

# Safer and Stronger Communities Board

Agenda

Monday 9 July 2012  
11.00am

Smith Square Rooms 1 & 2  
Local Government House  
Smith Square  
LONDON  
SW1P 3HZ

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

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## **Safer & Stronger Communities Board**

9 July 2012

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The **Safer & Stronger Communities Board** meeting will be held on **Monday 9 July 2012** at **11.00am**, in Smith Square Rooms 1 & 2 (Ground Floor), Local Government House, LONDON, SW1P 3HZ.

A sandwich lunch will be provided afterwards at 1pm.

### **Apologies**

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting, so that a substitute can be arranged and catering numbers adjusted, if necessary.

**Labour:** Aicha Less: 020 7664 3263 email: [aicha.less@local.gov.uk](mailto:aicha.less@local.gov.uk)  
**Conservative:** Luke Taylor: 020 7664 3264 email: [luke.taylor@local.gov.uk](mailto:luke.taylor@local.gov.uk)  
**Liberal Democrat:** Evelyn Mark: 020 7664 3235 email: [libdem@local.gov.uk](mailto:libdem@local.gov.uk)  
**Independent:** Group Office: 020 7664 3224 email: [independent.group@local.gov.uk](mailto:independent.group@local.gov.uk)

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### **Contact**

Stephen Service (Tel: 020 7664 3194, email: [stephen.service@local.gov.uk](mailto:stephen.service@local.gov.uk) )

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## Safer & Stronger Communities Board - Membership 2011/12

| Councillor                               | Authority                        |
|--|----------------------------------|
| <b>Conservative (7)</b>                  |                                  |
| Robert Gordon CBE DL <b>[Vice-Chair]</b> | Hertfordshire CC                 |
| Tom Fox                                  | Scarborough BC                   |
| Brian Coleman                            | Barnet LB / London FEPA FSMC rep |
| Joanna Spicer                            | Suffolk CC                       |
| <i>Vacancy</i>                           |                                  |
| Jim Harker OBE                           | Northamptonshire CC              |
| Paul Bettison                            | Bracknell Forest Council         |
|  |                                  |
| <b>Substitutes:</b>                      |                                  |
| Craig Humphrey                           | Rugby BC                         |
| Robert Sleigh                            | Solihull MBC                     |
| Ian Gillies                              | City of York                     |
|  |                                  |
| <b>Labour (4)</b>                        |                                  |
| Mehboob Khan <b>[Chair]</b>              | Kirklees MBC                     |
| Ann Lucas                                | Coventry City                    |
| Nilgun Canver                            | Haringey LB                      |
| <i>Vacancy</i>                           |                                  |
|  |                                  |
| <b>Substitutes:</b>                      |                                  |
| Henri Murison                            | Newcastle upon Tyne City         |
| Crada Onuegbu                            | Lewisham LB                      |
|  |                                  |
| <b>Liberal Democrat (2)</b>              |                                  |
| Duwayne Brooks <b>[Deputy Chair]</b>     | Lewisham LB                      |
| Lisa Brett                               | Bath & NE Somerset Council       |
|  |                                  |
| <b>Substitutes</b>                       |                                  |
| Anita Lower                              | Newcastle upon Tyne City         |
|  |                                  |
| <b>Independent (1)</b>                   |                                  |
| <i>Vacancy</i> <b>[Deputy Chair]</b>     |                                  |
|  |                                  |
| <b>Substitute:</b>                       |                                  |
| <i>TBC</i>                               |                                  |
|  |                                  |

**LGA Safer & Stronger Communities Board  
Attendance 2011-2012**

| <b>Councillors</b>        | <b>13.09.11</b> | <b>16.01.12</b> | <b>12.03.12</b> | <b>09.07.12</b> |
|---------------------------|-----------------|-----------------|-----------------|-----------------|
| <b>Conservative Group</b> |                 |                 |                 |                 |
| <i>Vacancy</i>            |                 |                 |                 |                 |
| Tom Fox                   | No              | Yes             | Yes             |                 |
| Brian Coleman             | Yes             | No              | Yes             |                 |
| Joanna Spicer             | Yes             | Yes             | Yes             |                 |
| Robert Gordon             | No              | Yes             | Yes             |                 |
| Jim Harker OBE            | No              | Yes             | Yes             |                 |
| Paul Bettison             | No              | Yes             | Yes             |                 |
|                           |                 |                 |                 |                 |
| <b>Labour Group</b>       |                 |                 |                 |                 |
| Mehboob Khan              | Yes             | Yes             | Yes             |                 |
| Ann Lucas                 | No              | Yes             | Yes             |                 |
| <i>Vacancy</i>            |                 |                 |                 |                 |
| Nilgun Canver             | Yes             | Yes             | Yes             |                 |
|                           |                 |                 |                 |                 |
| <b>Lib Dem Group</b>      |                 |                 |                 |                 |
| Duwyane Brooks            | Yes             | Yes             | Yes             |                 |
| Lisa Brett                | Yes             | Yes             | Yes             |                 |
|                           |                 |                 |                 |                 |
| <b>Independent</b>        |                 |                 |                 |                 |
| <i>Vacancy</i>            |                 |                 |                 |                 |
|                           |                 |                 |                 |                 |
| <b>Substitutes</b>        |                 |                 |                 |                 |
| Henri Murison             | Yes             |                 | Yes             |                 |
| Crada Onuegbu             | Yes             | Yes             | Yes             |                 |
| Marianne Overton          | Yes             |                 |                 |                 |
|                           |                 |                 |                 |                 |
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## Agenda

