

# Safer and Stronger Communities Board

## Agenda

Wednesday, 22 November 2017  
11.00 am

Smith Square Rooms 1&2, 18 Smith Square,  
London, SW1P 3HZ

**To:** Members of the Safer and Stronger Communities Board  
**cc:** Named officers for briefing purposes

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This meeting is



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Safer & Stronger Communities Board  
22 November 2017

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There will be a meeting of the Safer & Stronger Communities Board at **11.00 am on Wednesday, 22 November 2017** Smith Square 1&2, 18 Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available at 1.00pm.

**Attendance Sheet:**

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<b>Labour:</b>	Group Office: 020 7664 3334	email: <a href="mailto:Labour.GroupLGA@local.gov.uk">Labour.GroupLGA@local.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
<b>Liberal Democrat:</b>	Group Office: 020 7664 3235	email: <a href="mailto:libdem@local.gov.uk">libdem@local.gov.uk</a>

**Location:**

A map showing the location of 18 Smith Square is printed on the back cover.

**LGA Contact:**

Felicity Harris  
0207 664 3231/ [felicity.harris@local.gov.uk](mailto:felicity.harris@local.gov.uk)

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## Safer & Stronger Communities Board – Membership 2017/2018

Councillor	Authority
<b>Conservative (8)</b>	
Cllr Morris Bright (Vice Chairman)	Hertsmere Borough Council
Cllr Jo Beavis	Braintree District Council
Cllr Chris Pillai	Calderdale Metropolitan Borough Council
Cllr Lisa Targowska	Windsor & Maidenhead Royal Borough
Cllr Judith Wallace	North Tyneside Council
Cllr Katrina Wood	Wycombe District Council
Cllr Nick Worth	South Holland District Council
Cllr Colin Spence	Suffolk County Council
<b>Substitutes</b>	
Cllr Bill Bentley	East Sussex County Council
Cllr Paul Findlow	Cheshire East Council
Cllr Vic Pritchard	Bath & North East Somerset Council
<b>Labour (7)</b>	
Cllr Simon Blackburn (Chair)	Blackpool Council
Cllr Kate Haigh	Gloucester City Council
Cllr Alan Rhodes	Nottinghamshire County Council
Cllr Jim Beall	Stockton-on-Tees Borough Council
Cllr James Dawson	Erewash Borough Council
Cllr Janet Daby	Lewisham London Borough Council
Cllr Carole Burdis	North Tyneside Council
<b>Substitutes</b>	
Cllr Richard Chattaway	Warwickshire County Council
Cllr Jane Black	Bury Metropolitan Borough Council
<b>Liberal Democrat (2)</b>	
Cllr Anita Lower (Deputy Chair)	Newcastle upon Tyne City Council
Cllr Jeremy Hilton	Gloucestershire County Council
<b>Independent (1)</b>	
Cllr Clive Woodbridge (Deputy Chair)	Epsom and Ewell Borough Council
<b>Substitutes</b>	
Cllr Helen Carr	Brent Council

## Safer & Stronger Communities Board – Attendance 2017/2018

Councillors	11/9/17	22/11/17	15/1/18
<b>Conservative Group</b>			
Morris Bright	Yes		
Jo Beavis	Yes		
Chris Pillai	Yes		
Lisa Targowska	No		
Judith Wallace	Yes		
Katrina Wood	Yes		
Nick Worth	Yes		
Colin Spence	Yes		
<b>Labour Group</b>			
Simon Blackburn	Yes		
Kate Haigh	Yes		
Alan Rhodes	Yes		
Jim Beall	Yes		
James Dawson	Yes		
Janet Daby	No		
Carole Burdis	Yes		
<b>Lib Dem Group</b>			
Anita Lower	Yes		
Jeremy Hilton	Yes		
<b>Independent</b>			
Clive Woodbridge	No		
<b>Substitutes/Observers</b>			
Vic Pritchard	Yes		
Helen Carr	Yes		

## Agenda

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### **Safer & Stronger Communities Board**

Wednesday 22 November 2017

11.00 am

Smith Square Rooms 1&2, 18 Smith Square, London, SW1P 3HZ

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Dave Roberts, Financial Inclusion Manager, and Jo Rowlands, Senior Policy Development Officer, will be attending from Leeds City Council to give a presentation on this item.	
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**Date of Next Meeting:** Monday, 15 January 2018, 11.00 am, Smith Square Rooms 1&2, 18 Smith Square, London, SW1P 3HZ





## **Gambling issues - update**

### **Purpose of report**

For information.

### **Summary**

This paper introduces a presentation by Leeds City Council on their recent research into problem gambling and financial inclusion, and updates the Board on both the Government's review of gaming machines and social responsibility and the LGA's planned activities in this area.

### **Recommendation**

That the Safer and Stronger Communities Board members note the activities outlined in this paper.

### **Action**

Officers to take forward as directed.

<b>Contact officer:</b>	Ellie Greenwood
<b>Position:</b>	Senior Adviser
<b>Phone no:</b>	0207 664 3219
<b>Email:</b>	ellie.greenwood@local.gov.uk

## **Gambling issues – update paper**

### **Background**

1. At the meeting in June, the Board discussed a paper on [strengthening local approaches to tackling problem gambling](#). Following the discussion, the Board requested a presentation by Leeds City Council on their recent project on problem gambling. Officers from the council's Financial Inclusion Team Joanna Rowlands (Senior Policy Development Manager) and Dave Roberts (Financial Inclusion Manager) will therefore be attending the Board to provide an overview of their work. This paper therefore provides a short introduction to the work.
2. This paper also updates the Board on the recent Government announcement on the next stage of its review of gaming machines and social responsibility measures.
3. Finally, the paper also updates the Board on our planned activity in the coming months relating to gambling issues

### **Issues**

#### **4. Leeds City Council research into local problem gambling**

- 4.1. In March this year, Leeds City Council published the findings of a research project into problem gambling. The research was commissioned by the council's financial inclusion team and involved a review of national and local data and evidence on problem gambling, detailed discussions with gamblers and operators in Leeds and assessing the support services available to problem gamblers in the city.
- 4.2. The project concluded that the gambling market and gambling patterns in Leeds reflect those in other large metropolitan areas. Notably, it concluded that gambling behaviour and problem gambling are not equally distributed across England, with problem gambling rates higher for those living in more northern areas (or London), major urban areas, urban areas which are more densely populated, English Metropolitan boroughs, London boroughs, and wards classified as industrial, traditional manufacturing, prosperous and multi-cultural.
- 4.3. The researchers estimated that problem gambling rates in Leeds, at 1.8 per cent, are broadly twice the national average of 0.9 per cent. Rates of at risk gambling appeared to be consistent, at 5-6 per cent.
- 4.4. The research found that there was a variety of services and suppliers able to provide some advice and guidance to those at risk of gambling related harm, including the single supplier of specialist gambling services commissioned by GambleAware, generic advisory services, and specialist addiction and recovery services. It concluded that the specialist service was operating in almost total isolation from advice and other addiction services, despite the fact that many problem and at risk

gamblers have other addiction issues (typically alcohol, tobacco or drugs, and referred to as 'co-morbidity') and were accessing other services related to these issues. Typically, there was a lack of screening or assessment in other services to be able to identify gambling issues, and a lack of connectivity between the different services.

- 4.5. The research found that where services were engaged with problem gamblers, support tended to be centred on the first issue presented or on issues related to their gambling behaviour (e.g., debt, family, health issues) rather than gambling itself; and that dedicated support for problem and at risk gambling in Leeds was seen to lag behind the comprehensive and integrated approach taken in the city to address other addiction issues, poverty and homelessness.
- 4.6. The researchers made a series of recommendations in response to the findings, specifically to enhance data collection, including around first contact assessment; improve co-operation across agencies, including early identification and referrals, and raising awareness, among both agencies and professionals and those at risk. It was also suggested that some of the suggested actions could be supported as pilot approaches by GambleAware.
- 4.7. Recent feedback from officers in Leeds suggests that the project has been very positively received as having highlighted the issue of problem gambling. Meetings are now taking place between relevant third sector agencies; a publicity campaign has encouraged self-referrals by problem gamblers, and frontline staff have been provided with training to help them identify potential problem gambling issues.

## **5. Government review of gaming machines and social responsibility**

- 5.1. On 31 October, the Government made a much anticipated announcement on its review of gaming machines and social responsibility measures in gambling. As the Board will recall, the review - which is effectively the triennial review of gaming machine stakes and prizes but with a wider area of focus - was launched in Autumn 2016. The LGA responded to the review's call for evidence, and Cllr Allen met with Minister Tracey Crouch MP in January 2017. The next stage of the review is a consultation on a series of options. This is in line with the process for previous triennial reviews.
- 5.2. The key points from the [consultation document](#) are summarised in the following paragraphs. In summary, while there is positive news from the consultation in that Fixed Odds Betting Terminal (FOBT) stakes are set to be at least halved, the range of stake options being consulted on remains very wide and there is more work to be done to lobby for the lowest stake of £2. Outside the issue of stakes, the Government's approach at this stage appears to be to require further progress on voluntary and industry led initiatives on online gambling and research, education and

treatment, while tasking the Gambling Commission to look into some specific areas and update the licence conditions and codes of practice for operators accordingly.

### **5.3. Machine stakes and prizes**

- 5.3.1. The Government is proposing to reduce maximum FOBT stakes to either £2; £20; £30 or £50; it looks set to reject proposals for small increases in maximum stakes on other machines and for industry proposals to increase casino machine numbers and ratios.

### **5.4. Social responsibility measures**

- 5.4.1. The Government argues that industry has further work to do on social responsibility measures such as take up of time and spend limits, the use of mandatory alerts and hard stop measures when limits are met. The Gambling Commission has been asked to provide further advice on the costs and benefits of tracking play on B1, B2 and B3 machines, to help identify problematic play.

### **5.5. Online gambling**

- 5.5.1. The Board meeting in June indicated concern about the increase in online gambling; the consultation notes that this was reflected in responses to the review's call for evidence. However, there are no headline grabbing new measures proposed at this stage, with further GambleAware research on harm minimisation in the online gambling space due in 2019. Instead, the Government expects the Gambling Commission to keep the area under review and tackle failures in social responsibility (as happened with the recent £7.8 million fine levied on online firm 888 for failures in its handling of vulnerable customers), and update its Licence Conditions and Codes of Practice for online operators. Operators are expected to accelerate work around multi-operator self-exclusion scheme, and standardise their approaches around identifying harm and intervening at the best practice level. A Competition and Market Authority review into unfair practices in online gaming is ongoing.

### **5.6. Advertising**

- 5.6.1. The consultation cites evidence suggesting that advertising has a relatively small impact on problem gambling, but notes that the Commission has been asked to look at the impact of advertising on vulnerable groups and that GambleAware has commissioned research into the effects of marketing and advertising on children.
- 5.6.2. There will be further work by the Advertising Standards Authority (ASA) and Committee for Advertising Practice (BCAP) on guidance on social media

marketing and targeting advertising and on gambling promotions such as 'urgent calls to action', i.e. time limited offers which may pose greater risks for problem gamblers. The Commission has been tasked to work with social media companies and GambleAware on helping users to set preferences that limit their exposure to online adverts.

- 5.6.3. The centrepiece of the advertising proposals is the announcement of a two year, multi-million responsible gambling advertising campaign, to be developed by GambleAware and broadcasters and funded by industry.

### **5.7. Research, education and treatment (RET)**

- 5.7.1. On research, education and treatment the Government lays down a warning that it will consult on whether to introduce a mandatory industry levy on RET if the industry does not provide adequate funding for this; currently, against a Responsible Gambling Strategy Board target of £10 million voluntary donations, just £8 million is raised from industry to support RET. The consultation therefore calls on the Gambling Commission, Responsible Gambling Strategy Board and GambleAware to work with industry to build and improve current arrangements.

### **5.8. LGA proposals for stronger powers on betting shops**

- 5.8.1. The consultation also notes the LGA's proposal to give councils greater controls of betting shop clustering, through the creation of a statutory cumulative impact approach similar to the power recently introduced to the Licensing Act. The consultation rejects this idea, arguing that licensing authorities already have the power to refuse new premises licences based on their local plans, statements of principles and assessment of local risk; it cites Westminster council's refusal of an additional betting shop on a street with an existing cluster of premises as an example that this can be done.
- 5.8.2. We believe that this overstates the powers that councils have, and although the Westminster decision is an encouraging development, we note that this was not appealed through legal channels. We will continue to call for licensing authorities to have greater controls to limit licensed premises in their town centres and high streets. However, we will also be encouraging authorities to do more to develop the highly localised approaches that Westminster have successfully adopted.
- 5.9. The consultation seeks views on the proposals outlined, and closes on 23 January 2017; the LGA will be submitting a response and encouraging member councils to do so. The Board's views on particular aspects of the consultation would be welcome, including:

5.9.1. Would the Board support a call for a mandatory RET levy to be introduced on the industry, in light of previous shortfalls in contributions by the gambling industry?

5.9.2. Are the Board satisfied with the Government's proposals on gambling advertising? Should the LGA seek a commitment that the issue will be revisited following the publication of GambleAware's research on advertising and children?

5.10. Officers are in discussion with Newham council about aligning activities to continue to promote the £2 maximum stake as the best outcome, and are exploring the possibility of commissioning research in support of this.

## **6. LGA activities on gambling**

6.1. Alongside our work on the current review, the Board will recall that the meeting in June approved the development of a new guide for councils on the issue of problem gambling, building on the Leeds research and support available from GambleAware. We are hoping that with additional capacity in the team from December, we will be able to begin work on this shortly.

