

# BIRMINGHAM CITY COUNCIL

## PUBLIC OR PRIVATE REPORT (not for publication)

|                                                                                            |                                                                                                                                                                                 |                                                                                 |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>Report to:</b>                                                                          | <b>CABINET or DISTRICT COMMITTEE or<br/>WARD COMMITTEE or JOINT CABINET<br/>MEMBER AND CHIEF OFFICER or JOINT<br/>EXECUTIVE MEMBER FOR LOCAL<br/>SERVICES AND CHIEF OFFICER</b> | <i>Exempt<br/>information<br/>paragraph<br/>number – if<br/>private report:</i> |
| <b>Report of:<br/>Date of Decision:</b>                                                    |                                                                                                                                                                                 |                                                                                 |
| <b>SUBJECT:</b>                                                                            |                                                                                                                                                                                 |                                                                                 |
| <b>Key Decision: Yes / No</b>                                                              | <b>Relevant Forward Plan Ref:</b>                                                                                                                                               |                                                                                 |
| <b>If not in the Forward Plan:<br/>(please "X" box)</b>                                    | <b>Chief Executive approved</b> <input type="checkbox"/><br><b>O&amp;S Chairman approved</b> <input type="checkbox"/>                                                           |                                                                                 |
| <b>Relevant Cabinet Member(s) or<br/>Relevant Executive Member for<br/>Local Services:</b> |                                                                                                                                                                                 |                                                                                 |
| <b>Relevant O&amp;S Chairman:</b>                                                          |                                                                                                                                                                                 |                                                                                 |
| <b>Wards affected:</b>                                                                     |                                                                                                                                                                                 |                                                                                 |

|                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Purpose of report:</b>                                                                                                                                                                                                                                                         |
| <div style="margin-bottom: 10px;">1.1</div> <div style="margin-bottom: 10px;">1.2</div> <div>1.3* This matter was not included in the Forward Plan because ... <i>[insert reasons]</i><br/> <i>* To be completed where a key decision was not included in the Forward Plan</i></div> |

|                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Decision(s) recommended:</b>                                                                                                                                                                    |
| That the xxxxxxxx (insert decision maker):-<br><br><div style="margin-bottom: 10px;">2.1</div> <div style="margin-bottom: 10px;">2.2</div> <div style="margin-bottom: 10px;">2.3</div> <div>2.4</div> |

|                                                |  |
|------------------------------------------------|--|
| <b>Lead Contact Officer(s):</b>                |  |
| <b>Telephone No:</b><br><b>E-mail address:</b> |  |

### **3. Consultation**

Consultation should include those that have an interest in the decisions recommended

#### **3.1 Internal**

#### **3.2 External**

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

#### **4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)**

#### **4.3 Legal Implications**

#### **4.4 Public Sector Equality Duty (see separate guidance note)**

|                                                         |
|---------------------------------------------------------|
| <b>5. Relevant background/chronology of key events:</b> |
| 5.1                                                     |
| 5.2                                                     |
| 5.3                                                     |
| 5.4                                                     |
| 5.5                                                     |
| 5.6                                                     |

|                                                |
|------------------------------------------------|
| <b>6. Evaluation of alternative option(s):</b> |
| 6.1                                            |
| 6.2                                            |
| 6.3                                            |
| 6.4                                            |

|                                    |
|------------------------------------|
| <b>7. Reasons for Decision(s):</b> |
| 7.1                                |
| 7.2                                |
| 7.3.                               |
| 7.4                                |

|                                                                                              |                    |
|----------------------------------------------------------------------------------------------|--------------------|
| <b>Signatures</b>                                                                            | <b><u>Date</u></b> |
| Cabinet Member or Executive<br>Member for Local Services or<br>Ward Committee Chairman ..... | .....              |
| Chief Officer .....                                                                          | .....              |

|                                                                  |
|------------------------------------------------------------------|
| <b>List of Background Documents used to compile this Report:</b> |
|                                                                  |

|                                                              |
|--------------------------------------------------------------|
| <b>List of Appendices accompanying this Report (if any):</b> |
| 1.<br>2.<br>3.<br>4.<br>5.                                   |

|                       |  |              |  |
|-----------------------|--|--------------|--|
| <b>Report Version</b> |  | <b>Dated</b> |  |
|-----------------------|--|--------------|--|

## **PROTOCOL PUBLIC SECTOR EQUALITY DUTY**

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
  - (a) whether there is adverse impact upon persons within the protected categories
  - (b) what is the nature of this adverse impact
  - (c) whether the adverse impact can be avoided and at what cost – and if not –
  - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
  - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
  - the full equality impact assessment (as an appendix)
  - the equality duty – see page 9 (as an appendix).

## Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>                                                                                                                                                                                                                                                                |
| 2 | <p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> <li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;</li> <li>(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</li> </ul> |
| 3 | <p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4 | <p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> <li>(a) tackle prejudice, and</li> <li>(b) promote understanding.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5 | <p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> <li>(a) age</li> <li>(b) disability</li> <li>(c) gender reassignment</li> <li>(d) pregnancy and maternity</li> <li>(e) race</li> <li>(f) religion or belief</li> <li>(g) sex</li> <li>(h) sexual orientation</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|                                                         |                                   |                                                                                 |
|---------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------|
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| <b>Report of:</b>                                       |                                   |                                                                                 |
| <b>Date of Decision:</b>                                |                                   |                                                                                 |
| <b>SUBJECT:</b>                                         |                                   |                                                                                 |
| <b>Key Decision: Yes / No</b>                           | <b>Relevant Forward Plan Ref:</b> |                                                                                 |
| <b>If not in the Forward Plan:<br/>(please "X" box)</b> | <b>Chief Executive approved</b>   | <input type="checkbox"/>                                                        |
|                                                         | <b>O&amp;S Chairman approved</b>  | <input type="checkbox"/>                                                        |
| <b>Relevant Cabinet Member(s):</b>                      |                                   |                                                                                 |
| <b>Relevant O&amp;S Chairman:</b>                       |                                   |                                                                                 |
| <b>Wards affected:</b>                                  |                                   |                                                                                 |

|                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LATE REPORT</b>                                                                                                                                   |
| <b>* To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days notice before meeting.</b> |
| <p><b>Reasons for Lateness</b><br/>[insert reasons]</p> <p><b>Reasons for Urgency</b><br/>[insert reasons]</p>                                       |

## **BIRMINGHAM CITY COUNCIL EXECUTIVE REPORTS CHECKLIST**

Report Title:

Report version:

Cabinet/District/Ward/Joint Cabinet Member and Chief Officer/Joint Executive Member for Local Services and Chief Officer Report:

Report Author:

To be completed in respect of all Cabinet, District and Ward Committee Reports. This also applies for Joint Member and Chief Officer Reports.

Democratic Services have been instructed to return any Report which does not have a fully completed Checklist attached. The purpose is for the author to indicate who has been consulted in the preparation and clearance of reports and when.

| <b>CONSULTATION</b>                                                                                | <b>Names and dates to be inserted</b> |
|----------------------------------------------------------------------------------------------------|---------------------------------------|
| Has the report been discussed and cleared with:                                                    |                                       |
| (a) Relevant Cabinet Member(s)                                                                     |                                       |
| <b>OR</b>                                                                                          |                                       |
| (b) Relevant District/Ward Committee Chairman                                                      |                                       |
| <b>COMPLIANCE ISSUES</b>                                                                           |                                       |
| (c) Has the report been cleared with relevant Strategic Director/Deputy Chief Executive?           |                                       |
| (d) Has report been cleared with the relevant Finance Officer?<br><b>(see back)</b>                | Cleared by:<br><br>Date:              |
| (e) Has report been cleared with the relevant Directorate Legal Officer ?<br><b>(see back)</b>     | Cleared by:<br><br>Date:              |
| <b>MEDIA CONSIDERATIONS</b>                                                                        |                                       |
| (f) Has relevant Media officer been made aware of report and agreed draft press release/statement? |                                       |
| Any significant comments for the attention of the Leader / Chief Executive?                        |                                       |



**RELEVANT FINANCE OFFICERS**

|                               |                                                 |
|-------------------------------|-------------------------------------------------|
| <b>PEOPLE DIRECTORATE</b>     | <b>David Waller</b>                             |
| <b>PLACE DIRECTORATE</b>      | <b>Sukvinder Kalsi</b>                          |
| <b>ECONOMY DIRECTORATE</b>    | <b>Alison Jarrett</b>                           |
| <b>CORPORATE COUNCIL WIDE</b> | <b>Jon Warlow, Steve Powell, Sarah Dunlavey</b> |

**RELEVANT DIRECTORATE LEGAL OFFICERS**

|                                                                       |                                  |
|-----------------------------------------------------------------------|----------------------------------|
| <b>People Directorate (Adults)</b>                                    | <b>Charmaine Murray</b>          |
| <b>People Directorate (Children)</b>                                  | <b>David Brown</b>               |
| <b>People Directorate (Education)</b>                                 | <b>David Brown</b>               |
| <b>Place Directorate</b>                                              | <b>Lisa Morgan</b>               |
| <b>Economy Directorate (Regeneration)</b>                             | <b>Stuart Evans</b>              |
| <b>Economy Directorate (Corporate)<br/>- Employment/Corporate HR)</b> | <b>Kate Charlton</b>             |
| <b>Economy Directorate (Commissioning/<br/>Procurement)</b>           | <b>Rob Barker</b>                |
| <b>Corporate Council Wide<br/>(or if above unavailable)</b>           | <b>David Tatlow/Wendy Taylor</b> |