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### **Safer and Stronger Communities Board**

11.00am, Monday 9 July 2012

Smith Square Room 1 & 2 (Ground Floor), Local Government House

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#### **For discussion**

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| 1. | <b>The Troubled Families Programme</b><br><br>Joe Tuke, Director of the Troubled Families team at DCLG will be attending to introduce this item. | <b>3</b>    |
| 2. | <b>Police and Crime Commissioners Update</b>   | <b>9</b>    |
| 3. | <b>Safer and Stronger Communities Board Update</b>   | <b>21</b>   |
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#### **For information / noting**

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| 6. | Note of the last meeting | <b>49</b>   |

**Date of Next Meeting:** Tuesday 11 September 2012, 11.00, Local Government House



## **The Troubled Families Programme**

### **Purpose of report**

To provide members of the Safer and Stronger Communities Board with background information on the troubled families programme, in order to inform discussion with Joe Tuke, Director, Troubled Families Team, Department for Communities and Local Government (CLG).

### **Summary**

A Troubled Families Team was established in CLG last year following the Prime Minister's reiteration of his commitment to turn around the lives of 120,000 'troubled families'. The three year programme went 'live' in April with a £448 million budget, directed through councils in order to scale up existing work already underway locally. The funding is available partly on a payment by results basis. All 152 upper-tier authorities have signed up to the programme, the primary aims of which are to reduce school truancy and exclusions; reduce crime and anti-social behaviour; and increase employment, in the families.

The troubled families programme falls within the LGA's Localism Programme and reports to the Leadership Board and Executive.

### **Recommendation**

Members are asked to note this report as background information to assist discussions with Mr Tuke.

### **Action**

Officers to action Member suggestions as appropriate.

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## **The Troubled Families Programme**

### **Background**

1. Following the summer disorder last year, the Prime Minister reiterated his commitment to turn around the lives of 120,000 'troubled families' by 2015. A new unit was established and tasked with implementing it, based in The Department for Communities and Local Government (CLG) and headed by Louise Casey CB.
2. The families cost the public purse an estimated £9 billion per year, around £8 billion of which is reactive, spent addressing the symptoms of problems rather than tackling root causes. Up to 20 local agencies can work with the same family, each with their own funding rules and assessments.
3. Local government had already recognised the need for more effective and efficient ways of working with complex families and was developing and implementing solutions: 16 areas (28 councils) were piloting community budgets for families with complex needs, with a further 70 committed to implementing them and four fifths of councils were operating intensive family intervention projects.
4. The CLG troubled families programme has reflected this, giving councils the lead role in coordinating services locally and enabling this existing work to be built on and scaled up.
5. At the end of March 2012, CLG published the Troubled Families Financial Framework, setting out the criteria for identifying eligible families and detail of the payment by results scheme.
6. All 152 upper-tier authorities have signed up to the programme. Some have based this work in their community safety department, reflecting the crime and antisocial behaviour element of the programme; others in children's services or the Chief Executive's office.

### **The families**

7. CLG has given each council an estimated number of families in their area and authorities are now identifying real families that are eligible for the payment by results scheme. The three core criteria are related to:
  - 7.1 truancy or exclusion from school
  - 7.2 young people involved in crime and families involved in anti-social behaviour; and
  - 7.3 adults on out of work benefits.

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8. If families meet all three criteria, they are automatically on the programme. This number is expected to be less than 120,000 and families can also be eligible if they meet two of the three criteria, plus a 'local discretion filter'. This is for councils to determine, based on local priorities and could include, for example, families where there are substance misuse problems or domestic violence.