6.2. The discussion at the Board meeting in June also noted the Board's concern that some licensing authorities are not making full use of the tools available to them. Since the meeting, the Chair of the Board has co-signed a Gambling Commission letter to authorities which do not appear to have an up to date statement of principles (policy) for gambling licensing. All licensing authorities are required by law to update their statements by January 2019, and we expect to work with the Commission to encourage councils to do this.

6.3. As part of this process, officers have been working with the Gambling Commission to highlight awareness of the materials the Commission has developed to support authorities in this area, and to update our handbook on gambling licensing.

## **Implications for Wales**

7. Gambling is a reserved matter, and the materials being developed will be available to both English and Welsh councils.

## **Financial Implications**

8. This work will be carried out within existing budgets.

## **Next steps**

9. Officers to take forward the activities outlined above, subject to members' comments.

## **Civil resilience**

### **Purpose of report**

For direction.

### **Summary**

The terrorist attacks earlier in the year, and the local government response to the Grenfell Tower fire have prompted consideration of how councils plan for and respond to civil emergencies. At its meeting in September the Board agreed to a new workstream in this area. This paper outlines and seeks members' views on work to support councils in emergency planning and civil resilience.

### **Recommendation**

That the Safer and Stronger Communities Board members note the contents of the report and provide feedback and direction.

### **Action**

Officers to take forward as outlined.

<b>Contact officer:</b>	Mark Norris
<b>Position:</b>	Principal Policy Adviser
<b>Phone no:</b>	020 7664 3241
<b>Email:</b>	mark.norris@local.gov.uk

## **Civil resilience**

### **Background**

1. 2017 has seen a number of high profile tests of local government's preparedness for civil emergencies. The terrorist incidents in Westminster, Manchester, London Bridge and Finsbury and the Grenfell Tower fire have seen councils and fire and rescue services at the forefront in responding to these tragedies.
2. Following the Grenfell Tower fire, and criticism of the initial handling of the disaster by both Kensington and Chelsea council and the Government itself, a number of different organisations have been reviewing how councils plan and respond to civil contingencies. This paper summarises the findings so far and emerging next steps.

### **Cabinet Office Civil Contingencies Secretariat review**

3. As the Board will recall from its meeting in June, the Queen's Speech included a commitment by the Government to develop a new strategy for resilience in major disasters including the establishment of a Civil Disaster Reaction Taskforce to help at times of emergency.
4. In light of this commitment, the Cabinet Office's Civil Contingencies Secretariat (CCS) undertook a short review over the summer and early autumn around some of the challenges associated with national resilience and what solutions there might be to them, with a view to feeding back proposals to the National Security Council. The three key areas that the review has been considering are:
  - 4.1. **Assurance** – what can be done to assure the public that resilience standards and planning requirements are being met at a local level? In order to answer this question the review considered questions such as:
    - 4.1.1. Are there agreed standards on civil resilience and emergency planning that councils can measure themselves against?
    - 4.1.2. What formal involvement should councils have in local resilience forums (LRFs)?
    - 4.1.3. What sort of peer review or alternative processes can provide assurance to Ministers that areas are prepared?
  - 4.2. **Local capability and mutual aid** – what arrangements are in place at local level to share support and capacity? How are these invoked?
  - 4.3. **Mobilising central capacity** – how can Government swiftly mobilise central government capacity to provide additional support to local places following a disaster?
5. The LGA has held a number of discussions with CCS during the review to feed in our view about the need for bottom up, locally led arrangements that work in local areas, and for additional funding to support training on emergency planning across the sector.



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6. The original intention for the review was to report in November, so we are expecting feedback on Government's proposals at any time.

#### **LGA/SOLACE discussions and proposals**

7. Sessions at the LGA's annual conference where councils' response to the terrorist incidents in the first half of the year were discussed made it clear there was a desire for experiences and good practice to be shared, especially among chief executives. As a result the LGA has been having discussions with the Society of Local Authority Chief Executives (SOLACE) about what the sector can do to enhance preparedness and civil resilience capability, with the LGA looking to increase support for councillors and SOLACE exploring training requirements for senior officers.

#### *Leadership Essentials Course*

8. Officers in the team are currently working with the LGA's leadership team to develop a pilot leadership essentials course on emergency planning and civil resilience as part of our Highlighting Political Leadership programme. The one day course, which is expected to take place in early 2018, will focus on issues including: how can councillors assure themselves that their councils are prepared to deal with an emergency and are following best practice; what is the role of councillors during an emergency; how can local mutual aid arrangements support councils during a crisis; and how should you respond when an emergency or crisis occurs?
9. The session will also focus on media presence and the significance of councillors' community role, building on a need that has been identified since the Grenfell tragedy where a shift in the roles of councillors and officers in civil emergencies has been noted.

#### *The LGA's councillor's guide to civil emergencies*

10. Alongside the new training, we will also be updating our existing [councillor guide](#) on emergency planning to cover these issues in more depth. Although it was only developed in 2015, the guide was developed with flooding and weather emergencies in mind, and it is clear that there is a lot of experience to build on since then, with expectations of councils and how they will respond changing in the intervening period.

#### *Additional guidance and support*

11. With a range of materials and courses already available around emergency planning and civil resilience officers have been scoping out with SOLACE how the two organisations could best support local authorities around this agenda. Consideration has also been given to how the sector responds to the recommendations from the CCS review.
12. A common theme in the LGA's discussions with CCS and SOLACE have been around the provision of training to senior officer teams in local authorities. We are in the process of seeking views on how the training offer to councils and their partners could be improved. It could be that more regional training, involving a range of local partners and a mix of training methods from personal study, through open discussion forums to playing out scenarios may make training more accessible for councils.

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13. We anticipate that one of the conclusions from the CCS review will be the need to improve mutual aid arrangements between councils. There are well established frameworks for the police and fire and rescue services, but as the floods in 2014/15 demonstrated arrangements are less developed among councils. There are some strong and well-practised regional arrangements in London and Greater Manchester, and while there are some examples of good practice in two-tier areas such as Suffolk, there is not a consistent map when it comes to mutual aid arrangement.
14. Following the 2014/15 floods the Department of Communities and Local Government has been in discussion with the LGA about developing local government's mutual aid arrangements and some options about how this could be strengthened were worked up in the first part of this year, though they have not been progressed as a result of the local and general elections and then other work, such as that around the Grenfell fire. Discussions with SOLACE are at a very early stage on how the sector might take the lead in developing mutual aid arrangements. As proposals and options are worked up we will be seeking members' views on the way forward.
15. Although there is already a joint [SOLACE/CLG guide](#) to emergency planning, our work with SOLACE suggests that guidance that takes the reader through the life cycle of an emergency itself may be useful and assist chief executives and their senior management teams in building their preparedness for an emergency.
16. Separately, the LGA's communications team have been exploring what additional support could be provided to councils to enhance the sector's capability for crisis communications. Government has also been looking at this issue, with the result that the LGA has now signed up to help develop a cross-government communications resource on this.
17. Finally, we aim shortly to publish a write up of an LGA annual conference session led by the chief executives of Manchester and Westminster councils when they shared their experiences of responding to the terrorist attacks in their areas.

### **Implications for Wales**

18. The LGA's work in this area could be of benefit to Welsh councils and councillors and we will liaise with the WLGA as the work programme is developed to ensure they are aware of the work, and can inform its development.

### **Financial Implications**

19. Due to capacity constraints within the team, we are anticipating that much of this work will need to be delivered using external support: there is some budget available to do so, and the pilot leadership essentials course will be delivered from within existing budgets.
20. However, we have emphasised to Government that this is an area where additional resources would support the delivery of more widespread training across local government.

**Next steps**

21. Subject to the Board's comments, officers will continue work to:

21.1. Develop the leadership essentials training offer.

21.2. Update the existing councillor guide – this is likely to be in 2018 and may build in feedback from the pilot training session, depending on timing.

21.3. Engage with and respond to the CCS review once it is completed.

22. The Board's views on what support councils are looking for on this agenda, both corporately and at individual councillor and officer level, would be most helpful.



22 November 2017

## **Government response to House of Lords Select Committee post legislative scrutiny of the Licensing Act 2003**

### **Purpose of report**

For discussion and direction.

### **Summary**

Government's response to the House of Lords Select Committee review of the Licensing Act made it clear that they will not be progressing two of the LGAs key policy asks around localisation of licensing fees and a Public Health objective in the near future.

The focus of this paper is to summarise the key recommendations made by the Select Committee and the government's response to these, as well set out some options for next steps in the short term, whilst being conscious that key policy asks remain the same.

### **Recommendations**

Safer and Stronger Communities Board members are asked to:

1. Note the key recommendations of the House of Lords Select Committee and Government's response to these; and
2. Provide a steer on suggested next steps.

### **Action**

Officers to action as appropriate.

<b>Contact officer:</b>	Rebecca Johnson
<b>Position:</b>	Adviser (Regulation)
<b>Phone no:</b>	0207 664 3227
<b>Email:</b>	rebecca.johnson@local.gov.uk

## **Government response to House of Lords Select Committee post legislative scrutiny of the Licensing Act 2003**

### **Background**

1. A House of Lords Select Committee was established to undertake post-legislative scrutiny of the Licensing Act 2003, reporting its findings in April 2017. The LGA gave both oral and written evidence to the Select Committee outlining the LGA's key asks around a public health objective and locally-set licensing fees. We also identified a number of technical changes to legislation that would assist licensing authorities to deliver their services more efficiently and effectively, but set out our view the Act is fundamentally sound and does not require a major overhaul.
2. The Committee's key recommendation was for council licensing committees to be scrapped, and their functions transferred to planning committees. Our response at the time was robust, arguing that the recommendation was unnecessary and ill-advised, failing to take into account the fact that those most involved in working with the Act do not want to see further major upheaval of the system. Whilst the Committee agreed that licensing fees should be localised, they did not support the call for a health objective.
3. The government have now published their response to the Committee's report. Government shares the LGA's view that overall the Act provides a good framework and does not, as the Committee's report suggested, require a complete overhaul. The Government rejected the Committee's recommendation to merge the licensing and planning systems and instead puts forward suggestions for how coordination between licensing and planning committees can be improved. Overall, where the Committee's recommendations were accepted, the government opted for using existing tools, for example clarifying points of practice in the statutory (Section 182) guidance to deliver improvement – rather than amendments to legislation.
4. In terms of the LGA's key policy asks, we were disappointed that the government did not make any commitment to introduce a health objective or to localise licensing fees in the immediate future. The key recommendations from the report are explored in further details in the next section.

### **Issues**

#### **Key recommendations**

5. **Transferring the functions of licensing committees and sub-committees to planning committees** was the headline recommendation from the Committee who felt they had seen and heard about poor examples of practice by licensing committees. Government did not accept this recommendation but suggested that better coordination between planning and licensing could be achieved through training and guidance around how licensing hearings should be conducted.
6. The Committee has asked the Raynsford Review, which is currently looking at reform to the planning system, to take licensing into consideration. The LGA's submission to the review has included our view that whilst planning and licensing should be kept separate, there is scope for planning and licensing frameworks to link together more closely. The

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LGA's 'Rewiring Licensing' report (2014) recognised that whilst the distinction between planning and licensing functions needs to be clear, it is also important for functions to be aligned operationally to provide a joined up and customer focused service to businesses. Many councils are already exploring opportunities to improve customer service for businesses in this area, for example by joining up planning, licensing and other advice at an early stage through pre-application advice services. The LGA's forthcoming Licensing Act handbook will include such examples.

7. **Minimum level of training for Councillors sitting on licensing committee** was a key theme running through the Lords report. Government supported recommendations around training of licensing committee members and committed to discussing with the LGA, licensing solicitors and other stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a sub-committee, and similarly for refresher training.
8. Subject to members' views, we propose to say clearly in the handbook that LAs should ensure no councillor should sit on a committee without undertaking formal training.
9. **Health as a licensing objective** is a long standing LGA policy ask. In theory, public health can contribute against any of the four existing licensing objectives, which makes them almost unique among responsible authorities. But in practice it can be difficult for them to be heard; an objective could resolve that and allow a much more straightforward contribution, without shutting down every premises as some in the industry fear.
10. There is strong support for a health objective among public health directors, with Public Health England (PHE) and among some in Parliament. However, the Committee did not recommend that a health objective should be introduced, suggesting that it would be too difficult to evidence at an individual premises level. Government's response supported this conclusion, and there is no indication that the government is going to take this forward; instead there will be a continued focus on improving public health's engagement with licensing.
11. PHE has undertaken a lot of work around this over the past few years and have worked closely with councils to develop an 'Analytical Support Package', which brings together various nationally available data and signposts to a range of databases and tools that can support public health in their role as a Responsible Authority, for example through creating interactive maps and reports.
12. Another key Government initiative has been Local Alcohol Action Areas (LAAAs). LAAAs were set up in 2014 to tackle the harmful effects of irresponsible drinking, particularly alcohol-related crime and disorder, and health harms. No funding was attached to the program and the intention was that LAAAs would drive partnership working in the areas, largely around introducing schemes like Pubwatch, Best Bar None, Community Alcohol Partnerships, and Purple Flag. The first phase, which included 20 councils, was launched in 2014 and a second phase (LAAA2) involving 32 councils launched early in 2017. The Home Office intend to share outcomes and best practice from the various areas involved in LAAA2.
13. **Localisation of licensing fees** in the Licensing Act is another long standing policy objective. These are currently set nationally, with rates unchanged since 2005, though the Police Reform and Social Responsibility Act 2011 makes provision for fees to be

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localised. The LGA has consistently argued that the current fees underestimate the costs councils incur in overseeing the Licensing Act, and should be set locally. There have been various reviews and consultations around localisation of fees over the last 10 years, and in 2015, Government asked the LGA to work with it to develop an evidence base on the costs to councils of overseeing the Licensing Act. We worked with CIPFA to undertake this survey, achieving a response rate of around 30 per cent. The survey indicated that some councils are in surplus on the Act, but others are losing a lot and overall local government is in deficit by around £10-12 million a year.

