

11 September 2017

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.

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Update paper

Food Standards Agency – Regulating our Future update

1. In January, the Board heard from the former Deputy Chairman of the Food Standards Agency's about the Agency's regulating our future project, which is intended to update the existing approach to food regulation. Following concerns expressed by the Board at the meeting, Cllr Blackburn met with the Chair and CEX of the FSA in April, and was assured by them that they saw councils as maintaining their key role in a new model of food regulation. This appears to be borne out by the latest proposals from the FSA and by presentations at a stakeholder event that officers attended in July.
2. The event heard that councils will retain a central, proactive and reactive role in food regulation. In light of some of the concerns raised by the Board about the prospect of self-certification, it was also encouraging to hear that the FSA is now talking instead about 'regulated private assurance' in order to be clear that aspects of the new model do not constitute self-regulation.
3. The FSA emphasised that the programme is about redirecting LA resources and involvement rather than reducing it, with councils focusing much more on initial business support and enforcement rather than the machinery of routine inspections. The long term aim is that councils should be able to charge for their interventions, as well as those bodies providing private assurance (something we had argued for), and that over time the number of LA inspections should reduce as private assurance increases - the FSA do not envisage a big bang change. However, for businesses that are not compliant or do not to go down the route of private assurance, it is not expected that the LA role will really change. The FSA are working with a consultation group to include the primary authority model as one of the private assurance options.
4. As stated, the long term aim is that councils should be able to charge for their interventions, as well as those bodies providing private assurance, and that there should be a fee for registering as a food business; again, something the Board has also called for. However, the Agency is realistic about what is likely to be achievable before Brexit, in light of pressures on Parliamentary time. It's unlikely that registration fees, wider charging or the private assurance options will be achievable in the near future, as they require legislative change: there is also the reality that post-Brexit government might not want to move to a business charging model, despite the fact that there is a reasonable amount of support for this across different stakeholders. This therefore means that the potential for full reform of the system is constrained in the short term, and will focus on enhanced registration and business awareness.
5. One concern raised by a smaller council at the event was that in an open market on this, larger councils may compete for primary authority / private assurance business and take over this work from other local councils. The LGA has previously argued that if there are commercial opportunities open to businesses, they should be open to councils too – however, we will need to be sensitive to the fact that some councils will undoubtedly be at a competitive disadvantage due to their size or the fact that they are not currently commercially active.

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6. The slides from the event are available at <https://www.food.gov.uk/sites/default/files/laeventsversion1.pdf> - slides 11-14 offer a quick summary of the overall position for councils.

Product recalls and safety

7. Consumer Affairs Minister, Margot James MP, made an announcement that she was accepting the recommendations of a working group on product safety, originally convened following a series of fires started by faulty tumble dryers. The recommendations included developing central scientific and technical capability to support this area, and creating a central hub of information and capacity to support it, with delivery as well as coordinating capability. Following the Grenfell disaster (which appears to have been caused by a fridge fire), the working group has now been tasked with looking at further areas, including whether to go further on a more sophisticated single register of faulty goods, options for registration at point of sale, standards for white goods and fire resistant materials and the merits of making safety checks on white goods used in tower blocks.
8. Officers have discussed the recommendations with Regulatory Delivery, who have been tasked with taking the proposals forward. They have emphasized that although the government is committed to doing something to enhance capability in this area, there is no intention to take resource or responsibility away from councils, as local work on this issue is valued. As yet there are no firm proposals in place; Regulatory Delivery are looking at an FSA type model, albeit not at that scale, but feel that there aren't any existing obvious options to take on the role. They have noted likely LGA red lines around performance reporting or powers being taken away from councils.
9. The working group was due to report on the second set of issues by the end of August, and we are awaiting the announcement of its conclusions.

GambleAware's Annual Harm Minimisation Conference 2017

10. GambleAware's fifth annual Harm Minimisation Conference will be held on 6 and 7 December 2017 at the King's Fund, London. The theme for this year's conference will be focused on how young people are gambling and gaming in a rapidly evolving technical and social environment, and asking what implications this has for minimizing gambling-related harm in the future.
11. This is a free conference, which members may wish to consider attending. Speakers at the event will include Tracey Crouch MP (Minister for Sport and Civil Society); Rosena Allin-Khan MP (Shadow Minister for Sport); Sarah Harrison (Gambling Commission); and a number of others. The full programme will be published via GambleAware's website in advance of the conference but for further details and information about registration, please visit the following website: <https://www.eventbrite.co.uk/e/gambleaware-harm-minimisation-conference-2017-tickets-37310659186>.