**Payment by results**

9. The unit has a £448 million budget over the three years, put together with contributions from six Whitehall departments<sup>1</sup>. This money is being spent in three main ways:
- 9.1 paying for councils to employ 'coordinators' in each area to lead troubled families work
  - 9.2 £20,000 per council to undertake preparatory work; and
  - 9.3 paying £4,000 per family towards the cost of intervention (40 per cent of the estimated average £10,000 cost), with a proportion of this as results payments in return for outcomes delivered.
10. There will be a significant proportion of the payment by results funding available up-front as an 'attachment fee': 80 per cent in year 1, 60 per cent in year 2 and 40 per cent in year 3, with the remaining proportion payable on delivery of results.
11. The results payments will primarily be attracted per family on the basis of meeting all measures related to education (truancy and exclusions), crime (33 per cent reduction in youth crime over 6 months) and anti-social behaviour (60 per cent reduction across the family over 6 months) OR at least one family adult in the family has moved off out of work benefits into continuous employment in the last 6 months (and is not on the ESF Provision or Work Programme). Councils will self-verify results, approved within their own internal audit arrangements.
12. In signing up to the programme, councils recognise that the CLG funding covers approximately only 40 per cent of the cost of interventions with the families they have committed to work with. Beyond this recognition, CLG has not sought details of match funding from local partners, but has stated that money committed to relevant projects and services can be counted. The economic and social case for investing in preventive action to reduce the costs of troubled families to the taxpayer in the longer-term is strong and commands support among councils. CLG has estimated that three quarters of the

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<sup>1</sup> Communities and Local Government, Home Office, Department for Education, Ministry of Justice, Department for Work and Pensions and Department of Health.

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cashable savings from family intervention accrue to local government, primarily in the area of children's services.

**Progress**

13. All upper-tier councils have signed up to the programme and the majority now have troubled families 'coordinators' in post. There are varying levels of experience of redesigning and coordinating local services for families; councils are at different stages of planning how they will meet their commitments under the programme with local partner agencies.
14. A task for all areas is to identify the families that they will work with in the first year, who meet the criteria stipulated by the Government in the Financial Framework. Data sharing has been a challenge, both between services locally and the process for Department for Work and Pensions (DWP) checking whether families have adults receiving out of work benefits. The LGA is working with CLG and DWP on resolving some of these issues.

**LGA support for councils**

15. The LGA is facilitating the sharing of good practice and practical solutions, for example through convening events and providing resources, including through the Knowledge Hub. This includes helping to share the learning from the work of the community budget pilots, for example on data sharing, financial modelling and cost-benefit analysis.
16. The scale and pace of the programme are ambitious and the LGA recognises that some areas may benefit from targeted support. We continue to have discussions with the CLG team about provision of support that is consistent with the wider approach to local government performance and improvement and associated funding.



## **Police and Crime Commissioners Update**

### **Purpose of report**

For discussion.

### **Summary**

This report provides an update on councils' preparations to set up Police and Crime Panels; and provides Members with a paper on progress with our work to be the national representative body for police and crime commissioners (PCCs). An oral report will be provided on the outcome of the facilitated workshop on 4 July with the Association of Police Authorities (APA) which was arranged to explore a joint venture.

### **Recommendations**

That Members:

1. note the work in hand with councils to establish Police and Crime Panels ahead of the Home Office's July deadline
2. and comment on the overarching strategy and work to date on a national membership body and identify any gaps.
3. Members will also be invited to comment on the outcome of the LGA/APA workshop.

### **Action**

As directed by Members.

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## **Police and Crime Commissioners Update**

### **Police and Crime Panels**

1. Members will be aware of the statutory duty under the Police Reform and Social Responsibility Act 2011 for local authorities in a force area to create a Police and Crime Panel, made up of elected representatives from each council plus a minimum of two co-opted Members. One council in the force area should be the “host authority”, responsible for the administration of the Panel. The composition of Panels should be politically proportionate. The Home Office have set a deadline of 16 July 2012 for confirmation that they have agreed the Panel arrangements and a host authority. Failure to submit plans for the Panel by this date will lead to the Home Office imposing a solution on councils.
2. The LGA has been pleased to play a leading role in ensuring councils are establishing Police and Crime Panels. This is a priority in our business plan and we continue to support areas in this transition. All our member authorities have access to:
  - 2.1 A Police and Crime Panel Peer Support network, consisting of 12 accredited expert officers from leading councils.
  - 2.2 A vibrant Knowledge Hub site dedicated to Panels, providing networking and support; all force areas and host authorities are represented.
  - 2.3 Technical guidance documents have been published: Panel arrangements and the balanced appointment objective; Terms of Reference and Rules of Procedure for Panels. A forthcoming publication on the scrutiny role of Panels is being done with the Centre for Public Scrutiny (CfPS); and a further guide on confirmation hearings. We are currently writing a guide on Panels’ first 139 days and decisions which need to be taken between 22 November and 31 March 2013.
3. Our latest information is that this is a success story, with most areas having made good progress. Leading areas include Sussex, Hampshire, West Yorkshire and Kent with meetings already being held. We held a very successful seminar in mid June with officers to answer problems and share experiences. We believe that 16 July deadline should be achievable for most areas to submit information to the Home Office, but have been urging a flexible approach as the information might not be complete.