14. The Lords Committee was supportive of localisation of fee setting, however Government has not committed to any change in the near future despite the former Minister, Sarah Newton, appearing sympathetic to this issue. Separate meetings with Home Office officials suggest that controversy over the impact of business rates revaluation on pubs and other businesses earlier in 2017 have made it harder to achieve political agreement on this issue. The Home Office has indicated that they would be open to exploring the impact of a percentage uplift in fees, which is something the LGA could work with the Home Office on as a way we can secure an increase of fees in the short term, whilst retaining our ask around localisation of fees.
15. **Simplifying the application/ licensing procedure** has been another key policy ask following the Rewiring Licensing report. The Committee recommended that gov.uk should be developed so it works with local authority computer systems, with the view to its uniform adoption by all local authorities.
16. Government supported this recommendation, and some work has already begun on this with the Government Digital Service (GDS) launching a project to look at developing a new online licensing platform for local government. This was a surprise but a welcome one, and the LGA, Regulatory Delivery and the Home Office have been supporting GDS to link up with councils to inform this work and make sure the needs of councils are considered. Members will be kept informed as this work develops, central impetus is likely to prove helpful in pushing this agenda forward given the challenges for individual councils to lead this agenda.
17. Another step to simplifying the application procedure put forward in Rewiring Licensing that the Committee supported was the reform of public notices and that the requirement to display these should be removed and local authorities should use online notifications instead. However, the Government did not accept this proposal.
18. A database of personal licence holders is something that local authorities have been keen to see rolled out and Government suggested that they were keeping a close eye on the LGA's National Register of taxi/PHV licence revocations and refusals as a potential model to deliver this.
19. **Taxation and Minimum Unit Pricing (MUP).** The Lords recommended that if the Scottish policy is successfully introduced following legal challenges, and subsequent assessment shows it has been successful, that MUP should be introduced in England and Wales. Government's response suggested further assessment would be made once the outcome of the legal case between the Scottish Government and the Scotch Whisky Association had been decided, and any assessment of the policy's impact could be made. The Supreme Court ruling on MUP in Scotland was announced on Wednesday 15



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November; and the seven judges unanimously found the approach to be a 'proportionate means of achieving a legitimate aim.'

20. MUP has been discussed at this Board and Community Wellbeing Board meetings but it is not an issue on which the LGA has a consensus position. As alternative measures, the LGA has previously argued that the most effective intervention would be amendments to the HMRC duty regime; HM Treasury and HMRC could contribute significantly to lowering damaging levels of consumption by making use of their fiscal powers and responsibilities - for example by introducing tax breaks for the development of lower strength products.
21. The current system of duties and taxation has gone some way to addressing the sale of cheap high strength alcohol, for example through the ban on the sale of alcohol below duty plus VAT. Attempts have also been made to link levels of taxation more closely to strength – for example through new beer duties. More recently, the Treasury consulted on a new cider duty, targeted at cheap high strength white ciders, which was welcomed by the LGA as the availability of high strength ciders and their link to problem drinking has been an ongoing concern for local authorities – the outcome of the consultation is pending.

### **Financial Implications**

22. Any additional work identified from this report will be met from existing resources.

### **Next steps**

23. The LGA is developing a Handbook for Councillors on the Licensing Act and the Government has identified the Handbook as a tool to drive consistency of standards in terms of member training and conduct and promote coordination between planning and licensing.
24. We will continue to work with PHE to promote their Analytical Support Package and with the Home Office to support the LAAA2 program and disseminate any best practice coming out of this.
25. Members are asked to:
  - 25.1. Consider whether the LGA should work with the Home Office to seek to secure a flat-rate uplift on licensing fees, as an interim step whilst retaining the call for localisation of licensing fees.
  - 25.2. Comment on using the LGA Licensing Handbook and other tools to set expectations around training being completed before a member can sit on a committee, and the need for this to be refreshed at regular intervals.
  - 25.3. Agree to monitor the introduction of Minimum Unit Pricing in Scotland if the Scottish Government proceeds to introduce this policy, with a further update being brought back to the Board once it is possible to provide an initial evaluation of the policy's impact.



## **LGA response to Casey review on integration and opportunity**

### **Purpose of report**

For information.

### **Summary**

This paper updates the Board on the LGA's response to Dame Louise Casey DBE CB's review of integration and opportunity, and next steps.

### **Recommendation**

That the Safer and Stronger Communities Board members note the response and future activities in this area.

### **Action**

Officers to take forward as directed.

<b>Contact officer:</b>	Ellie Greenwood
<b>Position:</b>	Senior Adviser
<b>Phone no:</b>	0207 664 3219
<b>Email:</b>	ellie.greenwood@local.gov.uk

## **LGA response to Casey review on integration and opportunity**

### **Background**

1. As the Board will recall, Dame Louise Casey DBE CB's review of integration and opportunity was published in December 2016, and discussed by the Board in January this year.
2. Following that discussion, Dame Louise attended the LGA's Executive in March to give an overview of the review and the key findings in relation to councils, which can be summarised as:
  - 2.1. Social and economic exclusion being a major barrier to cohesion and integration, with high unemployment rates for young black men and poor life chances for white working class communities highlighted.
  - 2.2. Settlement patterns that result in communities segregated on a cultural and religious basis, which result in people growing up without understanding the nature of the country they were living in.
  - 2.3. The need to develop a discourse on the impact of the pace and scale of migration that enabled issues to be discussed without dividing those with different views into different camps.
  - 2.4. The need for political leadership to address these issues that extended beyond the leaders of councils, and related to that the need to improve standards in public office and the integrity of local government.
3. Cllr Blackburn was tasked with working with Group Leaders to develop an LGA response to the review for consideration by the Executive.
4. Following the Executive session, further work has been undertaken to:
  - 4.1. Discuss the review and expected Government response with Dame Louise before she left the civil service at the end of June.
  - 4.2. Take soundings on the wider issue of standards and integrity of local government.
  - 4.3. Hold discussions with councillors in areas perceived to face cohesion challenges to get their perspective on how councils and the LGA can provide support on the issue of leadership and cohesion.

## Issues

### 5. *LGA response to the review*

- 5.1. The key themes for the LGA's draft response to the review were discussed by Cllr Blackburn and Group Leaders at their meeting in October. A draft response has subsequently been developed (this is being circulated separately) and is currently being considered by Group Leaders, ahead of a discussion at the LGA Executive in early December. The response straddles both our policy and improvement work, given that much of the discussion at the Executive focused on political leadership, corporate governance and standards in public office, as well as local conversations around shared values and qualities.
- 5.2. On socio economic exclusion, councils' ability to address these issues are currently constrained by the lack of levers available to councils, as has previously been noted in the context of the Casey review. The LGA's existing policy proposals around employment, skills and the economy would enable councils to deliver inclusive growth, but our response on this point recognises the need to make the further link to how devolution of these powers will help support more resilient, cohesive communities.
- 5.3. Similarly, the Casey Review's findings around segregation can be used to strengthen future LGA lobbying on the ability of councils to determine where and what type of new schools are built in their area. We also urge Government to empower councils to have a more effective role in overseeing home schooling, in order to tackle the growth in illegal schools, which poses a risk to both individuals and society as a whole.
- 5.4. A particular emphasis in the discussion at Executive was on political leadership at the local level, and on integrity in public office as an important strand in strengthening local political leadership. This challenge on integrity in public office is clearly applicable beyond its impact on community cohesion. Without a national standards board and with reduced powers for monitoring officers the LGA was urged to take a lead in this area.
- 5.5. On the specific cohesion aspect of political leadership, our discussions since the Executive have confirmed that there is no simple, off the shelf solution for emboldening councillors to tackle difficult and sensitive local issues. Both the LGA, and individual councils corporately, have a role in supporting members to do this, as do individual political parties. Our response sets out the LGA's existing work in this area, and outlines further areas of support that we are considering.

- 5.6. On the wider issue of standards, it is clear that there is little appetite across local government for a return to a major framework equivalent to the Standards Board regime. Our response sets out the work that the LGA already does in this area, as well as an expectation that all councils will in future engage with the corporate peer challenge process. We also look ahead to wider consideration of these issues in an expected review of local government standards by the Committee on Standards in Public Life in 2018.

**6. *Government response to the review***

- 6.1. The Government's own response to the Casey review was initially delayed by the General Election but is expected imminently.
- 6.2. Discussions with officials at the Department for Communities and Local Government indicate that the Government is likely to publish a green paper style response that invites views on the key themes it highlights for the integration strategy. These themes are expected to build on the issues highlighted in the Casey review, but with the intention of moving the agenda on, and recognising the good work that already takes place locally across the country.
- 6.3. We are expecting the paper to be accompanied by the launch of an area based programme that supports local and central partnership working on cohesion in different areas; we understand that the programme will begin with five councils areas but scale up during 2018.
- 6.4. Depending on the Government's timetable for publishing its integration strategy, we may therefore amend our response to the Casey review to include our response to the Government's proposals.

**Implications for Wales**

7. Our work on this issue is clearly of relevance to Welsh member councils, although some key issues such as education are devolved to the Welsh Assembly. LGA materials and events are open to Welsh colleagues. We will liaise as appropriate with WLGA about how our work may assist Welsh councils.

**Financial Implications**

8. Work on cohesion related issues is being undertaken within our existing budget, including funding made available through the CLG improvement grant.

**Next steps**

- 8.1. Our next steps on this agenda are to:

- 8.1.1. Formally respond to the Casey review subject to approval of the draft by the LGA Executive.
- 8.1.2. Continue to liaise with Government to help shape the area based programme in a way that works for councils.
- 8.1.3. Consult on and formally respond to the Government's integration paper once it is published.
- 8.1.4. Take forward the set of activities on Prevent, counter extremism and cohesion agreed at the Board's meeting in June. With effect from December, we will have additional capacity in the team to progress this work through a six month programme led by a dedicated officer.





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## **Fire safety in high rise buildings update**

### **Purpose of report**

For information.

### **Summary**

This paper updates the Board on the work of central and local government since the last meeting to ensure that high rise buildings are safe, including the LGA's submission to the Building Regulations and Fire Safety Review.

#### **Recommendation**

That members:

1. Note the ongoing work at a national and local level to improve fire safety in high rise buildings; and
2. Note the LGA's submission to the Building Regulations and Fire Safety Review and consider if there are any additional points to be raised with the Review team.

#### **Action**

Officers to proceed as directed.

<b>Contact officer:</b>	Mark Norris
<b>Position:</b>	Principal Policy Adviser
<b>Phone no:</b>	020 7664 3241
<b>Email:</b>	mark.norris@local.gov.uk

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## **Fire safety in high rise buildings update**

### **Background**

1. Since the last meeting of the Board, LGA work has continued to deliver the three lobbying priorities identified by the LGA's Leadership Board, which are to ensure that:
  - 1.1. National action focuses on what needs to happen to make buildings safe.
  - 1.2. Government agrees to find the necessary resources for any required changes, both for remedial work and for any new tighter requirements.
  - 1.3. A review of building regulations and fire safety guidance and systems is undertaken.
2. The LGA's work over the last two months has predominantly centred on three areas: remedial work to council tower blocks that need their cladding replaced; the data collection work the Department of Communities and Local Government has asked councils to undertake to help identify private high rise residential buildings where the cladding needs to be replaced; and finalising the LGA's submission to the Review of building regulations and fire safety.

### **Social Housing Tower Blocks**

#### *Remediation work*

3. As was reported to the last Board meeting fifteen councils have been identified who own 45 tower blocks with combinations of Aluminium Composite Material (ACM) cladding and insulation that failed the full systems tests carried out by the Building Research Establishment (BRE) over the summer. In addition over 100 housing association tower blocks in 34 local authorities also require remedial work. The Department of Communities and Local Government (DCLG) has continued to liaise closely with social landlords about the remediation work they need to carry out to their tower blocks, and requested an update from them on the progress with the remediation works by 10 November.
4. The 15 councils have raised a number of issues with the Housing Solutions Team in DCLG, which is responsible for this area of work. A significant concern has been finding the expertise to carry out the remediation work, including the number of civil and fire engineers and chartered surveyors available to provide professional advice about further action and to check on the quality of work, as well as finding competent contractors to strip and replace cladding systems from the blocks. Other concerns have included how to prioritise buildings in work programmes and the capacity of the building and construction industry to do the work.

#### *Alternatives to ACM Cladding*

5. A further key question for councils has been what they replace the ACM cladding and insulation on their tower blocks with; an issue that is of wider interest as private high rise residential buildings with ACM cladding are identified. In the consolidated advice it issued on 5 September, DCLG indicated it would be asking the Independent Expert

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Advisory Panel (established to provide advice on how to make buildings safe) to consider whether there may be heightened risks associated with other cladding systems.

