

## **Appendix D**

### **Proposal to Transfer Development Management, Public Protection and Environment Services and the Regulatory Function of Private Sector Housing into ip&e Ltd**

#### **Equality & Diversity Requirements under the Equality Act 2010**

Equality and diversity issues are a mandatory consideration in accordance with the Equality Act 2010. This means the council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function and such an obligation is on-going. The equality duty should be applied before a decision is made and be part of the decision-making process.

Section 149 of the Equality Act 2010 provides that: '(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- 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.'

This is known as the Public Sector Equality Duty and for the purposes of this appendix is referred to as the 'equality duty'.

The 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Section 149 (2) provides that 'a person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)'. Section 150 (5) provides that 'a public function is a function of a public nature for the purposes of the Human Rights Act 1998'. This means that the equality duty is applicable to ip&e Ltd as well as the Council.

Allegations of a breach of the equality duty is a basis for legal challenge to decisions by any public authority. The time and cost of dealing with litigation and the risk of decisions being quashed is not something that can be treated lightly. In making their decisions, members must give due regard to all of the goals within the equality duty and in the context of the function which is being exercised.

Equality considerations must be integrated into day to day business when formulating policies and decision-making and, in particular, the need to consider what impact, if any, a particular proposal will have on one or more protected groups, whether there will be any cumulative impact and what mitigating steps must be put in place.