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4. There are a few areas where progress has been slower or local negotiations more protracted and our accredited peer experts have been deployed intensively in the past four weeks in order to support areas. There may be one or two cases where the Home Secretary needs to intervene but we are hoping to avoid this with a plan for the Home Office's Permanent Secretary to send a letter to the relevant Chief Executive setting out what the Home Secretary will be mandating if agreement is not reached. This might avoid the need for further Home Office action.

**Police and Crime Commissioners**

5. The Leadership Board discussed the LGA's work to establish a national representative body for police and crime commissions on 11 April and the direction Members gave was to secure potential candidates to be full Members of the LGA, under the banner of the Police and Crime Commissioners' Association (PaCCA).
6. The overarching strategy for securing PCCs in membership of the LGA comprises three strands:
  - 6.1 Engaging at the political level with potential candidates and using the Political Group officers to make contact, and raise awareness of the LGA's offer.
  - 6.2 Using officer networks, principally through the Association of Police Authorities Chief Executives (APACE) as key influencers to highlight and further develop our offer.
  - 6.3 Engaging the resources of the LGA with Principal Advisers, Public Affairs, Press Officers and others promoting the offer through networks and personal contacts, gathering intelligence and developing relationships to ensure the LGA's profile and offer is timely, relevant and persuasive.

**Activity to date**

7. Timings for confirmed PCC candidates are different for political parties. As nominations are declared, Lead Members are being invited to write personally to candidates, offering political briefings, advice on campaigning, and exposure to events. Cllr Khan is taking a leading role in organising a visits programme. This is potentially the most powerful and effective part of our campaign and we will provide Members with key messages and materials for use in the autumn Party Conferences.
8. Officers have a wide range of contacts, including the 41 Police Authority Chief Executives who will be advising new PCCs immediately they are appointed and this dialogue has been positive.

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9. We are using the knowledge, expertise of staff throughout the organisation to promote our offer. Our new bulletin designed for PCC candidates includes briefings, news from partners and key policing issues and also features a regional focus with Inform data on a fortnightly basis. There have been several articles in *first* and a number of press notices have been designed to be of interest and value to PCCs and specialist police trade magazines. The line up for our Annual Conference session included Simon Weston, Tony Lloyd, Stephen Greenhalgh and Cllr Lisa Brett. Nick Herbert MP attended our question and answer session and our Panel comprised Association of Chief Police Officers (ACPO), Her Majesty's Inspectorate of Constabulary (HMIC), a police authority chief executive and the Electoral Commission.
10. We continue to work with the Welsh Local Government Association (WLGA) who anticipate being the representative organisation for the 4 Welsh PCCs.

**Review of progress**

11. There is no doubt that our activity has led the debate about a representative body for PCCs. The depth and reach of our activity has meant that many assume that we are the officially nominated body and it is widely acknowledged that our offer is comprehensive and provides good value for money. Police Authority Chief Executives have assured us that they will present our case objectively to new PCCs. A few candidates have given commitment to belong to the LGA if elected but there are also candidates who maintain strong links with the APA and have voiced support for the Association of Police and Crime Commissioners (APCC), the successor body to the APA. There is also a view that some PCCs will want their own association, not affiliated to any existing organisation. We have collated a Frequently Asked Questions page on the web which is now publicly available (attached at **Appendix A**).
12. The Home Office support the APCC as an interim representative body only up to 31/3/13 and are clear that it will be for PCCs to decide how they wish to be represented in the longer term.

**The Association of Police Authorities/The Association of Police and Crime Commissioners**

13. APA's Chair, Cllr Mark Burns Williamson OBE and Cllr Simon Duckworth the new Chair of the APCC which is the successor body, met the Chairman on 21 May to propose that the APCC becomes a Member of the LGA under a corporate subscription arrangement. Although this is not viable from the APA/APCC perspective, the two organisations are holding a workshop on 4 July to explore the possibility of a joint venture. It makes good sense to join up our approaches and services at a national level to ensure PCCs, and the

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public, get the best possible value for money. An oral update will be provided at the meeting.