6. It is understood that the first stage in the review of whether there are any other cladding systems that present a similar fire safety risk to ACM cladding systems has been concluded, and that consideration is being given to commissioning BRE to research other materials that might be used in cladding systems, and using this as the basis for a catalogue. BRE has already started to publish the results of full system tests where the cladding system has passed. There are concerns with how useful it is to just publish test results where the system has passed. The LGA has therefore called for the results of failed full system tests conducted by BRE to be published.

*Industry Response Group*

7. Further advice for councils and building owners on carrying out remediation work is due to be provided by the Industry Response Group (IRG) established by DCLG in July. It has been working on a series of briefing notes about the key stages of remediation. These will include a decision tree for owners of buildings with ACM cladding to use, a myth-busting glossary (covering the meaning of a range of terms including materials of limited combustibility, insulation, and responsible person), the different professional advice (eg architect, fire safety engineer, quantity surveyor) available to advise on elements of the work, and assessing fire safety and identifying remedial works. These briefing notes were due to be published in October.
8. The LGA has raised a number of issues in relation to the IRG's work, not least being the speed with which advice is being made available to building owners. In the absence of a definitive list of products that have passed or failed the full systems tests perhaps the most useful advice the IRG could produce would be to give a clear steer to building owners about what products could be used to safely replace ACM cladding. We do not anticipate however that the IRG will be providing building owners with that advice due to differing views between different parts of the industry.

*Interim fire safety mitigation measures*

9. While remediation work is commissioned to replace ACM cladding on social housing tower blocks, councils and housing associations have to continue to ensure the safety of residents in those blocks. To assist with that DCLG and the National Fire Chiefs Council (NFCC) have produced additional guidance for building owners. DCLG issued updated advice on interim fire safety mitigation measures at the end of September. This recommends that building owners check for example, that they have a suitable fire risk assessment, that residents understand emergency fire procedures, and that doors that open on to escape corridors and stairwells are fire resistant.
10. Fire and rescue services have been carrying out inspections with building owners to assess the risks in individual buildings following the issuing of this advice, which has required the deployment of considerable resources. London Fire Brigade for example will have to inspect around 200 buildings.
11. Having completed these checks, an assessment has to be made about whether a 'stay put' strategy remains appropriate for the building taking into account a range of factors. If

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it is decided that a 'stay-put' approach is temporarily unsuitable for the building, then a simultaneous evacuation policy should be implemented. If the risks are very serious then consideration should be given to decanting residents from all or part of the building until the remediation work is complete. The NFCC have produced complementary guidance to DCLG's on implementing a simultaneous evacuation policy, such as the use of a Waking Watch or a common fire alarm system to detect fire and initiate an evacuation. We understand that in a number of social housing tower blocks there has had to be a move to simultaneous evacuation, following assessments by the fire and rescue service.

### *Funding*

12. Funding the remediation work is of course a crucial issue for the affected councils, as is the cost of the fire safety checks for fire and rescue services. In order to get a sense of the cost to the fifteen councils, the LGA has asked them to provide estimates of the cost of conducting remediation work. So far we have had responses from fourteen out of the fifteen. These indicate work is either underway or already completed to remove the cladding from 26 tower blocks, and in a small number of cases replacement work has already started. Councils were also asked to provide estimates of the cost of additional fire safety measures such as installing alarms or sprinkler systems.
13. There may also be financial implications for local authorities who have transferred tower blocks to housing associations. Housing associations are not being provided with funding by government to undertake the remediation work needed to the buildings they own, and as a result they have been exploring other avenues to find the funding for the work. We understand some are examining the 'stock transfer warranties' provided at the time of the transfer by the relevant council.
14. At an evidence session before the Communities and Local Government Select Committee on 11 October the Secretary of State repeated the Department's position on funding. DCLG take the view that fire safety is the responsibility of the building owner and is not making any additional funding available to councils to carry out remediation work. The expectation is that councils will fund this work themselves. Where councils are unable to afford the work they can discuss this with the Department. Currently 32 councils have approached DCLG and seven are in detailed discussions with officials about providing them with greater flexibility to borrow from their Housing Revenue Account (HRA), or make a transfer from their general fund to the HRA.

### **Private sector blocks**

#### *Data collection*

15. DCLG's programme for ensuring that private high rise residential buildings are safe continues to develop. Having written out to councils at the start of September to ask them to gather data on the number of private high rise residential buildings in their area, DCLG wrote on 19 October to owners of these buildings to request key pieces of information. At the same time DCLG have also written to local authority chief executives confirming that gathering the data on private high rise residential buildings represents a new burden and funding will be made available for this work. DCLG's assessment is that the additional costs amount to £289,000 across the sector.

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16. In order to assist the seven authorities with the largest number of private high rise residential buildings, DCLG has appointed relationship managers for each council. DCLG has also held teleconferences with these councils and the fifteen authorities with the next highest estimated number of private blocks to enable them to discuss issues. Those councils involved have raised concerns about the time and resource required to collect the information DCLG have requested be returned by 10 November. There has also been debate about the respective roles of councils and fire and rescue services in gathering this data.

*Legal powers*

17. The other main concern that councils have raised with DCLG are their powers to take action where landlords do not prove co-operative. DCLG wrote to councils in a letter dated 8 October setting out the powers they believe are available to councils under the Housing Act 2004 and the associated Housing Health and Safety Rating System. DCLG's view is that the powers in the legislation can be used in relation to external cladding systems.
18. There is concern among local authorities that, irrespective of DCLG's legal advice, private landlords will challenge attempts by councils to compel them to take action through the courts. Any dispute of this sort would have significant implications for the local authority concerned, especially if it is a smaller council with limited resources, and more widely for fire safety if the landlord's case was successful. If a building owner was to successfully challenge a council's attempts to take a sample of cladding to identify whether it was an ACM panel or not then we could be left with a number of buildings with cladding on them that represents a fire hazard, but the owner cannot be compelled to do anything about under the Housing Act. In these circumstances the onus may be on fire and rescue services to take action under the Regulatory Reform (Fire Safety) Order 2005. We have therefore urged DCLG to support any council that faces a legal challenge from a landlord, including appearing alongside the council in court.

*Outcomes from the programme*

19. We have also suggested that DCLG give more thought to what happens as this programme develops. From what we have heard from the construction industry, it seems ACM cladding has been more widely used on private high rise residential buildings than on social housing tower blocks. The proportion of private high rise residential buildings with ACM cladding that needs to be removed may well be greater than in council and housing association buildings. The number of affected council tower blocks amounted to no more than three per cent of the total number of council owned blocks. If the number of private residential high rise buildings with ACM cladding is higher than in the social housing sector this will have significant resource implications for FRAs if they have to inspect them.
20. DCLG has been clear that owners are responsible for the safety of their buildings, with the expectation being that private landlords will undertake the necessary remedial work. However this raises a number of issues. Some building owners may not be able to afford the remedial work needed to make a building safe. In this circumstance who will carry out the remedial work and who will pay for it? Fire and rescue services and councils

would then have to consider who if anyone might be made to take responsibility for carrying out the work. Resolving any disagreements over who is responsible could be a complex and time consuming legal process.

21. Other building owners will pass the costs of the remedial work on to leaseholders. When these include the costs of any interim fire safety measures, the bills leaseholders could face may be substantial, and it is possible some may lose their homes as a result. It is also unclear if every building owner of a block with ACM cladding could afford to pay for interim fire safety measures until remedial work was carried out. We may therefore see pressure placed on fire and rescue services from private building owners to change their advice on the interim fire safety measures needed in a particular block.
22. This also raises the question of what action can be taken where a building owner stops providing interim fire safety measures, such as a waking watch. The powers fire and rescue services have under the Regulatory Reform (Fire Service) Order 2005 are not extensive and the ultimate sanction available would be to close a building; which would mean having to rehouse the residents living in the block. In these circumstances it is not clear if any of the powers councils have under the Housing Act, would provide a better tool short of closing the building to take action against a building owner.
23. Councils may feel compelled to take action in these circumstances. As has been reported in the press, Slough is taking action to acquire a private high rise residential building which has ACM cladding that needs to be removed. While others may wish to go down this route to ensure their residents are safe, the costs of carrying out the remediation work could well be prohibitive, even if councils are able to recover the costs of the work from the leaseholders or insurers at a later date.

### **Large Panel System built buildings**

24. Following the inspections commissioned by the London Borough of Southwark into the tower blocks on the Ledbury estate, DCLG wrote out to all councils about large panel system-built buildings in early September. The Department recommended councils check any large panel system buildings they are responsible for to see if they have piped gas, and if they do ensure the building can carry gas safely. Whether or not large panel system buildings have a gas supply, councils were told it was important for them to understand their structural history and monitor their condition and structural integrity.
25. Councils have been told they will have to examine the records they have, which may be incomplete, to aid this process. We have therefore searched the National Archives to help councils ascertain if there are any large panel system buildings in their area that were strengthened after the explosion at Ronan Point in 1968. This information has been provided to the LGA's principal advisers in the regions to share with member authorities. DCLG have indicated that they are considering whether to produce further advice to building owners on large panel system buildings, and the further investigations that Arup have been commissioned to carry out on the Ledbury estate is due to complete at the end of November.

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### **Building regulations and fire safety review**

26. At was reported to the last Board meeting Dame Judith Hackitt's review of building regulations and fire safety issued a call for safety in September. Following consideration by the Lead Members of the Safer and Stronger Communities Board and Fire Services Management Committee, by the Environment, Economy, Housing and Transport Board, as well as the LGA's Grenfell Task and Finish Group, the LGA's evidence was submitted to the Review on 13 October. A copy has been attached at Annex A. Subsequently the Review team invited the LGA to participate in a roundtable event with tenants and leaseholders in London on 6 November, and there has also been a meeting with the Review team.
27. The Review's interim report is expected before the end of the year, with the final report and recommendations ready in spring 2018. This is still a work in progress, so if there are additional points members wish to see raised for consideration by the Review team these can be included in any future discussions.

### **Implications for Wales**

28. The issues set out in this document are being addressed by the devolved administration and local authorities in Wales.

### **Financial Implications**

29. The LGA's work in response to Grenfell Tower continues to be intensive; however it has been met so far from existing resources.

### **Next steps**

30. Members are asked to:
- 30.1. Note the ongoing work at a national and local level to improve fire safety in high rise buildings.
  - 30.2. Note the LGA's submission to the Building Regulations and Fire Safety Review and consider if there are any additional points to be raised with the Review team.







## LGA submission to the call for evidence for the independent review of building regulations and fire safety

13 October 2017

### About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

### Introduction

The LGA welcomes the opportunity to submit evidence to the independent review of building regulations and fire safety. Councils across the country are clear that no one should have to live in fear about their safety, be that in the buildings they live in, work in or visit.

The tragedy at Grenfell Tower has clearly exposed a systemic failure of the building regulation system, which needs to be addressed urgently to ensure such an incident never happens again.

Whilst the primary focus since Grenfell has, understandably, been fire safety in high-rise towers, we urge the independent review to look more broadly at building regulation and fire safety issues that affect all buildings, to ensure there are robust procedures in place across the board. Furthermore, recommendations arising from the review should be given clear deadlines for implementation.

Whilst our response covers the specific questions in the call for evidence, it can be split broadly into two themes. Those looking at fire safety when buildings are being constructed and post-construction fire safety.

In relation to both themes we feel that there needs either to be a single point of responsibility or greater clarity over the responsibilities of those building and/or owning blocks and the regulators of construction and ongoing safety. All of these arrangements need to be clear to residents, to those responsible for construction at the sharp end and to those with day-to-day responsibility for managing buildings.

A summary of our proposals can be found at the end of this document.

# Submission

## Response to specific questions in the call for evidence

### 1 The overarching legal requirements

*Q1 To what extent are the current building, housing and fire safety legislation and associated guidance clear and understood by those who need to follow them? In particular:*

- What parts are clear and well understood by those who need to follow them? and, if appropriate*
- Where specifically do you think there are gaps, inconsistencies and/or overlaps (including between different parts of the legislation and guidance)? What changes would be necessary to address these and what are the benefits of doing so?*

The requirement under section B4 (1) of the Building Regulations 2010<sup>1</sup> relating to the spread of fire across the external walls of the building is perfectly clear and does not need to be revised. This specifies that *'The external walls shall adequately resist the spread of fire over the walls and from one building to another, having regards to the height, use and position of the building'*.

### Approved Document B Volume 2

However, this is not the case with the Government's guidance Approved Document B (fire safety) volume 2<sup>2</sup>: buildings others than dwelling houses, which deals with fire safety in tall buildings and is unclear.

The lack of clarity in the guidance has been recognised at least since 2013 when the Coroner in the case of the 2009 Lakanal House deaths wrote in a Rule 43 letter to the Department of Communities and Local Government (DCLG) stating that "[Approved Document B] is a most difficult document to use" and recommended that the Department "provides clear guidance in relation to Regulation B4 of the Building Regulations, with particular regard to the spread of fire over the external envelope of the building".

The Coroner went on to recommend that the guidance "is expressed in words and adopts a format which are intelligible to the wide range of people and bodies engaged in construction, maintenance and refurbishment of buildings"

The concerns of the Coroner are supported by evidence from the Fire Sector Federation titled "Why does Approved Document B need to be reviewed?" The document cites findings from a survey of Fire Sector Federation and Construction Industry Council members suggesting that a large proportion of the members of both organisations have serious concerns as to the adequacy and clarity of Approved Document B. More than half of the CIC members responding to the survey are said to find Approved Document B difficult to use.

