

Update on Regulatory Services issues

Summary

This report provides an update on previous LACORS issues discussed at the Safer Communities Board, as requested at the September 2009 Board meeting.

Recommendations

That members note the progress on the issues identified.

Action

For information only.

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Update on Regulatory Services issues

Background

1. At the September 2009 Board meeting, Members asked for a brief update on the various issues that had been subject to previous reports to the Safer Communities Board.

Summary

2. **Annex 1** contains a brief summary of all substantive reports brought to the Safer Communities Board since September 2005 alongside actions taken.
3. **Annex 2** outlines activities by the LGA's Culture, Tourism and Sport Board on licensing issues.

Financial Implications

4. All of the work outlined in Annex A has been carried out within existing LACORS budgets or using resource drawn in from central government to support specific programmes.

Implications for Wales

5. The issues outlined all apply to both England and Wales.

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REPORT BACK ON DEVELOPMENTS FROM PREVIOUS LACORS REPORTS TO SAFER COMMUNITIES BOARD

| Date | Subject | Progress |
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| 10/11/08 | <p>Cold Calling Zones</p> <p>The Board recognised the value of cold calling zones in tackling doorstep crime and reducing the fear of crime in appropriate areas. LACORS was asked to communicate the Board's support to councils.</p> | <ul style="list-style-type: none"> • Board decision communicated to all councils running trading standards services. • LACORS updated and collated all its advice and best practice on the website. • LACORS to assist Trading Standards Institute with its review of protocols with banks and building societies (encourage those staff to report suspicious withdrawals of large amounts of cash etc) • Work to help councils set up local assured trader schemes to help underpin this work. |
| 14/7/08 & 12/5/08 | <p>Regulation of Investigatory Powers Act</p> <p>These reports updated the Board on councils' work in these areas and recommended a range of activity to promote awareness of the positive aspects of surveillance work and to support councils to ensure their work using surveillance was proportionate and appropriate.</p> | <ul style="list-style-type: none"> • LACORS provide information and advice to councils on these issues on an ongoing basis. • The Home Office response to consultation on RIPA orders expected Nov 2009. It is anticipated that this will reflect points made in the LGA Group submission including councils remaining within the RIPA framework; more senior staff acting as authorising officers; and an increased scrutiny role both for senior officers and councillors. • Work with CLG and the Home Office to deliver some bespoke technical guidance and a training programme for councils. |
| 10/3/08 & 12/3/07 | <p>Regulation For Excellence</p> <p>This report outlined feedback from 65 councils about the current state of regulatory services in councils and what future</p> | <ul style="list-style-type: none"> • Outcomes of this fed into the LACORS Policy review. The outcome of the review resulted in withdrawal of support for civil registration and scoping work on taxi licensing and envirocrime. • LACORS are in the process of developing a workforce strategy for the regulatory |

23 4

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| | <p>support they would need from LACORS.</p> | <p>sector which will feed into the LGA Group Workforce Strategy.</p> <ul style="list-style-type: none"> • Provision of a 'Strategic Leadership Course in Modern Local Government' for regulatory services managers. (Currently have 41 delegates going through this programme). • Development of a post- graduate certificate with Northumbria University in Public Protection. • Work with IDeA and LGE around possible development of a public protection apprenticeship scheme for local government. This is still in the early consultative stages. |
| 10/3/08 | <p>Animal Health Funding</p> <p>The report advised members of DEFRA's position not to provide additional funds to councils dealing with serious animal health emergencies such as avian flu and foot and mouth disease.</p> | <ul style="list-style-type: none"> • At Members' requests, this was followed up formally with DEFRA again but their position remains unchanged. • LACORS still remains actively involved in supporting councils with their animal health work and in any emergency represents local government at the national Disease Control Centre meetings. |
| 14/1/08 & 14/5/07 & 12/3/07 | <p>Regulatory enforcement and sanctions Bill and the role of LBRO/Hampton report.</p> <p>The report summarised the suggest lobbying position on the above bill which was to :-</p> <p>Limit the Local Better Regulation Office (LBRO) powers over local councils</p> <p>Remove the ability for 1 local authority t be able to stop another from taking enforcement action under the new statutory primary</p> | <ul style="list-style-type: none"> • The Bill went through largely unamended. Concessions were achieved at pre-consultation stage including the fee levying power for primary authority work. • Concerns about how LBRO is operating in areas that should be focussed on sector led improvement. • The primary authority scheme is in operation (to date only 15 businesses participating - 5 of whom are Boots related companies). Continued support for informal voluntary home authority scheme until councils advise us they no longer need it. • No legislation has yet been enacted to |