**Conclusion and next steps**

14. Our activity to date has laid strong foundations to position the LGA at the heart of new arrangements. Members will want to consider progress to date in our strategy, identify any gaps and note the potential joint venture which would be brought back to Members for decision. We continue with our existing plans until we have a firm agreement in place.

**Financial Implications**

15. Addressed in the body of the report.

## **FREQUENTLY ASKED QUESTIONS**

### **POLICE AND CRIME PANELS**

#### **Q1. What is the LGA doing to support councils setting up police and crime panels?**

The LGA has already established a network of those councils involved in setting up the police and crime panel for their area.

Last autumn we produced a guide with the Centre for Public Scrutiny on setting up a panel, and since then have been producing guides on more specific issues in setting up panels, and helping councils work through the decisions they will have to make.

As shadow police and crime panels have been established we will be working with councils to support them as they provide training for members and develop work programmes for the coming year. As well as providing a comprehensive package of support for councils and partners in setting up police and crime panels, the LGA is also assisting councils and community safety partnerships in their overall transition to police and crime commissioners.

#### **Q2. What does political balance mean for Panels?**

Under the Police Reform and Social Responsibility Act 2011 when making appointments to the police and crime panel, councils must as far as is practicable, try to meet the balanced appointment objective. The objective means that panels must:

- represent all parts of the relevant police area
- represent the political make-up of the relevant authority or relevant authorities (when taken together), and
- have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

The Home Office have produced a legal clarification to the Act on meeting the balanced appointment objective. This states councils should look to achieve political balance on the panel by adding together all the councillors in political parties in every council in the force area and then allocating seats in proportion.

#### **Q3. Will the LGA be able to facilitate discussions between PCCs and police and crime panels?**

The LGA will be ideally placed to facilitate these types of discussions. We already have close relationships with the councils who host the panels and with many councillors who will serve on the panels. The LGA has been at the forefront in supporting the establishment of the police and crime panels.

**Q4. Do you think Panels will be effective in holding PCCs to account and driving work forward?**

The panels' role is to both scrutinise and support PCCs. Local authorities have over a decade's worth of experience in scrutinising elected politicians and also other public services. This experience puts councils in a good position to hold PCCs to account. However we are concerned that the level of funding available to panels from the Home Office will constrain some of their ability to hold PCCs to account. The Home Office has one view of what level of scrutiny panels will need to conduct, while many councils have a different view based on the experience they have and the responsibility panels have been given.

**Q5. Is there a conflict of interest in councils being represented on panels yet bidding for resources that the PCC is commissioning?**

Councils are well practised at undertaking effective scrutiny of themselves and of community safety partnerships. We pride ourselves on our openness and transparency and have well-established systems in place around declarations of interest which will ensure that such conflicts do not take place. The fact that Panels are made up of representatives from all councils in a force area – alongside independent members – should provide an adequate safeguard to prevent any undue influence arising.

**Q6. Do you agree that the powers of veto a Panel has are very limited?**

The powers the panel has to veto the PCC's precept and appointment of chief constable are ones that local authority scrutiny committees and even parliamentary select committees do not have. They were powers we sought before the government introduced the legislation establishing PCCs. During the passage of the Police Reform and Social Responsibility Bill through parliament we also argued that the ability of the panel to use those vetoes should be lowered from the government's threshold of three-quarters of the members to the two-thirds and that is now in the legislation.

We feel that the new arrangements will both provide an effective check and balance while enabling a strong working relationship to be formed between PCC and councils which will hopefully resolve any potential issues long before a power of veto is required.

**WORKING IN PARTNERSHIP**

**Q7. PCCs will have a number of different funding streams that have traditionally been with councils. If councils want to continue with existing activity that the PCC does not prioritise will they have to fund this themselves?**

Given the role police and crime commissioners will have in commissioning community safety services in their force area, partnerships will have to rethink how they work in order to provide a compelling business case for the funding the commissioner holds. They will also need to examine their existing structures and decide if they are still fit for purpose in a new community safety landscape.

Ultimately it will be for PCCs to decide how they use their money and in light of this, councils will have to allocate their own funds according to their local priorities, but councils will have a key role in identifying issues and risk to a PCC to ensure that harm is minimised through these changes.

**Q8. How can a PCC get involved with Health and Well-being Boards, Drug and Alcohol Action Teams, Community Safety Partnerships etc?**

Partners should be making contact with PCCs at the earliest stage possible to let them know about the services they offer and how they can help PCCs achieve their objectives. Councils and councillors have a long track record of working with a wide range of partners in the public, private and voluntary sector and will be able to assist the PCC in making links with partners.