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2010/2214/schedule/1/made>

<sup>2</sup> <https://www.gov.uk/government/publications/fire-safety-approved-document-b>

In its response to the Coroners rule 43 letter DCLG stated that a new edition of the Approved Document would be produced in 2016/17. This did not happen.

Approved Document B is of no use if the individuals fixing cladding systems to buildings do not understand both the document, its purpose and its importance. It is clear that terms such as 'filler' (in paragraph 12.7) mean different things to lawyers than to builders. This is a serious failing in a document that the building industry is supposed to understand and apply. Approved Document B2 as a whole is arguably not fit for purpose in this respect. The revised version - and the definitions section in particular - should be subjected to a reality-check to ensure it is comprehensible to those working in the industry.

Our specific concerns with the guidance are listed here:

- The tone of the opening introductory paragraphs invites the reader to find alternative ways to those in the guidance with which to comply with section B4 (1) of the building regulations; it states that "there is no obligation to adopt any particular solution contained in an approved document if you prefer to meet the relevant requirement in some other way".<sup>3</sup> There is a risk that this leeway undermines the authority of the guidance and establishes a contestable space in which manufacturers, builders, and regulators must operate
- There are both national and European classifications of non-combustible materials and materials of limited combustibility. Approved Document B Vol 2 rightly refers to both and states that "the national classifications do not automatically equate with the equivalent [European] classifications" and that products "cannot typically assume a European class unless they have been tested accordingly".<sup>4</sup> However, there is a lack of clarity as to when a national or European standard should apply. This is of particular importance and becomes increasingly confusing when the guidance is being read in conjunction with other documents such as Agrément Certificates
- In general it is important to note that the guidance can only be interpreted by further reference to a number of other complex documents including various British Standards and BR 135<sup>5</sup>
- Paragraphs 12.5 to 12.9 of Approved Document B Vol 2 provide the relevant guidance for external wall construction and external surfaces for blocks of flats that are 18 metres or taller. These

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<sup>3</sup> AD B Vol 2 p5

<sup>4</sup> AD B Vol 2 Appendix A Tables 6 and 7

<sup>5</sup> [BR 135](#)

paragraphs set up two separate routes to compliance and are problematic:

- Whilst paragraphs 12.6 and 12.7 may appear to set absolute requirements for 18m plus buildings if read alone, that is not the case because paragraph 12.5 offers an alternative route to compliance stating that “External walls should either meet the guidance given in paragraphs 12.6 to 12.9 or meet the performance criteria given in the BRE Report Fire Performance of external insulation for walls of multi storey buildings (BR 135)”
- In doing so the guidance appears to set up no absolute requirement for the external surfaces of walls to meet the provisions of paragraph 12.6 and Diagram 40 or for insulation materials in cladding systems used on 18m plus buildings to be of “limited combustibility” as specified in paragraph 12.7. The guidance allows not just for two separate routes to compliance but for two completely separate standards. The continuation of such an approach must now be questionable
- The confusion in these important paragraphs is compounded further by a tension between the requirements of 12.6 and Diagram 40 (“Provisions for external surfaces or walls”), which appear to set a B threshold for external wall surfaces, and the requirements of 12.7 which set an A2 threshold for any external cladding.

A practice has built up in the industry whereby a *third* option to achieve compliance is available.<sup>6</sup> This approach, allows that if no actual fire test data exists for a particular system, a desk-top study report by a suitable independent UKAS accredited testing body (BRE, Chiltern Fire or Warrington Fire) can be submitted instead to building control stating whether, in their opinion, BR 135 criteria would be met with the proposed system. These reports are a matter of judgement and cannot be verified by building control. Subsequent to the Grenfell Tower fire a number of cladding systems which have been used on tall buildings have proved not to meet the required standard of non-combustibility. This raises serious questions about the appropriateness of a route to compliance which does not depend on an actual fire test.

These concerns suggest that the efficacy of the approach to guidance, including allowing various routes to compliance and dual standards must be questioned and that a substantial rewrite of Approved Document B is required. The rewrite should ensure that the updated document is comprehensible to those industry professionals that use it and ultimately delivers the key outcomes it seeks to address, which is fire safety.

As a minimum:

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<sup>6</sup> BCA Technical Guidance Note 18

- Paragraph 12.7 should be rewritten to say that all the material used in external cladding systems should be of limited combustibility (this would still allow products that do not meet this standard to be used where a system has passed BS 8414). The existing references to the materials (e.g. filler) involved allows room for confusion although the reference to gaskets and sealants in parenthesis may need to be retained
- Approved Document B should also make it clear that a fire-engineering approach cannot override the requirement of section B4 (1) of the Building Regulations and that desktop studies cannot substitute for test BS 8414.

### **BR 135 and BS 8414 and the transparency of test results**

BR 135 specifies criteria to assess whether an entire cladding system meets pass/fail thresholds for external and internal fire spread when tested using the method set out in BS 8414. BS 8414<sup>7</sup> is a British Standard describing test methods to assess fire safety of cladding applied to the external face of a building.

The details of the BS 8414 test need to be reviewed and clear guidance provided on how far a cladding system may in practice differ from the test rig used if it is to rely on an existing test result. This provision is required to avoid repeating the test where a system is identical in key respects to those already tested (for example the same materials and no significant difference to the layout). It should not be capable of providing the same effective loophole that desk top studies have in practice become.

The BS8414 tests undertaken by independent UKAS accredited testing bodies (BRE, Chiltern Fire or Warrington Fire) are a commercial activity. As such the results are treated as commercially confidential and are not available publically without the approval of the manufacturer that has submitted a product or system for testing. This has proved frustrating as councils and other landlords and building owners have grappled with the challenge of assessing the cladding on their buildings, particularly if the cladding systems are not one of those that the Government has recently tested.

Following the Grenfell Tower fire, it is now unsustainable that test results, particularly those that fail under BS 8414, can be treated as commercially confidential. There should be a duty on accredited testing bodies to make this information publicly available. It should also be the case that the granting of an Agrément Certificate is dependent on the publication of *all* fire safety test results.

The test relating to BS 8414 is based on the assumption that systems are properly fitted. Evidence suggests, for example around wind loading, that this cannot be relied upon. It would be helpful if the BS8414 testing regime were able to provide information on how sensitive the tests are to commonly found mistakes in building envelopes.

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<sup>7</sup> [BS 8414](#)

Consideration should also be given as to whether retrospective installation of BS8414 tested cladding systems onto older buildings (which may have been built under broader construction tolerances than might be allowed today), could impact on the integrity and fire safety of that system. The details of the BS 8414 test are not widely known and are not publicly available without the purchase of a BRE publication. These details need to be made more widely available in order to aid understanding of why the test matters.

### **Wind loading**

A separate and distinct issue has risen in respect of cladding on tower blocks. Following investigations of cladding that fell from buildings in Glasgow, it was found that some cladding systems may be designed and installed in such a way that they could fail in strong winds. It is our understanding that a survey by the British Board of Agrément has shown that wind loading calculations for cladding systems are not properly understood by the industry. Approved Document B needs to refer to the need for accurate wind loading calculations.

### **Energy performance and Approved Document L**

The Buildings Energy Performance Directive<sup>1</sup> (EPBD) was approved on 16 December 2002 and brought into force on 4 January 2003. EPBD required Member States to take measures to ensure that minimum energy performance requirements for buildings were set. Building Regulations were amended in 2006 and a new set of Approved Documents L were introduced. Targets for heat loss, a U value, apply for new build and for renovations. For example Table A1 of AD L1 B sets a U value of 0.30 for the renewal of cladding, or applying cladding for the first time to an external wall. This has implications for the type of insulation and rain screen used in a cladding system. We need to ensure that in complying with Approved Document L there is an appropriate regard for fire safety. Approved Document L may need amending to ensure that requirements in respect of energy efficiency do not obscure requirements elsewhere in respect of fire safety.

The possibility that changes of use under permitted development that see buildings over 18m transferred from commercial, in particular office use to residential, may add an additional gap in the regulatory framework, needs to be properly investigated.

The points made above require a wide-ranging review of building regulation guidance. However, in our view the changes which can be made quickly should not be delayed pending the outcome of a wider review. In particular the guidance around cladding systems must be revised quickly so that it can inform the recladding that needs to be carried out now.

### **Post construction safety and the Fire Safety Order**

Following the Lakanal House inquest, the Coroner wrote to the Department for Communities and Local Government in a Rule 43 letter recommending that the Government give clear guidance on:

- The definition of 'common parts' of buildings containing multiple premises
- Inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached
- Inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.<sup>8</sup>

Clear guidance is still outstanding and these uncertainties remain.

In addition there appears to be uncertainty over:

- Whether cladding systems are 'common parts' of buildings for the purpose of the Regulatory Reform (Fire Safety) order 2005 (the FSO)
- Whether cladding issues should be inspected and enforced under the FSO by fire and rescue authorities or the Housing Act
- Whether cladding which would not pass building regulations is a category one hazard under the health and safety rating system under the Housing Act.

In general there is insufficient clarity on the relationship between the Housing Act 2004 and the Fire Safety Order and the division of responsibilities and powers between councils under the former and fire and rescue services under the latter. This could be solved by a single body (either the local authority or the fire and rescue service) being given exclusive responsibility for fire safety issues in multi-storey blocks. Or, alternatively, clarifying the respective roles of councils and fire and rescue services may prove equally effective. To avoid any perceived conflict of interest, councils should not be put in a position where they are both the proprietor/landlord of a building and the regulator. In these instances partnership with fire and rescue services will be crucial.

Either way it is essential that there is a collaborative partnership approach between all agencies involved in ensuring the safety of residents, albeit relative responsibilities need to be clarified and formalised. Our concern is to see the issue addressed and the solution properly funded, rather than to ensure it is addressed in a particular manner, although we intend to consider that issue further and seek our members' views on it. For the sake of concision this point is not repeated below where reference is made to a single enforcement body.

### **Building Regulations Advisory Committee (BRAC)**

The Building Regulations Advisory Committee (BRAC)<sup>9</sup> is an advisory non-departmental public body, sponsored by DCLG. The Committee advises on

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<sup>8</sup> <https://www.lambeth.gov.uk/sites/default/files/ec-letter-to-DCLG-pursuant-to-rule43-28March2013.pdf>

<sup>9</sup> [Building Regulations Advisory Committee \(BRAC\)](#)

making building regulations and setting standards for the design and construction of buildings. Given the previous Government's drive to "reduce the regulatory burden on the housing industry"<sup>10</sup>, and "make it easier and cheaper to build homes"<sup>11</sup>, consideration should be given to the impact that this deregulation has had on the overall safety and quality of new builds over successive Governments. For example, whether the drive to reduce costs has led to a race to the bottom in terms of building standards, rather than the most appropriate level of regulation. There should also be a review on the fitness for purpose of BRAC. This should consider, in particular, the quality and frequency of BRAC's advice to Government, the degree to which its conclusions are followed up by the Government and the balance of interests on the committee.

### **Local Government Association guidance on fire safety in purpose-built blocks of flats**

The LGA led work commissioned by Government to develop sector-led guidance<sup>12</sup> on fire safety in purpose-built blocks of flats, which was written by experts in the field of fire safety and was published in July 2011. It was developed after landlords voiced a number of concerns about how best they can deliver an appropriate level of fire safety in purpose-built blocks of flats. The LGA is keen to work with the Government and other partners to consider the implications of any recommendations resulting from the Hackitt review, the Grenfell Tower public inquiry and inquest to make any revisions to the guidance as appropriate.

### **2 Roles & Responsibilities**

*Q2 Are the roles, responsibilities & accountabilities of different individuals (in relation to adhering to fire safety requirements or assessing compliance) at each key stage of the building process clear, effective and timely? In particular:*

- *Where are responsibilities clear, effective and timely and well understood by those who need to adhere to them/assess them? and, if appropriate*
- *Where specifically do you think the regime is not effective?*
- *What changes would be necessary to address these and what are the benefits of doing so?*

The body of legislation is only one aspect in considering the safety of buildings. The practice of the construction sector and professionals within it are equally important. There is evidence to suggest that the chain of different suppliers and contractors involved in the construction or refurbishment of a building allows too great a risk that value engineering and product substitution can happen after building control plans have been approved and even during the construction phase.

It is necessary to reduce this risk and in our view, the construction of safe buildings will require that:

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<sup>10</sup> [Ministerial Statement 13 March 2014](#)

<sup>11</sup> [DCLG press release](#)

<sup>12</sup> [LGA guidance on fire safety in purpose-built blocks of flats – July 2011](#)



- Responsibility for ensuring that a building is constructed in accordance with the building regulations and that unsuitable products are not introduced at a late stage in the construction process needs to lie with a specific individual who can work across the supply chain, probably supported by a more rigorous inspection system
- This could include creating a formal stage when plans and specific product details have to be verified by building control. They then must be delivered according to the verified details with inspections scheduled to monitor key phases and tasks
- Workers engaged in front line tasks understand what they can and cannot do to comply with the regulations. It is impractical to imagine that it will ever be possible to ensure cladding is properly attached to a building and cavity barriers fully functional, through inspection alone. This could be addressed through an accredited installer scheme for cladding industry employees
- Anyone undertaking work in a block that could breach the principle of compartmentation understands the need to avoid doing so. While this can be addressed through training of utility installers etc, all such work needs to be notifiable to building control (and also to the single body referred to in answer to Question1 above, if this approach were to be adopted) as well as to the responsible person under the Fire Safety Order.

We are not confident that the current regulatory framework ensures any of the above outcomes.

