constraints around publication of agendas. These would effectively act as focus groups and would enable us to reach out to the community to discuss their needs and issues around the Council's Equality Policy.

2.5 If Members agree this proposal Committee would need to recommend this approach to Full Council as Members will recall a motion was passed at full Council on 11 December 2018 (Appendix 2) which resolved that no working parties/group meetings would be held and only sub committees could be set up for transparency purposes – hence the Local Plan, Constitution and Covid-19 sub-committees (the first two formally both working groups).

2.6 Council would therefore be asked to agree to an exception in the setting up small task and finish groups just for this one sub-committee only for the reasons set out in Sections 2.4 and 2.5.

Membership of the Committee

2.7 The Committee are asked to agree the following proportional membership:

9 Members with the political proportionality being 6, 2 and 1.

3 Options and Reasons for Recommendations

3.1 It is considered that the Equalities issues are largely under the remit of this Committee which deals with policy and budgetary matters and so it is for this Committee to establish such a sub-committee. Any decisions amounting to departures from policy/budget would need to be referred to Council.

3.2 All sub-committees need to be proportional to the number of seats each Political Group holds on the Council.

3.3 That the Committee establishes a new sub-committee called Equalities using the following proportional membership:

9 Members with the political proportionality being 6, 2 and 1; and

3.4 With regard to the Equalities sub-committee, if any reports did need to be taken as information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. As such the report(s) would remain confidential until such time as the information can be published for the press and public.

3.5 All agendas for the sub-committee meetings will be published on the Council's website.

3.6 Members are asked to consider that the sub-committee be allowed to set up small task and finish groups as set out in Sections 2.4 and 2.5 of the report.

4 Policy/Budget Reference and Implications

4.1 Setting up of a sub-committee is within policy and budget.

5 Financial, Environmental, Community Safety, Public Health, Customer Services Centre

5.1 The review of the Equalities Policy is already included in the Community Safety work plan. The sub-committee will give political direction to this existing work stream.

5.2 Any additional costs arising from any changes to the Equalities policy will be brought through the normal approval process.

6 Legal Implications

6.1 As set out in the report:

- Policy and Resources Committee have the power to set up sub-committees.
- Membership of the sub-committee derives from the membership of the Committee itself.
- The membership has to be politically proportionate.
- The sub-committee can be given delegated authority to make decisions within its remit save where reserved to Council such as constitutional changes.
- The provisions of Schedule 12A of the Local Government Act 1972 will apply to meetings of the sub-committee so they have to be held in public unless there are exceptions to the rule which allows for the meeting to move into private as Part 2 business.
- Council has agreed that all Members can act as substitute Members. It is of course desirable for there to be consistency within the attending membership.

7 Equal Opportunities Implications

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	Not applicable

8 Communications and Website Implications

- 8.1 Details of the meetings and agendas will be published for the sub-committee on the Council's website.

9 Risk Management and Health & Safety Implications

- 9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 9.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this service plan.
- 9.3 The subject of this report is covered by the Council's corporate plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Not setting up the sub-committee	Three Rivers does not review its Equalities Policy	Sub-committee and small task and finish groups review and make recommendations to the Committee and Council	Treat	3

- 9.4 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Remote ----- ▲	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High

	2	4	6	8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low -----> Unacceptable			

Impact Score

Likelihood Score

4 (Catastrophic)

4 (Very Likely (≥80%))

3 (Critical)

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

9.5 In the officers' opinion the new risk(s) above, were they to come about, would seriously prejudice the achievement of the Corporate Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Staffing Implications

10.1 The Committee Team will be required to provide the resources to clerk and administer all the public meetings.

10.2 Human Resources, Legal and Community Partnership Team will be required to provide information, advice and reports for the meetings.

11 Recommendation

11.1 That a new sub-committee called Equalities sub-committee be established under the Policy and Resources Committee as set out below::

- The Committee to consist of 9 Members with the political proportionality being 6, 2, 1.
- The Terms of Reference as set out in Section 2.3 are agreed.
- That no decision making powers be delegated to the sub-committees; and
- That substitute Members be allowed.

To Council:

11.2 To agree to allow the Equalities sub-committee to form small task and finish groups as it felt necessary to assist in its review as detailed in Sections 2.4 and 2.5 of the report.

Report prepared by:

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Data Quality

Data sources: Full Council meeting 11 December 2018 and Extraordinary Council on 28 July 2020

Council Constitution

Data checked by: Anne Morgan, Solicitor to the Council

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None.

Appendix 1 - COUNCIL RESOLUTION ON EQUALITIES FROM THE EXTRAORDINARY MEETING ON THE 28 JULY 2020.

Appendix 2 - COUNCIL RESOLUTION ON WORKING PARTIES DECEMBER 2018

APPENDIX 1 – COUNCIL RESOLUTION ON EQUALITIES FROM THE EXTRAORDINARY MEETING ON THE 28 JULY 2020.

Council noted that:

1. Hate crime in this country is steadily increasing and that the vast majority of hate crime involves a person's actual or perceived race or religion. This includes: - Islam, Judaism, Christianity, Hinduism, Sikhism, Buddhism, and others.
2. Almost half of all religious hate crime is directed against Muslims, whilst almost 20% is anti-Semitic.
3. 70% of victims of hate crime do not feel able to report these crimes to the police or other authorities.
4. There are widely accepted and recognised definitions of antisemitism and definitions of Islamophobia.
5. The Three Rivers Community Safety Partnership's Hate Crime Action Plan will be considered at the next Policy & Resources committee.

Council agrees that:

1. All hate crime is unwarranted, toxifying public life, and preventing many minority groups from being able to go about their lives feeling safe and secure.
2. As this is a sensitive subject, which requires an evidence-based approach, Council resolves to:
3. a) Establish a sub-committee at the next meeting of the Policy & Resources Committee to discuss any changes needed to the Council's Comprehensive Equality Policy to reflect definitions affecting community groups and the impact on others,
4. b) Bring the recommendations back to Council once they have been considered by Policy & Resources committee, and
5. c) Postpone all motions on equalities issues from Council agendas until the next meeting after the sub-committee has both reported to Policy & Resources committee and the recommendations have been considered by Council.

APPENDIX 2 – COUNCIL RESOLUTION ON WORKING PARTIES DECEMBER 2018

CL67/18 MOTIONS UNDER PROCEDURE RULE 11

RESOLVED:

This Council notes that Councillors have been elected to take decisions for the benefit of local residents and that presently there are a growing number of areas where significant powers have been delegated.

This Council agrees that the decision making process and the decisions themselves should be open to public scrutiny. This can only be done by having public meetings with fully published agendas and public access. Accordingly working parties will no longer be used; all significant decisions will go to an appropriate public committee for deliberation and decision.