**Q9. How should council leaders formalise their relationship with the PCC?**

There is no formal statutory relationship between a council leader or directly elected mayor and a PCC. However councils and PCCs will want to ensure there is an open line of communication so that mutual community safety objectives can be met. This may be in the form of a regular meeting with the PCC.

**Q10. Should a PCC be involved with the broader strategic leadership of place – and how will this work given the geographic complexity of force areas?**

Councils are already at the forefront of the leadership of place in their localities and will want PCCs to be involved as they will play such a crucial role. It will be up to individual PCCs to make arrangements in their own police force areas about how they engage with councils on this agenda. PCCs will be able to appoint a deputy who may be able to assist in this role.

**Q11. A PCC is expected to engage with communities. But some force areas have almost 2 million people in them. Can councils help PCCs engage with communities?**

Ward councillors and community safety portfolio holders know their communities well, including how to engage with the hard to reach and most vulnerable. PCCs will want to use this experience and knowledge to inform their police and crime plan. It will be difficult for a PCC to engage with, for example 18 councils as is the case in Thames Valley, but they can of course appoint a deputy, perhaps on a geographic basis to assist with this.

**Q12. What funding will be transferred from councils to police and crime commissioners?**

The Home Office are clear that a variety of funding streams that have been available to councils and community safety partnerships will be coming to an end on 31 March 2013. A definitive list is we understand shortly to be issued from the Home Office. It is expected to confirm that in addition to the

community safety fund (paid to community safety partnerships), and the Drug Intervention Programme funding, which the Home Office has already said will both end this financial year, elements of other programmes such as some of the budgets for youth offending teams will also end.

Police and crime commissioners will then in 2013/14 receive a designated but unringfenced grant for commissioning community safety and other activity. Given the recent consultation on the future of victims' and witnesses services it could also include budgets for these areas. Police and crime commissioners will be able to use this fund to commission services locally and could add to it from the amount raised by the police precept, should they wish to do so – and they might not choose to. From 2014/15 this grant will we understand be rolled up into the police grant.

## **GENERAL QUESTIONS**

### **Q13. How is this working in London?**

The Mayor of London has been the police and crime commissioner for the Metropolitan Police since mid-January. However when you take into account the pre-election period ahead of the mayoral elections the Mayor's Office of Policing and Crime has not been established that long. The Mayor of London has designated responsibility for the Mayor's Office of Policing and Crime to the Deputy Mayor for Policing and Crime, Stephen Greenhalgh.

There is no separate police and crime panel in London. This role is undertaken by the police and crime committee of the Greater London Assembly, which has already met a number of times to question the Deputy Mayor for Policing to account. Given the resources the Assembly has, it is been holding meetings on a monthly cycle.

### **Q14. What did your survey that you carried out with prospective PCCs in June 2012 say?**

69 per cent of PCC candidates said that anti social behaviour will be their top priority

86 per cent of PCC candidates said that the most important body to work with would be local councils

71 per cent think that turnout will be lower that council elections

Majority believe that the political party of the candidate will have the most bearing on which candidate people decide to vote for.

### **Q15. What does the LGA think about the lack of funding for election literature?**

The LGA along with other organisations such as the Electoral Commission has argued that a lack of election literature is likely to alienate voters with no access to the internet while independent candidates who are not supported by a party mechanism may struggle to afford to produce and distribute fliers.

However we recognise the Home Office's concerns for not funding the postal delivery of candidates election material on financial grounds.

**Q16. What is the LGA doing to encourage good turnout?**

The Electoral Commission will be encouraging people to vote in the elections in November, police area returning officers (PAROs) will also through their work highlight the elections to local voters, and the Home Office has developed a communications plan to raise awareness of the elections. However holding an election in November, rather than in May raises particular issues with encouraging people to turn out and vote, and in the future the intention is the PCC elections will be held at the same time as other local elections.

**Q17. What do you think about the qualification of PCCs for election?**

The Police Reform and Social Responsibility Act states that a person is disqualified from election or holding office as PCC if the person has been convicted in the UK of any imprisonable offence whether or not sentenced to a term of imprisonment in respect of the offence.



9 July 2012

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## **Safer and Stronger Communities Board Update**

### **Purpose of report**

For information.

### **Summary**

This report provides an update for the Board about developments and activity undertaken on its behalf since March related to a range of policing, crime and community safety issues.

### **Recommendations**

Members are asked to:

1. note the work undertaken on the Board's behalf since March; and
2. provide any comments related to the Board's future work in these areas.

### **Action**

LGA officers to progress as appropriate.