### **Building control under market conditions**

Building Control Bodies (BCBs) are responsible for checking building works to provide verification that it complies with national building regulations. Building Control Bodies may be either the building control department within a local authority or an Approved Inspector. The person carrying out building work can decide whether to use the local authority or an Approved Inspector.

The current competitive system of building control, operating within indeterminate building regulations' guidance, hinders an effective inspection regime. A competitive market for building control sign-off creates pressure to lower costs and particularly when guidance is unclear, can lead to lower standards, including fewer less rigorous inspections.

The ability of Approved Inspectors and council building control services to win business decreases the more expensive their service is. This deters inspectors from conducting more than the minimum number of inspections or from making those inspections more rigorous than is absolutely necessary. There should be absolute clarity on the required inspections and the standard of those inspections for both local authority building control inspectors and Approved Inspectors to ensure a level playing field –

this could drive up the effectiveness and quality of inspection regimes across this competitive market. This should apply to all new building work, including new builds, as well as conversions and refurbishments of existing buildings for the avoidance of doubt.

It appears that no power exists to compel Approved Inspectors to provide anyone other than their client with copies of approvals or the reasoning behind them. This lack of transparency should be rectified.

**Q3 Does the current system place a clear over-arching responsibility on named parties for maintaining/ ensuring fire safety requirements are met in a high-rise multi occupancy building? Where could this be made clearer? What would be the benefits of doing so?**

As our answer to Q2 above indicates, we do not feel the current system adequately places a clear over-arching responsibility on named parties for ensuring fire safety requirements are met in a high-rise multi occupancy building in respect of construction.

Post construction we think it is clear that currently responsibilities for ensuring fire safety requirements are met lie with the building owner for common parts and the occupier for individual dwellings. We think this distinction needs review, because fire does not recognise these administrative boundaries.

In particular, while tenancy agreements and leases can require occupiers not to breach the principle of compartmentation, there is evidence to suggest that this is not well understood by occupiers (for example front fire doors and fire glass are often replaced with uncertified products), nor is internal work in a dwelling likely to be inspected or to come to light.

The FSO's requirement for a responsible person to produce a fire risk assessment (FRA) only applies to common parts and does not require sufficient expertise to be brought to bear on producing the FRA.

Building owners should have responsibility for ensuring that the FRA is carried out by a suitably qualified person and covers all parts of the building to ensure that tenants and leaseholders do not breach compartmentation. Clear guidance on such inspections would be required, as recommended by the Coroner in the Lakanal House inquest.

As suggested above, one solution would be for a single enforcement body to be responsible for inspecting all areas of high rise blocks against this FRA.

In terms of implementing any necessary fire safety measures as a result of an FRA, it is worth considering what powers are, or should be, available to landowners, councils and fire and rescue services to ensure action is taken swiftly and that costs can be recouped. This is of particular concern in mixed tenure buildings where leaseholders and tenants occupy properties but may fail to agree on fire safety measures.

### 3 Competencies of key players

*Q4 What evidence is there that those with responsibility for:*

- *Demonstrating compliance (with building regulations, housing & fire safety requirements) at various stages in the life cycle of a building;*
- *Assessing compliance with those requirements*

*are appropriately trained and accredited and are adequately resourced to perform their role effectively (including whether there are enough qualified professionals in each key area)? If gaps exist how can they be addressed and what would be the benefits of doing so?*

#### **Building Control**

There is evidence to suggest that there are significant recruitment and retention issues in local authority building control. There is particular concern about the loss of qualified and experienced building control surveyors to the private sector, as well as through retirement. The local government sector would like to work with Government to consider opportunities to increase capacity and address recruitment and retention issues to ensure that local authorities can continue to deliver effective building control services.

In terms of specific competencies, these should be closely matched to the type and complexity of work being undertaken. This is equally relevant to building control, fire risk assessors, designers or contractors. In the case of local authority building control there are many opportunities for further training. This includes courses run by other local government membership organisations such as Local Authority Building Control (LABC), which includes a portfolio of Continued Professional Development (CPD) courses. The Government should work with the building control sector to assess whether there is merit in having a specific competency set or minimum qualification level required to deal with building control issues relating to high-rise and/or high complexity buildings. It is important that any competency expectations are the same for both local authority building control inspectors and Approved Inspectors to ensure transparency and a level playing field within the competitive market in which they operate.

Local authority building control services have quality management systems including certification under ISO 90001, which means that they are continuously undergoing the scrutiny of this third party certification body. The vast majority of these services supply information to a performance sub-committee of the Building Regulations Advisory Committee (the building control performance standards advisory group (BCPSAG)). Through this mechanism services are able to monitor compliance with relevant competencies. The information in these audits provide the basis for benchmarking and a sector led approach to improvement.

The LGA champions sector-led improvement across local government. In our view it is the most effective way to secure sustained improvement. Sector-led improvement is based on the underlying principles that local authorities are:

- Responsible for their own performance
- Accountable locally, not nationally
- Operating with a sense of collective responsibility for the performance of the sector as a whole, and
- Drawing on the LGA to provide tools and support.

There are opportunities to extend the existing sector-led offer to local authority building control, but this is not costless and would need to be fully funded.

## **Fire Risk Assessment**

There is currently no prescribed threshold of expertise required for the conduct of a fire risk assessment. This may be acceptable in low rise blocks, but in high rise blocks, or buildings housing vulnerable people, fire risk assessments should be carried out by accredited experts (for example through UKAS) holding a nationally agreed minimum level of qualification. This should cover the entire structure including individual dwellings, irrespective of ownership. This may require regulatory change to ensure that fire risk assessors can access individual dwellings.

There should be a requirement for fire risk assessments on high rise blocks or other high risk/high complexity buildings to be logged in the same way as 'Competent Persons' Scheme notifications are held by local authorities and subject to fixed interval regular review.

## **4 Enforcement & Sanctions**

*Q5 Is the current checking and inspection regime adequately backed up through enforcement and sanctions? In particular*

- *Where does the regime already adequately drive compliance or ensure remedial action is always taken in a timely manner where needed?*
- *Where does the system fail to do so? Are changes required to address this and what would be the benefits of doing so?*

It is too early to be certain, but we hope that the consequences for a building owner of discovering dangerous cladding on their building and having to undergo interim and long-term remediation work are likely to be expensive enough to provide a deterrent to non-compliance in themselves. Therefore, while the system of construction regulation has obviously failed on a large scale, the issue here is not one of enforcement and sanctions, but of oversight, including inspection (and the issues raised previously including the effectiveness of guidance).

That said, there are elements of the enforcement regime that should be reformed. The time limit on enforcement action in respect of breaches of building regulation should be removed, particularly where those breaches pose a serious risk to public safety, as is the case in the current cladding crisis (we are not arguing here for retrospective prosecution where a building complied with regulations in force at the time). Currently local

authorities have two formal enforcement powers where building work undertaken is not in compliance with the building regulations:

- First, the local authority may prosecute a person who has carried out building work which contravenes the Building Regulations in the Magistrates' County, resulting in an unlimited fine (sections 35 and 35A of the Building Act 1984). Prosecution is only possible up to two years after completion of the work. Action will usually be taken against the person carrying out the work, for example the builder, main contractor or installer
- Secondly, the local authority can alternatively, or in addition, serve an enforcement notice on the building owner requiring alteration or removal of work where it contravenes the Building Regulations (section 36 of the 1984 Act). The local authority has the power to undertake the work itself and recover costs from the owner, in cases where the owner does not comply with the notice. A section 36 enforcement notice cannot be served on a building owner following the expiration of 12 months from the date the offending building work is completed. Where building work has been carried out in accordance with a full plans building control application which a local authority approved or failed to reject, the local authority cannot take enforcement action under section 36.

Post construction fire safety in high rise blocks should be subjected to regular inspections. One solution would be for this to be undertaken by a single body responsible for the entire block, both dwellings and common parts (including the external envelope), to whom any work relevant to compartmentation or other fire safety issues should be notifiable.

Building owners or managers should be required to ensure that not only do they have a fire risk assessment conducted by someone with the necessary expertise but that this assessment is publicly available, that it is supplied to residents and that residents are made aware of how to contact the enforcement body directly should they have concerns. There should be a statutory time period in which the assessment should be made public, but should allow sufficient time for landlords to plan how to rectify any issues of concern identified through a fire risk assessment.

There is currently some uncertainty over whether councils (using the Housing Act) or fire and rescue services (using the FSO) have the power to demand that building owners test cladding to check that it poses no fire safety risk, or to insist upon the replacement of dangerous cladding.

The Government should provide a clear overview of the legal powers under which councils and/or fire and rescue services are able to act should enforcement action be required. For example through the Housing Act 2004, and the regulations and Housing Health and Safety Rating System made under it and/or the FSO.

If the above powers do exist, the ultimate sanction under them is to carry out work and then charge the building owner for doing so. It may be that

where cladding needs replacing building owners will not only refuse to do so, but write-off assets rather than pay the cost of re-cladding, leaving councils with the bill.

Therefore, in cases where owners cannot or will not carry out work to address a significant safety issue in a block (which might be defined as one requiring evacuation until it can be addressed), councils (who would otherwise be required to meet the housing needs of those evacuated) should be given control of the block and the power to act as freehold owners in order at least to meet the housing needs of residents and to recoup any costs incurred. Arguably this arrangement should continue beyond that point in order to provide a punitive sanction against building owners who have not borne the responsibility. If such arrangements were made, the property rights of leaseholders should of course be protected. Indeed, it is our view that these arrangements are necessary in part in order to protect those rights.

## **5 Tenants' & Residents' Voice in the current system**

*Q6 Is there an effective means for tenants and other residents to raise concerns about the fire safety of their buildings and to receive feedback? Where might changes be required to ensure tenants'/residents' voices on fire safety can be heard in the future?*

Residents and tenant engagement should be at the heart of everything that public organisations do. This should include involving residents and tenants in formulating policy, developing services and providing views and feedback once implemented.

Insight and understanding local communities is key to developing strong engagement. The LGA's New Conversations<sup>13</sup> guide sets out the principles of good engagement and could act as a starting point for further developing this work.

Best practice around what good community engagement should be can be developed further and the LGA would be pleased to play a leading role in this, following work we have already done in this area.

As set out in answer to the previous question, it is essential that owners are proactively required to share fire risk assessment with residents and that residents are empowered to raise any concerns about fire safety directly to the enforcing authority.

## **6 Quality Assurance and Testing of Materials**

*Q7 Does the way building components are safety checked, certified and marketed in relation to building regulations requirements need to change? In particular:*

- *Where is the system sufficiently robust and reliable in maximising fire safety and, if appropriate*

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<sup>13</sup> <https://www.local.gov.uk/new-conversations-lga-guide-engagement>

- *Where specifically do you think there are weaknesses/gaps? What changes would be necessary to address these and what would be the benefits of doing so?*

There is evidence to suggest that product naming for building components can sometimes be ambiguous, and there is no convention for product naming and marking for many products. All building components that have to be assessed in fire safety decision-making should carry visible product marking that relates to test certificates which is clear when goods are delivered to construction sites. Alongside the requirement outlined earlier for a new process whereby plans and specific product details have to be verified by building control, this would ensure that product substitutions did not take place on site, which might compromise fire safety.

Test certification documents for building components can be lengthy and complex to understand, therefore requiring careful use. Test certification should be presented in a standard template containing the essential facts and figures. For example, products which can never be safely used above 18m, such as polyethylene (PE) grade Aluminium Cladding Material, need to be clearly marked to that effect. These should be publicly available on a trusted website, for example, .gov.uk. This will enable users, including building control departments to make an informed decision about the appropriateness of using that component in a construction product, and to easily and effectively determine its compliance with building regulations.

Building product manufacturers should also be required to clearly state whether products may present other hazard risks to building occupants and/or the area surrounding the building in the event of fire, for example release of toxic gases.

## **7 Differentiation within the current Regulatory System**

*Q8 What would be the advantages/disadvantages of creating a greater degree of differentiation in the regulatory system between high-rise multi occupancy residential buildings and other less complex types of residential/non-residential buildings?*

As outlined previously, all those involved at the various stages in the life cycle of a building, should be appropriately trained and accredited to reflect the complexity of the work that they are involved in. The increased complexities arising from high-rise multi occupancy residential buildings – not least in the design, construction as well as fire safety implications for residents – suggests that there is a strong case for a higher level of training and accreditation for those involved in activities relating to these types of buildings. It is vital that where any differentiation is introduced in the regulatory system, that the Government provides absolute clarity on how the new system works and the competency levels required, to avoid any ambiguity.

While there may be a good case for exempting low-rise residential accommodation from some of the requirements imposed on high rise, there is also a case for more rigorous conditions imposed on buildings with vulnerable occupants (e.g. student accommodation, sheltered accommodation, care homes, health buildings etc.)

## 8 International Comparisons and Other Sectors

*Q9 What examples exist from outside England of good practice in regulatory systems that aim to ensure fire safety in similar buildings? What aspects should be specifically considered and why?*

*Q10 What examples of good practice from regulatory regimes in other industries/sectors that are dependent on high quality safety environments are there that we could learn from? What key lessons are there for enhancing fire safety?*

No response.

