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Equality Due Regard requirement for Scrutiny

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Executive Lead Member: Cllr Bill Revans

Division / Local Member: All

## 1. Summary

- 1.1. This paper aims to remind Scrutiny members of their responsibilities under the Equality Act 2010. Namely their duty to have Due Regard to the Public Sector Equality Duty as part of their role as Scrutiny Members.
- 1.2. Additionally, to meeting legal requirements identified within the Equality Act 2010 it will also contribute to the Somerset Council priorities to create “A Fairer, Ambitious Somerset” and “A Flourishing and Resilient Somerset”.

## 2. Issues for consideration / Recommendations

- 2.1. Scrutiny are asked to:
  - Reconfirm their commitment to equality Due Regard being part of their Scrutiny function.
  - Support further training opportunities that are provided for the delivery of this commitment.

## 3. Background

- 3.1. In October 2023 Somerset Council took part in an Equality Framework for Local Government Peer Challenge. This Peer Challenge looked at how equality was adopted within the organisation and how equality supported the decision we made.
- 3.2. As part of this Peer Challenge the Peer Team meet with the Chairs of Scrutiny to establish how effectively equality diversity and inclusion due regard was included within the Scrutiny process. They found there was varying levels of understanding and rigour around this. This finding, and others, has resulted in a number of actions for the Council to further it’s practical compliance with the Equality Act 2010
- 3.3. The role of Scrutiny in relation to equality, diversity and inclusion can be articulated in Part G of the Councils constitution that relates to Overview and Scrutiny arrangement. In this it states a Scrutiny will:
  - Enable the voice and concerns of the public to be heard and reflected in the Council’s decision-making process.

- At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice

**3.4.** In relation to Section 149 (Public Sector Equality Duties) of the Equality Act 2010 it states that:

A public authority must, in the exercise of its functions, have due regard to the need to—

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**3.5.** These functions mention in section 149 of the Equality Act 2010 would include the functions of Scrutiny. This is particularly pertinent when considering how the council will meet its duties in financially difficult times.

**3.6.** This paper and recommitment will be supported by a Scrutiny specific workshop around equality can be effectively considered and specific equality training available to all members.

#### **4. Consultations undertaken**

**4.1.** None

#### **5. Implications**

**5.1.** None

#### **6. Background papers**

**6.1.** [A councillor's workbook on scrutiny | Local Government Association](#)

**6.2.** [Part G - Scrutiny \(somerset.gov.uk\)](#)

**6.3.** [Equality Act 2010 \(legislation.gov.uk\)](#)

**Note** For sight of individual background papers please contact the report author