

Report of the Interim Assistant Director, Policy, Programmes and Change to the meeting of Council to be held on 26th February 2015.

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Subject:

Engagement and Consultation Programme in relation to amended, accelerated and new budget proposals for the 2015/2016 Council budget.

Summary statement:

This report and appendices provide feedback from the public engagement and consultation programme and set out the equality impact assessments carried out on the Executive's amended accelerated and new Budget proposals for 2015- 16. There is particular reference to the Council's responsibilities under Equality legislation, to enable the Council to have due regard to the Public Sector Equality Duty when considering the Executive's recommendations to Council on an indicative budget for 2015/16.

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1. SUMMARY

- 1.1 This report and appendices provide feedback from the public engagement and consultation programme and set out the equality impact assessments carried out on the Executive's amended accelerated and new Budget proposals for 2015-16. There is particular reference to the Council's responsibilities under Equality legislation, to enable the Council to have due regard to the Public Sector Equality Duty when considering the Executive's recommendations to Council on an indicative budget for 2015/16.

2. BACKGROUND

- 2.1 On 20 February 2014 Budget Council approved indicative savings proposals for 2015-16 of £23.2m, which, together with the use of unallocated reserves of £15m were forecast to result in a balanced budget position for 2015-16. The Report to Executive on 2 December 2014 explained the then current financial context and recommended the adoption of new proposals, amended proposals and bringing forward savings previously proposed to be made in 2016-17 (referred to as "accelerated proposals") for consultation as required to meet the forecasted funding gap.
- 2.2 On 2 December 2014 the Executive approved amended, accelerated and new budget proposals for consultation as required with the public, interested parties, staff and the Trade Unions. These budget proposals together with the savings and investment proposals agreed at February 2014 Budget Council were based on the Council having to find in 2015-16 £41m from either savings or additional income.
- 2.3 This report and appendices and the information contained in the Equality Impact Assessment forms (EIAs) provide feedback from the public engagement and consultation programme and set out the equality assessments (detailed in the Equality Impact Assessment Forms (EIAs)), carried out on the Executive's amended, accelerated and new Budget proposals for 2015-2016. There is particular reference to the Council's responsibilities under equality legislation, to enable the Council to have due regard to the Public Sector Equality Duty when considering the Executive's recommendations to Council on an indicative budget for 2015/16.
- 2.4 In order to fulfil the Public Sector Equality Duty under S149 of the Equality Act 2010, Elected Members need to give due regard to the revised and updated EIA forms. These documents are too bulky to append to this report and are available at [EIA forms 2015- 16](http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/council_budgets_and_spending/equality_impact_assessments/budget_eias_2015_16). or http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/council_budgets_and_spending/equality_impact_assessments/budget_eias_2015_16
The EIAs provide details of the equality impact assessments on the amended, accelerated and new proposals and state where a potential disproportionate impact on people who share protected characteristics amongst service users or the general public has been identified. The EIAs also detail the mitigation that will be put in place to address the potential disproportionate impact should the proposal be taken forward.
- 2.5 The EIAs are being updated as additional evidence is gathered through the public consultation and engagement programme together with the responses from the relevant Council departments. Elected Members need to have regard to all the information contained in them when considering Executive's recommendations to Council on an indicative budget for 2015/16.



3. SUPPORTING THE 2015/16 BUDGET-SETTING PROCESS

- 3.1 The public engagement and consultation programme in relation to amended, accelerated and new budget proposals for the 2015/2016 Council budget was agreed by the Executive at their meeting on 2nd December 2014.

At the meeting the Council Executive reaffirmed its commitment to a public engagement and consultation programme designed to meet the legislative duties and to fulfil the following objectives:

- support the 2015-16 Budget setting process in as fair and as transparent a way as possible.
- ensure that the Council meets its specific duties under equality legislation, in particular that the potential impact of the amended, accelerated and new proposals on groups or individuals who share protected characteristics are considered, assessed and consulted upon as required.
- ensure that Trade Unions and staff are consulted with appropriately and in a timely manner.
- meet Best Value Statutory Guidance regarding the way local authorities should work with Voluntary and Community Sector (VCS) organisations and small businesses when facing difficult funding decisions.
- comply with the principles on consulting and engaging with the VCS contained in Bradford District Partnership's Compact.
- ensure the Council complies with all other legal duties to consult.