## 9 Summary of proposals/suggestions

### Construction Stage

- The time limit on enforcing building regulations should be removed
- Approved Document B needs revising as detailed in our response to Q1
- Desk-top studies and fire engineering approaches are not acceptable routes to compliance with building regulation for cladding
- One individual needs to be legally responsible for ensuring that building regulations are complied with during the construction, refurbishment or cladding of a building from design to completion
- As a minimum the competitive market in building control needs to be reformed to ensure that fire safety is not a basis for competition and there needs to be a more rigorous prescription of the number of inspections, the stages at which they take place and their content
- The shortage and age profile of the building control profession needs to be addressed and the sector wants to work with Government on how to address these issues
- All tests carried out under BS 8414 should be available to building control and any enforcing authority responsible for fire safety. Both enforcement agencies should have the power to compel independent building control assessors to reveal relevant information
- The test method for BS 8414 should be published
- Any work on a high rise building which could compromise compartmentation (including cladding) should be notifiable to building control and the enforcing authority for fire safety in the building
- Cladding on high rise buildings should be subject to an accredited installers scheme



## **Post construction fire safety**

- Uncertainty over the relative roles of councils and fire and rescue services and the relationship between the FSO and the Housing Act must be addressed. This could be done either by establishing that fire services or councils are the sole enforcement body or by clarifying powers and responsibilities of each (references to the enforcing authority below refer to either of the above outcomes). However, councils should not be put in a position where they are both the proprietor/landlord and regulator. Partnership with the fire and rescue service will be crucial in these instances
- The enforcing authority needs to be able to treat fire safety in high rise buildings as a whole with the powers to inspect dwellings as well as common parts (including the external envelope)
- The enforcing authority needs greater powers to act when a serious issue is identified. These should include taking control of a building as de facto freeholder where the freeholder fails to address a serious safety issue
- The Housing Health and Safety Rating system needs revising to remove questions over the power of enforcing authority to act in respect of cladding issues
- A responsible person must be made legally responsible for fire safety in high rise buildings as a whole, including dwellings whether leased or rented
- The responsible person must commission a fire risk assessment from a suitably qualified and accredited person holding a nationally agreed minimum level of qualification
- The fire risk assessment must be provided to residents on an individual basis (i.e. not simply displayed in a stairwell) and to the enforcing authority. Residents must be informed of their right to draw matters of concern to the enforcing authority and how to do so
- Consideration should be given as to whether some or all of the above measures might be appropriate for accommodation used by vulnerable groups in addition to high rise blocks.





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## **Update paper**

### **Purpose of report**

For information.

### **Summary**

The report outlines issues of interest to the Board not covered under the other items on the agenda.

### **Recommendation**

That the Safer and Stronger Communities Board members note the update.

### **Action**

Officers to progress as appropriate.

<b>Contact officer:</b>	Mark Norris
<b>Position:</b>	Principal Policy Adviser
<b>Phone no:</b>	0207 664 3241
<b>E-mail:</b>	mark.norris@local.gov.uk

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## **Update paper**

### **Taxi/Private Hire Vehicles (PHVs) licensing**

#### Ministerial working group on the future of taxi and PHV licensing

1. The Working Group has now met three times with sessions themed around the areas identified as being a particular priority, including cross-border issues and protecting passengers, with a future session around driver welfare. The group has also considered the various submissions made by stakeholders from various parts of the trade, local authorities and various other interest groups.
2. The LGA submitted an initial position paper outlining our position on taxi and PHV licensing (see **Annex A**), as well as a more detailed paper ahead of the meeting on cross-border working. The cross border working paper, which broadly aligns with the proposal Transport for London have put forward to licensing authorities, argued that the principle that drivers and cars operate in the areas where they are licensed should be introduced in legislation, while recognising the need for some flexibility for some businesses based near the edge of licensing authorities, or whose usual business typically involves cross-border journeys (as distinct to routine out of area working).
3. The next step is for the group to hold 'Select Committee style' sessions to hear directly from stakeholders not represented on the Working Group, before the group makes final recommendations directly to the Minister early in 2018.

#### National register of refusals and revocations

4. Work to develop a national register of taxi licence revocations and refusals has continued to progress. A specification for the register has now been agreed by the user-group, and will be sent to the developers appointed by the National Anti-Fraud Network (NAFN). The LGA is exploring with NAFN how to ensure that all licensing authorities are able to access the register once it has been set up, especially for those smaller authorities where there is only a very small volume of applications.
5. The aim is to launch the register at the LGA's Annual Licensing Conference in February 2018, with a plan for communications about the register currently under development.

#### Private Members' Bill

6. We understand that the Government is likely to back Daniel Zeichner MP's Private Members' Bill on taxi/PHV licensing. Our current understanding is that the Bill will take advantage of the LGA's work to establish a national register of refusals and revocations by creating a statutory duty on licensing authorities to record details of any refusals or revocations, and to have regard to information held on the register. The Bill is due to have its Second Reading on 2 February 2018.

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### **Counter-extremism**

7. The Special Interest Group on Countering Extremism (SIGCE) will be formally launched at an event at Smith Square on 23 November. The SIGCE will establish a network of local authorities working together with key partners to share learning and good practice and help define and enable local delivery of counter extremism work. The group will be co-chaired by Luton and Leeds councils, in partnership with the LGA, Home Office, the Department for Communities and Local Government (DCLG), and the Centre for Trust, Peace and Social Relations at Coventry University.
8. The launch event will provide attendees with an opportunity to hear from partners and Ministers about the SIGCE and to network with other local authorities. Any members who would like to attend the launch event and who have not already registered should contact [Rachel.duke@local.gov.uk](mailto:Rachel.duke@local.gov.uk) for booking details.

### **Leadership essentials courses on Prevent and counter-extremism**

9. The LGA is continuing with our series of free residential leadership essentials courses for elected members around counter-extremism, with the third scheduled for Warwick University on 28-29 November. Following a very successful inaugural Prevent leadership course at the beginning of November, preparations are ongoing for further courses in December and March. There are still some places available at the December Prevent course, which is scheduled for 6-7 December at Wychwood Park in Crewe. For further details and to book a place, please contact [Rachel.duke@local.gov.uk](mailto:Rachel.duke@local.gov.uk) or see the [LGA website](#).

### **Moped and scooter crime**

10. Following recent concerns about increases in moped and scooter crime, principally regarding both the theft of vehicles and their use to facilitate other offences, the LGA was invited to attend a Home Office Ministerial roundtable on powered two-wheeled vehicle crimes. Following the meeting, a number of task and finish groups were established to take forward work in response, to further understand the drivers for offences and what more might be done to prevent them, including offender motivation; improving security where vehicles are stolen from; and improving security of vehicles themselves. Councillor Blackburn will attend a further meeting convened for early December, where progress will be reviewed.

### **Death certification reforms and the introduction of medical examiners**

11. The Government recently announced that reforms to the death certification process, including the introduction of medical examiners, will be live from no later than April 2019. The reforms will introduce a unified system of scrutiny by independent medical examiners of all deaths in England and Wales that do not require investigation by a coroner. The formal government response to last year's consultation on the proposals is expected to be published shortly.

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### **National FGM Centre**

12. The National FGM Centre held its first Advisory Group meeting since receiving £1.7 million from the Department for Education for work until the end of March 2020. Councillor Anita Lower chaired the meeting and we had representation from the NHS England and the FGM Clinical Group and Councillor Jo Beavis from the Safer and Stronger Communities Board. Members discussed expanding the membership of the group, updating the terms of reference and future meetings.
13. Following the funding announcement, the Centre will be expanding its remit into other areas of harmful traditional practices including abuse linked to faith or belief and breast ironing or flattening. The Centre is currently undertaking a number of recruitment exercises and will be launching with its expanded reach and remit soon.

### **Modern slavery**

14. The LGA and the Independent Anti-Slavery Commissioner will be running a number of regional events on modern slavery in the new year. These will be free for members and you can sign up via the events pages on the [LGA's website](#). The dates and venues are:
- 14.1. London – Wednesday 17 January
  - 14.2. Newcastle – Thursday 25 January
  - 14.3. Manchester – Wednesday 31 January
  - 14.4. Bristol – Tuesday 27 February
  - 14.5. Nottingham – Wednesday 7 March
15. The events will provide an overview of the issues facing councils and their partners as well as practical sessions, and will build on the LGA's new council guide on modern slavery, which will be published to coincide with the workshops.

### **Water safety**

16. Councillor James Dawson spoke at the RoSPA Water Safety conference in October on the council role in water safety and the work of the LGA. The conference was well attended, with a number of councils taking part and Councillor Dawson's speech was well received. We agreed that we would continue to promote our Water Safety Toolkit and have publicised it in our community safety and fire bulletins. We will be continuing to highlight the toolkit, we are also keen to highlight good practice and will be asking members for case studies.

### **Violent crime**

17. Following discussions at SSCB last year, the LGA held a conference on 15 November on violent crime. The event explored recent trends and heard about how councils and partners are responding to specific issues including serious and organised crime groups, criminal exploitation and county lines, and knife crime.

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### **Bass protocol**

18. On 1 November we asked members of the Community Safety Advisers Network to send us their views on a redraft of the Bail Accommodation and Support Service (BASS) protocol with the LGA. The primary users of BASS are people subject to a Bail Order or Home Detention Curfew and would be either bailed or released if not for a lack of a suitable address. BASS assists by providing a suitable address and then working with individuals to progress them into move-on accommodation. The protocol has been in place for a number of years and as the existing contract is due for renewal at June 2018, the Ministry of Justice is reviewing the document to ensure that it remains fit for purpose. Any members who wish to see the draft should contact [Charles.loft@local.gov.uk](mailto:Charles.loft@local.gov.uk).

**Annex A**

**Key taxi and PHV challenges – a Local Government Association  
Perspective**

1. The key challenge facing the taxi and PHV sector, and the licensing authorities which oversee it, is that the legislation governing it is out of date. While there are non-legislative measures that can be implemented to address some of the problems created by this, the single solution with the potential to address all of them is a comprehensive reform Bill.
2. Rightly, the focus of licensing authorities in recent years has been on the issue of safeguarding, as the scale of taxi and PHV involvement in child sexual exploitation/trafficking cases has been exposed. There is an urgent need to ensure that there are national minimum standards applying to drivers (i.e. the fit and proper person definition) in all parts of the country, and a national register of licensed drivers and operators. Government should work with licensing authorities and the industry to develop a register, and to help define and set these standards at a suitably high level, either through statutory guidance or regulations.
3. We accept that there are disadvantages to specifying such standards in this format, as it can make it harder to update them, but believe there is a clear role for Government in using the levers at its disposal to help drive greater consistency on this issue. However, while consolidation of standards at a suitable minimum level is desirable, we also emphasise the need for licensing authorities, both as place shapers and the bodies enforcing the framework, to retain local flexibility to strengthen standards and manage local provision in accordance with the needs of their areas.
4. The growth of new models in the taxi/PHV market is the other defining issue currently facing the sector. Legislation originally conceived in the nineteenth and twentieth centuries cannot adequately regulate a market in which people increasingly book journeys using mobile phone applications. This has blurred the distinction between taxis and PHVs (with app models described as ‘electronic hailing’), challenged the current definition/model of an operator, and led to significant tensions in several places. It has left Transport for London and councils on the front line of competing, costly legal challenges as to whether new models fit within the existing legislation – when it is ultimately Government’s responsibility to ensure we have a regulatory framework that is fit for purpose and ensures a level playing field in which different operators can compete fairly.
5. New models have also facilitated a significant increase in the prevalence of cross-border hiring/sub-contracting, with many drivers (and even companies) routinely operating in areas where they are not licensed. Clearly, there is a need to strike a balance between consumer preference and the ability of licensing authorities to effectively regulate their areas; but authorised licensing and enforcement officers must be able to take action against any driver or vehicle operating in their area, including having the power to stop



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moving vehicles, and using modern enforcement tools such as fixed penalty notices and “stop” notices.

6. We also believe the principle that drivers and cars operate predominantly in or from the areas where they are licensed should be introduced in legislation. This would have positive implications going far beyond the taxi and PHV sector, as the Government’s proposals for clean air zones (which include locally licensed taxis and PHVs within scope) will be undermined by the ability of taxis and PHVs licensed elsewhere to drive in cities where they are proposed.
7. There is a pressing need for a reform Bill to address these issues, and we hope that the working group will kick-start the process of moving towards this.



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## Note of last Safer & Stronger Communities Board meeting

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<b>Title:</b>	Safer & Stronger Communities Board
<b>Date:</b>	Monday 11 September 2017
<b>Venue:</b>	5th floor conference suite (South Side), 5th floor, Layden House, Turnmill Street, London, EC1M 5LG

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### Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions
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### 1 Welcome, apologies and declarations of interest

The Chair welcomed members to the first Safer and Stronger Communities Board meeting of the 2017/18 cycle, noting apologies from Cllrs Clive Woodbridge, Lisa Targowska and Janet Daby.

The Board was informed that this would be the last meeting held at Layden House, and that future board meetings would be held at Local Government House, which, following refurbishment, has now been named 18 Smith Square.

There were no declarations of interest.

### 2 Terms of reference, membership and outside bodies

Cllr Blackburn took members through the paper, which outlined the Terms of Reference, membership and future meeting dates of the Board. The report also listed the outside bodies the Board appoints members to, and a list of categories for Member Champions.