23 4

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| | <p>authority scheme</p> <p>Welcome the use of alternative sanctions (such as monetary penalties and stop notices) but to keep the process simple.</p> | <p>allow the use of alternative sanctions.</p> <ul style="list-style-type: none">• A range of work with Government about their simplification plans for legislative change. There has been little tangible reduction in this other than changes which were due to happen anyway.• We have also seen a continuation of poor legislation which we have made strong representations about. LBRO has refused, despite us requesting their support, to give advice to Ministers on these issues |
| 20/6/05 | <p>LACORS quinquennial review</p> <p>The Board noted the findings of the quinquennial review and recommended that LACORS should review regulatory services currently not within its remit.</p> | <ul style="list-style-type: none">• Following this an increased bid was made to CLG for increased top slice to fund work in relation to environment protection, gambling and animal establishments licensing. This work has been ongoing but clearly the in light of recent efficiency savings requirements LACORS will be looking at a reduced remit. This is picked up via more recent reports on regulation for excellence and the LACORS policy review. |

The Culture Tourism and Sport Board, working closely with LACORS, have continued LGA efforts to put the local councillor role back at the heart of the licensing regime. The principle areas of activity are summarised below:

Alcohol licensing

The LGA Group have been actively engaging with the development of the Policing and Crime Bill (PCR), which proposes changes to alcohol licensing in England and Wales. Among the proposed changes in the Bill are an enabling power to allow the Home Secretary to introduce blanket national conditions on all premises (the “mandatory code”) and proposed new powers for licensing authorities to apply centrally determined conditions to multiple premises, where these premises can be shown to contribute to alcohol-related disorder.

The LGA Group response to the consultation on these new powers was submitted on 5 August 2009. It was agreed by LACORS members and the LGA Culture, Tourism and Sport board, and shared with Chairs of the Safer Communities and Community Well-Being Board. The response argued against the introduction of the new mandatory code because of the burdens it would place on councils and on well run pubs and restaurants. It also raised serious concerns about the overly-prescriptive nature of the proposed new local powers.

The LGA has consistently lobbied government to abandon these proposals and to replace them with new powers for local elected members and licensing authorities that would see councillors become ward champions on licensing issues. To this end we helped legislators table amendments in both the Commons and Lords that would:

- Abolish the mandatory code
- Allow councillors and licensing authorities to make representations on Temporary Events Notice applications
- Give councillors the powers of “interested parties” – which would allow them comment of licence applications and reviews of premises in their ward.

Our amendments were most recently debated in the House of Lords on 14 October 2009, where they were tabled by Lord Strathclyde (Con). In line with the Prime Minister’s previous announcement at Labour Party conference that he wished to see local councillors given more powers to object to 24hr licenses, the Government spokesman, Admiral Lord West of Spithead, set out that he agreed with the principle of the third LGA amendment – to give councillors “interested party” status, and that the Government would return with a proposal on this issue at report stage.

The LGA Group have written to Lord West to set out that we very much welcome the Government’s change of stance on this issue, and that the LGA will offer cross-party political and officer support to help an amendment to the PCR Bill be brought as soon

23 4

as is possible in order that these powers be granted to local councillors. We do not expect to see any movement on the other two LGA amendments.

Licensing of lap-dancing clubs

The PCR Bill contains proposals to introduce a new category of licence for lap-dancing and similar clubs, called a “sex-encounter venue” (SEV) licence. The LGA Group has supported the introduction of this legislation and has been consulted on its development. If enacted the new SEV licensing regime will, broadly:

- allow local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because for example, the area was primarily a residential area.
- require licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with their local authority.
- allow a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
- allow a local authority to set a limit on the number of sex encounter venues that they think is appropriate for a particular area.
- allow a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the 2003 Act.

The Government is now consulting on the transitional arrangements that will apply if the PCR Bill gains Royal Assent.