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Taxi/Private Hire Vehicles (PHVs) licensing

Ministerial working group on the future of taxi and PHV licensing

12. Following a Westminster Hall debate on taxis in July, John Hayes MP, new Minister of State at the Department for Transport responsible for taxis, announced the establishment of an informal working group to consider the adequacy and efficiency of legislation and guidance concerning the licensing of taxis and PHVs in England. This comes as a welcome surprise and the LGA has accepted an invitation to join the group to represent the interests of local authorities. Other members will include MPs, regulators, representatives from the trade and passengers.
13. The objective of the task and finish group will be to make recommendations for actions to address priority issues in this area and will be an opportunity to highlight issues with the current framework and to call for the necessary legislative change. The first meeting will be on 26 September, with a view to the group developing a report on their advice/recommendations before the end of the year. Further updates will be shared with the Board as this work develops.
14. Helpfully, the Board discussed the LGA's view on the key points of the Law Commission's previous report on this issue at their meeting in March. The consensus position emerging from the discussion was:
 - 14.1. Support for establishing national minimum standards for taxis and PHVs, set at appropriately high levels, to align standards across the country, while retaining local flexibility for councils above and beyond this.
 - 14.2. That councils must be able to take enforcement action against any driver operating in their areas.
 - 14.3. That there should be measures to ensure drivers are working predominantly in the area where they are licensed, while recognizing that there may need to be flexibility in some instances (e.g. where a driver takes a passenger out of area and wants to undertake jobs while returning to the area in which they are licensed).
 - 14.4. That legislation should be proportionate in terms of balancing concerns about public protection and safeguarding without acting as a burden to business or councils.
15. The Law Commission report also put forward a proposal to maintain the current two-tier framework for regulating taxis and PHVs, and recognise the differences in the London market compared to the rest of the country. In practice this would mean that authorities would retain greater local flexibility in relation to taxis such as the ability to impose quantity restrictions on taxis, regulate taxi fares and supplement national minimum standards with local conditions. However, many people, particularly outside London, believe that the separate regulatory approaches are no longer helpful or valid when app-based models have been described as providing the opportunity for electronic hailing. It would be helpful if the Board could indicate any views on whether to retain the two-tier system.

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Private Members' Bill

16. The LGA has also been supporting Daniel Zeichner MP's Private Members' Bill on taxi/PHV licensing. It was presented to Parliament on 19 July 2017 and is due to have its Second Reading on 2 February 2018. The focus of the Bill is primarily on cross-border issues and safeguarding. Updates on progress of the Bill will be shared with the Board.

National register of refusals and revocations

17. Progress continues to be made in regard to the development of a national register of taxi license revocations and refusals. The new register, which the LGA has commissioned the National Anti-Fraud Network (NAFN) to develop, will support councils to tackle the problem of people making applications to different licensing authorities following a refusal or revocation elsewhere.

18. The technical specification for the new register has been scoped out with the support of a group of licensing officers from councils across England. Development is intended to be complete by the end of 2017 in order for the register to be launched at the LGA's Annual Licensing Conference in February 2018. We would welcome the Board's support in ensuring that all councils make use of the register once it is available.

National FGM Centre

19. Having reported to the last Board meeting in June that the National Female Genital Mutilation (FGM) Centre, a joint project between Barnardo's and the LGA to improve the social work response to FGM, was due to run out of funding at the end of July, we are delighted to say that the Centre has secured further funding. The Centre has been awarded £1.77 million from the Department of Education's social care innovation programme to fund its work from July 2017 until the end of March 2020. This funding is tapered, with the expectation that the Centre raises increasing amounts of its own funding over the next three years. The Centre will continue to work with three of the pilot areas it has been working with over the last two years, and will also be expanding its work to cover other harmful traditional practices, such as breast ironing/flattening, as well as working in a further three low prevalence areas and three high prevalence areas.

20. As the Centre has a broader remit than previously we are working with Barnardo's on refreshing the membership of the Centre's Advisory Group. A recruitment process was also launched in August to recruit a new Head of Centre, and a meeting is now being arranged between the Centre and the Minister of State for Children and Families at the Department of Education at his request.