The following representatives to outside bodies were agreed by the Board:

1. Advisory Board for Female Offenders – Cllr Kate Haigh
2. Criminal Justice Council – Cllr Chris Pillai
3. National FGM Centre Advisory Group – Cllr Anita Lower and Cllr Jo Beavis
4. National Oversight Group on Domestic Abuse – Cllr Simon Blackburn

Members also agreed the following Member Champions:

1. Abuse exploitation and modern slavery – Cllr Alan Rhodes
2. Antisocial behaviour – Cllr Anita Lower
3. Bereavement services – Cllr Nick Worth

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4. Civil resilience – Cllr Clive Woodbridge
5. Community cohesion and integration – Cllr Janet Daby and Cllr Jo Beavis
6. Licensing – Cllr Kate Haigh and Cllr Chris Pillai
7. Domestic abuse – Cllr Katrina Wood and Cllr Jim Beall
8. Prevent and counter extremism – Cllr Simon Blackburn and Cllr Colin Spence
9. Regulatory services – Cllr Anita Lower
10. Water safety – Cllr James Dawson and Cllr Jo Beavis

**Decision:**

Members **noted** the Terms of Reference, membership and **agreed** appointments to both outside bodies and Member Champions.

**Action:**

Officers to inform outside bodies of the changes or continuation of LGA representatives.

**3 County lines exploitation**

Lucy Ellender, LGA Adviser, introduced Lucy Capron, Public Affairs Manager, and Sarah Hegarty, CSE Prevention Officer, from The Children's Society. The presentation outlined work The Children's Society is doing on county lines exploitation, which is broadly where children are travelling (being trafficked) out of their home towns and exploited for criminal purposes in other parts of the country, as well details of how young people were targeted and exploited. Many of the children being exploited in this way already have multiple vulnerabilities, and are subsequently exposed to adult sexual behaviour, drugs and violence. The Society warned that the scale of the problem has been under-reported and is bigger than previous high profile CSE cases, creating huge costs for society in terms of criminal justice, mental health and social care.

The Board were told that The Children's Society was working with a number of agencies to tackle this issue and that efforts were being made to raise awareness and influence policy changes. The presentation detailed The Children's Society work to elevate the issue up the political agenda and it was noted that they were working closely with Islington Council in particular to secure a Home Affairs Select Committee debate to discuss the risks associated with county lines. The Society provides secretariat support to the APPG on Runaway and Missing Children and Adults. The Board were also advised that The Children's Society had established a working group, which is looking to develop a disruption toolkit offering guidance to agencies, including local authorities, on how to detect and tackle county lines exploitation. It was noted that information sharing arrangements between the police, local authorities, social services and charities are helpful but could be enhanced. In particular, there needed to be greater focus on children who regularly go missing, as these children are sometimes classified as low risk, particularly boys, and on providing support for 16-17 year olds, who don't get as much help because they are seen as nearly adults.

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The Chair thanked The Children's Society for their presentation and invited members to share their views. Members made the following comments:

- Further statistics on the scale of the issue would be welcomed and would be useful in analysing whether incidence rates are disproportionate within any particular demographic. The Children's Society said that while no national mapping activity had taken place, the National Crime Agency's report shows an indication of the scale of the problem. Members were also advised that Islington Council offered a good example of local mapping and they would send interested members further information about the estimated scale of the problem.
- A concern was raised about capacity and awareness as it seemed that crime was moving to more rural areas where police resources are fewer and awareness of the issue was lower. Members felt that increasing awareness amongst local authorities, particularly county and district councils, and police forces was vital. The Children's Society representatives noted that they had regional officers across the country and that they were happy to link members up with their colleagues. Members agreed that they should take up this offer in order to get the message out to authorities, and it was suggested that the Society should also seek to present to the County Councils Network.
- Members felt that in addition to working with local authority boards responsible for children's services, they should also exchange information with community wellbeing, trading standards and district councils who are working closely in their communities. It was noted that those targeted through county lines exploitation were likely to also be affected by both modern slavery and child sexual exploitation, and it is worth making connections between The Children's Society and adult safeguarding teams to discuss any crossover.
- A question was raised about whether this was just a British problem or if similar methods of exploitation were being carried out in other countries. The Children's Society said that they were not looking at this particular issue internationally but that they were working with other countries on international trafficking and criminal exploitation.
- A discussion was had about the need to raise awareness of the subject but also make it more acceptable to talk about it. It was noted that national politicians had sometimes struggled to have this debate and use appropriate language to highlight the problem via the press. It was felt that better awareness across all council services and the public as a whole would be beneficial as the police were generally more successful when the public understood signs to look for and how/when to report to authorities.

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- On the suggested next steps, members agreed that a national strategy could be helpful but that a one-size fits all approach would not work. Members felt that a multi-faceted approach would be useful and that while the focus should not solely be on the London, it would be useful to build on work already being done, largely in London boroughs. Members also agreed that encouraging better links between local agencies would be a positive position for the LGA to take.

**Decision:**

Members **noted** the report and presentation.

**Actions:**

- 1) Officers to circulate The Children's Society's presentation on county lines to members, along with a link to the National Crime Agency and APPG on Runaway and Missing Children and Adults reports.
- 2) Officers to share contact details for Lucy Capron, who agreed to be a lead contact for any members wishing to be linked up to their regional CSE/CSA officer working for The Children's Society.
- 3) Officers to put Lucy Capron in touch with the County Councils and District Councils Networks.
- 4) Officers to incorporate the issue into the modern slavery workshops as part of the LGA's awareness raising work.

**4 Board Policy Priorities for 2017-18**

Mark Norris, Principal Policy Adviser, introduced this item and explained that officers were looking for a steer from members, building on the discussion held at the Safer and Stronger Communities Board meeting in June 2017. Mark noted that the Cabinet Office is doing a review of civil resilience arrangements and that the Safer and Stronger Communities Board is the lead board at the LGA for emergency planning. Civil servants are looking at how local authorities are organising their emergency planning and whether the government can assure itself that they are fully prepared. This was likely to generate a programme of work to ensure that councils can demonstrate preparedness.

On Grenfell, Mark confirmed that the LGA will want to contribute to the review of building regulations and fire safety, and that while colleagues on the Environment, Economy, Housing and Transport Board would lead on the building regulations side of the review, the Safer and Stronger Communities Board and Fire Services Management Committee would lead on fire safety in high rise buildings. Another board priority related to medical examiners. It was noted that the Department of Health were keen to press ahead with the introduction of medical examiners and that officers would need to look at the timetable of this.

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Members made the following comments:

- Members sought clarity on timings for publication of the guidance on modern slavery and the supporting workshops, following the Independent Anti-Slavery Commissioner's presentation to the Board in January. Members noted that as much lead in time as possible would be helpful in arranging the work. Lucy Ellender, LGA Adviser, confirmed that a draft of the guidance was almost ready to be shared with the stakeholder group supporting the work, with a view to publishing in October/November. On the workshops, members were told that a meeting was scheduled with the Independent Anti-Slavery Commissioner to discuss what form they should take and when they would be, with early next year most realistic. As with the taxi/PHV licensing workshops, it is intended to run the same event in a variety of locations, to give councillors multiple opportunities to attend.
- Problem gambling was discussed at an earlier SSCB meeting and members felt that there was a strong desire to have a presentation on the Leeds report. Members expressed concern about the impact problem gambling has on public health and a discussion was had about how far reaching the implications were. Members felt that the gambling industry ought to be funding interventions required for problem gamblers but it was acknowledged that the issue cuts across different boards as well as being under the remit of the SSCB. Ellie Greenwood, LGA Senior Adviser, agreed that this was a priority and that officers would look at future meeting agendas to see if representatives from Leeds Council would be able to attend to speak to members.
- A question was raised about the assistance the LGA will give to FRAs where Police and Crime Commissioners were looking to take on responsibility for fire and rescue services, and where there were bids from Police and Crime Commissioners to take on fire governance. Mark Norris agreed to circulate a note to board members to update them on this issue.

**Decision:**

Members **noted** the Board's priorities for 2017/18.

**Actions:**

- 1) Officers to proceed with plans to schedule modern slavery workshops and publish draft guidance for councils.
- 2) Officers to liaise with Leeds Council to see when they could give a presentation at a future SSCB meeting on problem gambling.
- 3) Officers to circulate a note to members in relation to the LGA's position on PCCs' business case submissions relating to responsibility for fire and rescue services.

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## **5 Grenfell Tower and fire safety in high rise buildings**

Mark Norris provided members with an update on Grenfell Tower, noting that since the last update, considerable work had been going on at both a local and national level in terms of improving safety in high rise buildings. Members were told that the main focus so far had been on social housing and that 15 local authorities had responded to a DCLG survey which showed that around 50 blocks across the country used for social housing were considered to have unsafe cladding on their exterior. A letter had also been sent to local authorities asking them about private high rise blocks in their area and asking that they complete a spreadsheet and return it to DCLG.

The LGA had raised issues about the cost of surveying buildings and was working to establish what the Government's expectation was of councils who are able to identify blocks with unsafe cladding. DCLG believed that there were powers under the Housing Act 2004 which would allow or require local authorities to take action when it came to private owners of high rise buildings but a new burdens assessment would need to be carried out. He stated that it was also vital that there is clarity about what unsafe cladding could be safely replaced with, and that there was a need to ensure that decisions made now would be compliant with future requirements following the review of building regulations.

In terms of the public inquiries, members were told that preliminary meetings would take place that week and that the review of building regulations and fire safety in high rise buildings was likely to be undertaken quite quickly. The LGA's work on these issues will cut across a number of Boards.

In the discussion which followed, members made the following comments:

- Concerns were raised about large, private companies with Kitemark accreditation being able to self-regulate as it was apparent that inferior and less safe cladding had been promoted due its lower cost.
- While the review of building regulations is critical, members suggested that if the regulations were adjusted, there needed to be a better way of enforcing them and questions needed to be answered about how this would be funded.
- On building inspections, members said that there was a need to make sure that inspections are regular so that standards were still met after any alterations were made to high rise buildings, including leaseholders' own adjustments to their properties. Members said that inspections ought to include the checking of fire alarms and fire doors as well as changes within properties.
- It was noted that regulations for private landlords are higher than those for registered social landlords (RSLs) so the narrative should reflect the need to increase regulation for RSLs rather than bring private landlords' regulations down to the same level.



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- Resources are critical. Current issues cannot be fixed without the resources to do so.

**Decision:**

Members **noted** the update.

**Action:**

Officers to circulate the terms of reference for the review of building regulations and fire safety.

**6 Impact of Brexit on regulatory services and community safety**

Ellie Greenwood, LGA Senior Adviser, introduced the item and provided members with an update on the work the LGA commissioned Cornwall Council to undertake in relation to EU based consumer protection regulations. . It was noted that Cornwall's report bears out many of the principles the Board had already identified, in terms of maintaining existing valuable protections but taking the opportunity to consider ways in which regulations are enforced. The LGA has now asked Cornwall Council to undertake stakeholder sessions to build a business and political perspective into the report and members were told that this was due to happen shortly. .

The following comment was made on this issue:

- This is a great opportunity to make sure regulations are clear to both consumers and the authorities enforcing them. There is a need for clear and concise regulations and it would be useful for EU consumer bodies to work with governments to ensure regulations are effective.
- Changes to the way Port Health authorities regulate goods entering the country may present an opportunity to prevent the spread of invasive plant or animal species (eg, Asian hornets).

**Decision:**

Members **noted** the report.

**Action:**

Officers to monitor Cornwall Council's work on this report and provide feedback to members as and when any further progress is made.

**7 Update paper**

Cllr Blackburn introduced the report, which covers issues of interest to the Board not covered in the other items on the agenda.

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**Decision:**

The Board **noted** the update paper.

**8 Notes of previous meeting**

The Board **agreed** the notes of the meeting held on 26 June 2017 as an accurate record of the discussion.

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**Appendix A -Attendance**

Position/Role	Councillor	Authority
Chairman	Cllr Simon Blackburn	Blackpool Council
Vice-Chairman	Cllr Morris Bright	Hertsmere Borough Council
Deputy-chairman	Cllr Anita Lower	Newcastle upon Tyne City Council
Members	Cllr Jo Beavis	Braintree District Council
	Cllr Chris Pillai	Calderdale Metropolitan Borough Council
	Cllr Judith Wallace	North Tyneside Council
	Cllr Katrina Wood	Wycombe District Council
	Cllr Nick Worth	South Holland District Council
	Cllr Colin Spence	Suffolk County Council
	Cllr Kate Haigh	Gloucester City Council
	Cllr Alan Rhodes	Nottinghamshire County Council
	Cllr Jim Beall	Stockton-on-Tees Borough Council
	Cllr James Dawson	Erewash Borough Council
	Cllr Carole Burdis	North Tyneside Council
	Cllr Jeremy Hilton	Gloucestershire County Council
Apologies	Cllr Lisa Targowska	Windsor & Maidenhead Royal Borough
	Cllr Janet Daby	Lewisham London Borough Council
	Cllr Clive Woodbridge	Epsom and Ewell Borough Council

# LGA location map

## Local Government Association

Local Government House  
Smith Square  
London SW1P 3HZ

Tel: 020 7664 3131

Fax: 020 7664 3030

Email: [info@local.gov.uk](mailto:info@local.gov.uk)

Website: [www.local.gov.uk](http://www.local.gov.uk)

## Public transport

Local Government House is well served by public transport. The nearest mainline stations are: Victoria and Waterloo: the local underground stations are

**St James's Park** (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

## Bus routes – Horseferry Road

**507** Waterloo - Victoria

**C10** Canada Water - Pimlico - Victoria

**88** Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

## Bus routes – Millbank

**87** Wandsworth - Aldwych

**3** Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at [www.tfl.gov.uk](http://www.tfl.gov.uk)

## Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at Local Government House. Please telephone the LGA on 020 7664 3131.

## Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at [www.cclondon.com](http://www.cclondon.com)

## Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park  
Horseferry Road/Arneway Street. Visit the website at [www.westminster.gov.uk/parking](http://www.westminster.gov.uk/parking)