- 3.2 Appendix one to this report, document AY, is the report of the Interim Assistant Director, Policy, Programme and Change to the Executive for their meeting on 10th February which was published on 2nd February 2015. This report and its appendices provides information from the public engagement and consultation programme in relation to amended, accelerated and new budget proposals for the 2015/16 budget. The report gives details of feedback as follows:

- the public consultation and engagement sessions to the end of 28th January,
- the written sessions both postal and via the website to the end of 29th January
- the responses from Council Officers until the end of 28th January.

This report, document AY, has five appendices which contain the following information:

- Appendix one to document AY contains a summary of the feedback from the public consultation and engagement sessions to 28th January and the written responses to 29th January.
- Appendix two to document AY gives an analysis of the number of EIAs completed for each department and whether a potential disproportionate impact has been identified on the amended, accelerated and new proposals before mitigation. This gives an insight into the total number of proposals for each department or service area and how many of these have a potential disproportionate impact before mitigation
- Appendix three to document AY gives details of the completed EIAs for each department and the level of potential disproportionate impact that has been identified on the amended, accelerated and new proposals in relation to each of the protected characteristics and low income – low wage
- Appendix four to document AY gives a summary of the number of written response, postal and web site and what their concern is related to. This is colour coded to each



department or service area.

- Appendix five to document AY is the equality analysis schedule. This focuses on the equality assessments undertaken to support the budget setting process. It brings together the original equality assessments undertaken on the initial budget proposals, and highlights additional equality evidence obtained during the public consultation programme. Finally, it sets out responses from relevant Council departments to that equality feedback.

3.3 Appendix two to this report is the Addendum to the report document AY which was published on 10th February 2015 and presented to the Executive at their meeting on 10th February 2015. The addendum provides details as follows:

- the public consultation and engagement sessions from 29th – 30th January,
- the written sessions both postal and via the website from 30th January – 4th February
- the responses from Council Officers from 29th January – 4th February

The addendum to document AY has two appendices which contain the following information:

- Appendix one to the addendum to document AY is the additions to the equality analysis schedule from the feedback gathered from the written submissions presented either through the website or by post and from the dedicated consultation sessions held since Thursday 29th January 2015 to close of play Wednesday 4th February 2015. This has been added to the information already held on the proposals with the additional information highlighted in this appendix in bold
- Appendix two to the Addendum to the document AY is the revised information gathered from the written response both via the web and postal from the start of the public consultation and engagement programme until end of 4th February

Figure 1: Including Ilkley Literature Festival

Figure 2: Excluding Ilkley Literature Festival

3.4 Appendix three to this report document BJ, is the second Addendum to the report, document AY. Document BJ will be presented to the Executive at their meeting on 24 February 2015 and was published on 16 February 2015. It contains feedback as follows:

- the written sessions both postal and via the website from 5th - 15th February
- the responses to the feedback from the Council Officers from 5th - 15th February

The second addendum to document AY, document BJ, has two appendices which contain information as follows:

- Appendix one to document BJ is a table of version 4 of the EIA forms that were published on 16th February 2015
- Appendix two to document BJ the revised information gathered from the written response both via the web and postal from the start of the public consultation and engagement programme until end of 15th February

Figure 1: Including Ilkley Literature Festival

Figure 2: Excluding Ilkley Literature Festival

4. CONSULTATION FEEDBACK RECEIVED TO DATE

4.1 The public consultation and engagement programme will continue until the full Council meeting on 26th February 2015. Engagement and consultation is an ongoing process and there may be



further specific consultation with service users and other interested parties as appropriate following the Council meeting on 26th February 2015. This report with the appendices provides information on the engagement and consultation process and the feedback received up to 15th February 2015. Any additional feedback received from 16 February 2015 will be provided to the full Council meeting on 26th February 2015.

5. FINANCIAL & RESOURCE APPRAISAL

- 5.1 The financial impact of decisions arising from the consultation were considered at the Executive meeting on 10th February 2015, will be further considered at the Executive meeting on 24th February 2015, and will be evaluated and incorporated into the final budget proposals from Executive to Council for their meeting on 26th February 2015.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 6.1 Equality assessments have been carried out on the amended accelerated and new proposals, and will continue to be updated to enable mitigation against any risks.