Civil Resilience Review

21. Following the fire at Grenfell Tower the Cabinet Office is conducting a review to see if there are any early lessons for how civil resilience in light of the response to the fire. The review, which is being led by the Civil Contingencies Secretariat (CCS), is looking at four specific strands:

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- 21.1. Ensuring there is coherent support for victims of crises;
 - 21.2. How Government can assure itself that resilience standards are being met at a local level;
 - 21.3. Improving Government's ability to support where local capacity and capability may be overwhelmed; and
 - 21.4. Developing the proposal to establish the Civil Disaster Reaction Taskforce announced in the Queen's Speech.
22. LGA officers met CCS officials in late August to talk through these challenges around civil resilience and how they might be addressed. A range of options were discussed around providing Government with greater assurance that resilience standards are being met, including the LGA's peer review model. The discussion of the role of the new Taskforce centred around how mutual aid between local authorities in civil emergencies might be boosted, and how the work that the Department of Communities and Local Government has already done on this area could be used.
23. After the success of a session for chief executives at the LGA annual conference on the responses to the terrorist attacks in Manchester and Westminster earlier in the year, we have been talking to the Society of Local Authority Chief Executives (SOLACE) about how our two organisations can better support the sector around civil resilience. At the request of chief executives we are writing up the session from the annual conference to share with them, and are considering with SOLACE how training for councillors and chief executives, the LGA's peer review process, and the use of peer mentors can strengthen local authorities' response to civil emergencies. As the scope of the LGA's work in this area becomes clearer we will report back to the Board.

Modern Crime Prevention Strategy

24. The Home Office is currently in the process of looking at how it can reinvigorate its Modern Crime Prevention Strategy launched in March 2016. An initial meeting was held between Home Office officials, the Association of Police and Crime Commissioners (APCC) and the LGA, with the Board's Chair, Cllr Simon Blackburn, attending. The meeting examined how local partnership arrangements could be strengthened, in particular the role of community safety partnerships (CSPs), and the work the Board has done over the last year on the future role of CSPs helped inform the discussions. The next stage will be to arrange further meetings between Home Office officials, the APCC and the LGA to consider how Government could better support local areas strengthen their partnerships.

Domestic abuse

25. As reported at the last Board meeting, the Queen's Speech on 21 June included proposals for a new Domestic Violence and Abuse Bill, and new Domestic Violence and Abuse Commissioner. The aims of the Bill as announced in the Queen's Speech were set out as: transforming approaches to domestic violence and abuse to ensure victims feel

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- able to report abuse and will be supported; protecting victims; and giving the justice system greater guidance about the impact of domestic violence and abuse on families.
26. The main elements of the Bill proposed are expected to:
- 26.1. Establish a Domestic Violence and Abuse Commissioner, to raise public awareness, monitor the response of statutory agencies and local authorities and hold the justice system to account.
 - 26.2. Define domestic abuse in law.
 - 26.3. Create a consolidated new domestic abuse civil prevention and protection order regime.
 - 26.4. Ensure that if abusive behaviour involves a child, then the court can hand down a sentence that reflects the life-long impact that abuse can have on a child.
27. Cllr Blackburn recently attended the Home Office's National Oversight Group on Domestic Abuse, a group chaired by the Home Secretary to oversee improvements to police responses to domestic abuse. Following the meeting, members of the Group were asked to submit some early written comments to the Home Office about the Government's outline proposals.
28. Our response set out support for the overall aims of the legislations, but outlined some broad concerns. These included that current measures such as the Violence Against Women and Girls (VAWG) Strategy and National Statement of Expectations for VAWG – setting out government's expectations for what actions local areas should take to ensure victims get the support they need – should be retained, with continued flexibility to shape local service provision to meet local need; that Police and Crime Commissioners have a statutory role to ensure adequate provision of support services for victims and any new statutory duties for domestic abuse provision should reflect this; and that any new statutory duties with implications for councils must be adequately funded.
29. There will be further opportunities to feed back our views as part of a formal consultation process over the coming months.

Counter-extremism and Prevent

30. The second leadership essentials course on counter-extremism took place earlier this month, which is the first of five courses for elected members scheduled for this year (two focusing on counter-extremism and three on prevent). There are still some spaces available on future courses; further details and information on how to book are available on the LGA [website](#).
31. We anticipate that the Special Interest Group on Countering Extremism (SIGCE) will be formally launched in the next few weeks. The SIGCE will re-establish the special interest group originally set up in 2013 to help councils deal with English Defence League (EDL) activity, but will now focus on broader counter-extremism work. We will continue to work with the Home Office, DCLG, and with Luton and Leeds Councils who will be co-chairing the group, as it develops.

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Consultation on reforms to the Social Fund's Funeral Expenses Payments scheme

32. The LGA responded to the Department for Work and Pensions consultation on reforms to the Social Fund's Funeral Expenses Payments scheme. This scheme is in place to help some people on qualifying benefits access support for meeting some of the costs of a funeral.

33. The consultation set out proposals for changes to the process for claiming funeral expenses payments as well as clarifying issues around eligibility. Families come into contact with these services in very difficult and distressing circumstances and we were supportive of the aim of making the processes easier and more flexible to ensure that the bereaved are able to access appropriate and effective services. We stated that it was important that the needs of those accessing the fund are fully considered in any changes.