

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

4 April 2007

### Report of the Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 GENDER EQUALITY SCHEME**

**To recommend to Council that the Gender Equality Scheme be adopted.**

#### **1.1 Background**

1.1.1 The Gender Equality Duty (GED) comes into force in April 2007. It requires public authorities to promote equality between women and men and eliminate unlawful sex discrimination and harassment. Of particular significance to this Authority is the introduction of a new statutory duty to promote equality of opportunity in service provision and for a Gender Equality Scheme to be prepared.

1.1.2 The draft Scheme was considered initially by the Community Development Advisory Board at its meeting on 12 February 2007 and subsequently by Policy and Best Value Committee at its meeting on 17<sup>th</sup> February 2007. The final Scheme, now amended in the light of comments made at those meetings and in response to consultation, is attached as Annex A to this report.

#### **1.2 Legal Implications**

1.2.1 The Council would be failing to comply with the Gender Equality Duty if it did not develop and publish a Gender Equality Scheme by 30 April 2007.

#### **1.3 Financial and Value for Money Considerations**

1.3.1 N/A

#### **1.4 Risk Assessment**

1.4.1 The general duty is enforceable by judicial review. Any person or body affected by a failure to comply with a general duty by a public authority may take action through judicial review proceedings. The Equal Opportunities Commission and, from late 2007, the Commission for Equality and Human Rights, will have the power to conduct formal assessments and to issue compliance notices which will

be enforceable in the courts. In addition it is likely that relevant inspection bodies will require evidence of compliance with the general and specific duties.

## **1.5 Recommendations**

1.5.1 That the draft Gender Equality Scheme, as set out at Annex A to this report, **BE COMMENDED** to Council for adoption.

Background papers:

contact: Mark Raymond

Nil

David Hughes  
Chief Executive