7. LEGAL APPRAISAL

- 7.1 The Public Sector Equality Duty under the Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 7.2 The Council must ensure that it has sufficient information to enable it to identify whether a proposal, if implemented, would disproportionately affect particular groups with relevant protected characteristics and if so whether any such adverse impact can be avoided or mitigated.
- 7.3 The courts have established a number of principles which the Council should take into account in making decisions:
- the duty means that the potential impact of a decision on people with different protected characteristics must always be taken into account as a mandatory relevant consideration
 - where large numbers of vulnerable people, many of whom share a protected characteristic, are affected, consideration of the matters set out in the duty must be very high
 - even if the number of people affected by a particular decision may be small, the seriousness or the extent of discrimination may be great. The weight given to the aims of the duty is not necessarily less when the number of people affected is small.
- 7.4 There is also a duty on all Best Value authorities to consult when making changes to services or ending service provision.
- 7.5 In addition to these specific legal duties, the Council has put out its amended accelerated and



new budget proposals for public consultation and accordingly must have regard to the responses before making budget decisions.

7.6 A proper consultation must observe the following principles:

- consultation must be made at a time when proposals are at a formative stage
- sufficient reasons for the proposal must be given to allow intelligent consideration and response
- adequate time must be given for a response
- the product of the consultation must be conscientiously taken into account in finalising proposals

7.7 In summary it is necessary to ensure that Council has comprehensive information when considering the Executive's recommendations to Council on an indicative budget for 2015-16. It is a legal requirement that Elected Members have regard to all the relevant information and accordingly Elected Members are referred to all the information in this report, appendices and in the equality impact assessments with updated equality evidence and the relevant Council department responses. The EIAs can be found at :

http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/council_budgets_and_spending/equality_impact_assessments/budget_eias_2015_16

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Where specific equality and diversity issues have been raised as a result of the public consultation and engagement programme they have been reported back to the Strategic Director (SD) or Chief Officer (CO) for that service area. The SD or other appropriate CO is responsible for ensuring that the proposal is reviewed in light of the additional information and that the proposals, along with the relevant EIA are updated. The information gathered and any response from the SD and CO have been recorded in the equality analysis schedule. (see Report AY and First Addendum).

8.2 SUSTAINABILITY IMPLICATIONS

- None.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

- None

8.4 COMMUNITY SAFETY IMPLICATIONS

The Council has a legal obligation under the Crime and Disorder Act 1998 to consider any community safety implications of its decisions.

8.5 HUMAN RIGHTS ACT & TRADE UNION

The Trade Union consultation feedback received to date on the amended accelerated and new budget proposals is subject to a separate report to this meeting of Council.

9. NOT FOR PUBLICATION DOCUMENTS

None.



10. RECOMMENDATIONS

- 10.1 That in accordance with Section 149 of the Equality Act 2010, Council has regard to the information contained in this report, the Appendices to this report and to the Equality Impact Assessment forms when considering the Executive's recommendations to Council on an indicative budget for 2015/16.

11. APPENDICES

Appendix 1: Report of the Interim Assistant Director, Policy, Programmes and Change to the meeting of Executive held on 10th February 2015. (Report AY)

Appendix 2: Addendum to the Report of the Interim Assistant Director, Policy, Programmes and Change to the meeting of Executive held on 10th February 2015. (Addendum to Report AY)

Appendix 3: Second Addendum to the Report of the Interim Assistant Director, Policy, Programmes and Change to the meeting of Executive to be held on 24th February 2015. (Report BJ)

12. BACKGROUND DOCUMENTS

Report AD – 2015-16 Budget and financial outlook to 2017-18 considered at the Executive meeting held on 2nd December 2014.

Report AE – Executive Budget and Council Tax Proposals considered at the Executive meeting held on 2nd December 2014.

The Equality Impact Assessment forms are accessible via the Council website at [EIA forms 2015-16](#)

Or at

http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/council_budgets_and_spending/equality_impact_assessments/budget_eias_2015_16