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## **Safer and Stronger Communities Board Update**

### **Background**

1. This paper provides an update on a number of areas of the Board's work related to policing, crime and community safety related matters.

### **Key issues**

#### Metal theft

2. At its last meeting the Board was updated on a number of developments related to tackling metal theft. These included the LGA's lobbying work to replace the Scrap Metal Dealers Act 1964 with a more robust licensing regime for dealers, the government's amendments to the 1964 legislation including forcing traders to move to cashless transactions; and action by the LGA to provide councils with advice and guidance on what they can do under the existing law.
3. Although we had hoped for a Government bill to update the 1964 Scrap Metal Dealers Act, the Queen's Speech in May did not contain a government bill on metal theft. The only way therefore for legislation to be introduced in the new session of parliament would be through a private member's bill.
4. The LGA was therefore keen to encourage an MP near the top of the ballot for private member's bills to put forward legislation and Richard Ottaway, the Conservative MP for Croydon South, who came second in the ballot, quickly agreed to do this. The government have indicated they will support the bill.
5. Mr Ottaway's Scrap Metal Dealers Bill was given its first reading on the 20 June and was supported by a cross-party group of MPs. The bill has not yet been published, but this is due to take place at the time the bill has its second reading. It is anticipated this will be on 13 July. Mr Ottaway provided some details on what his bill will contain when he gave a key note speech at the LGA conference on metal theft held in the middle of June. His bill will:
  - 5.1 introduce a local licensing regime for scrap metal dealers administered and enforced by local authorities
  - 5.2 give councils and the police powers to suspend and revoke licences
  - 5.3 provide for the funding of the new regime through licensing fees
  - 5.4 require all dealers to use cashless transactions and to complete detailed records of their transactions; and
  - 5.5 introduce a single national register of licensed dealers.

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6. The Board's chair, Cllr Khan, met Mr Ottaway ahead of the LGA's metal theft conference to discuss the bill, and the LGA's approach to it. Cllr Khan indicated the Board's support for the bill, and that the LGA was prepared to assist in getting it through both Houses of Parliament. He also went on to outline the LGA's views that any licensing regime needed to provide councils with the flexibility to set their own fees, and the ability to impose local conditions on the licence. In addition Cllr Khan expressed the LGA's reservations about another data reporting requirement on councils suggested by the introduction of a national register. Mr Ottaway explained what he thought were the issues in getting the bill through parliament, and how the LGA might be able to help.
7. The LGA also completed a survey of member authorities on the impact of metal theft on councils in time for the metal theft conference. There were 157 responses to the survey, and it showed that over a third of councils had seen manhole or drainage covers stolen, while nearly a quarter had seen roofing materials stolen. These losses cost councils an average of £26,000 in just the first three quarters of 2011/12, although some councils had seen over £170,000 worth of metal stolen from them. Councils' views were also sought on what measures would need to be taken to reduce metal theft and there was strong support for a licensing regime run by councils, with dealers forced to move to cashless transactions, higher standards of record keeping on dealers, tougher fines and greater powers to close down sites that are trading without a licence.
8. Looking ahead, we will brief MPs before the bill's second reading in mid-July, indicating the impact metal theft has on local authorities and the LGA's support for it. Officers will continue to liaise with Mr Ottaway's office and the Home Office on progress with the bill, and will also consider if any amendments are needed to improve the bill once it is published. The LGA will also produce a councillors' guide to tackling metal theft alongside an expanded and updated metal theft toolkit. The move to cashless transactions required by amendments to the 1964 Act made in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will come into force in November, although itinerant collectors will, until Mr Ottaway's bill becomes law, be exempt from this provision.

Anti-social Behaviour White Paper

9. In 2010 the Home Office undertook a review of the tools and powers available to councils, the police and other partners to tackle anti-social behaviour (ASB), on the basis that more could be done to reduce it. This led to a consultation in early 2011 on the Home Office's proposals to reduce the current 19 tools and powers available to six. The Board responded at the time to the consultation setting out its broad agreement to the intention to give local areas more freedom and flexibility to tackle ASB, to make the tools available to councils and

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the police easier to use, more effective and cheaper, while also expressing concerns at the detail of how some of the new tools might work.

10. The Home Office finally published its response to the consultation as part of its Anti-social Behaviour White Paper, 'Putting People First', which came out on 22 May. In the White Paper the government emphasises locally designed and driven activity, who will be held to account not by Whitehall, but by local people and communities.
11. A key element in the White Paper is focusing on the needs of victims, and making sure that repeat and vulnerable victims of ASB are identified and partners brought together to manage the high risk cases. It therefore highlights means of managing cases better including the call handling pilots run in eight police forces over the last year, and adapting processes like Multi-Agency Risk Assessment Conferences to manage high risk ASB cases. Where victims of ASB feel their concerns are not being addressed they will be able to take advantage of the proposed community trigger. This would be a high level duty placed on councils, the police, and health services to deal jointly with complaints from the public where no action has previously been taken. Registered social landlords would have a duty to cooperate with the authorities the duty applies to. It would be up to local areas however to decide how they implemented the Community Trigger.
12. The Board raised reservations about the usefulness of a community trigger in its response to the Home Office's consultation last year. As a result the Home Office have moved from a detailed duty to a more high level principle, but the concerns the Board highlighted previously that vulnerable victims tend not to be engaged with public agencies and are therefore less likely to use the trigger still remain.
13. At the core of the White Paper are the proposals to reduce the existing 19 tools to six simple, flexible and adaptable powers. These are:
  - 13.1 A **Crime Prevention Injunction** (CPI) to replace Anti-Social Behaviour Orders. This will be a purely civil order that can be quickly obtained by a range of agencies from the County Court for adults and in the Youth Court for 10-17 year olds. It would be used where an offender had caused nuisance or annoyance. Breach of the injunction would be punishable as contempt of court in the case of an adult, while for a child under 17 it would be dealt with by curfew, activity or supervision requirements, with repeated breaches causing serious harm resulting in custody for up to three months.
  - 13.2 The **Criminal Behaviour Order** would be a new civil order available alongside a conviction which could be requested by the police or council,

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where it would assist in the prevention of harassment, alarm or distress being caused to members of the public. There would be criminal sanctions for breach, with a maximum sentence of 5 years in prison.

- 13.3 Environmental ASB would be dealt with by a **Community Protection Notice**. Councils, the police and social housing providers would be able to issue the notices to deal with a problem affecting the community. It is intended to deal with a range of persistent behaviour issues such as graffiti, littering, dog-fouling, and noise nuisance. Breach of the notice would be a criminal offence punishable by a fine of up to £2,500 or £20,000 for businesses.
- 13.4 Councils will be given a flexible power to deal with place based ASB through a **Community Protection Order (public space)**. It would replace Dog Control Orders, Gating Orders, Designated Public Place Orders, and could only be issued after the council had consulted local residents, the police and the police and crime commissioner. A breach of the order would be a criminal offence with a maximum fine of £1,000.
- 13.5 The police will be given a new flexible **Directions Power** bringing together a range of dispersal powers. It would allow a police officer or Police Community Support Officer to require a person who has committed or is likely to commit ASB to leave an area and not return for 48 hours. There would be no need to designate an area in advance, and could be used on public land or in common areas of private land where the landowner consents. Failure to comply with the direction would be a criminal offence with a maximum penalty of a £2,500 fine and/or three months imprisonment. To ensure accountability data on the use of the power would have to be published and police and crime commissioners would be expected to hold forces to account for its use.
- 13.6 The four premises closure orders will be consolidated into a single order. This **Community Protection Order (closure)** would allow councils or the police to issue an order temporarily closing any property, including licensed premises, businesses and private residences for up to 48 hours if there is a public nuisance or there is likely to imminently be disorder. The council and police would have to apply to the Magistrates Courts after the order comes into force for the court to consider the order and whether to extend it. Breach of the order would carry a maximum fine of £5,000 for individuals or £20,000 for businesses and/or up to 3 months in prison.
- 13.7 Many of the Board's comments on the consultation last year still remain current as the White Paper contains little additional detail to what was available at the start of last year. The on-the-day briefing produced by

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the LGA (set out at **Appendix A**) drew heavily as a result on the Board's submission at the beginning of last year. There are some areas where the Home Office has amended the proposals following our lobbying: with the crime prevention injunction the White Paper states this will be obtained on the civil burden of proof, and the definition of anti-social behaviour will be taken from that for Anti-Social Behaviour Injunctions. Other questions raised in the Board's response to the consultation last year, such as those about when a power of arrest would be attached to the injunction, remain unanswered. Nor is it any clearer, for example, where funding for any of the positive requirements the courts can impose as part of a crime prevention injunction will come from.

14. A date for publication of this draft bill for pre-legislative scrutiny has not been announced, but we expect this to be the autumn.

CCTV Code of Conduct

15. The Protection of Freedoms Act 2012 requires the Secretary of State to prepare a code of practice setting out guidance on the operation of surveillance camera systems, including automatic number plate recognition systems. The code itself will apply initially to councils and the police, but the government is looking to extend it to cover anyone who operates a surveillance camera system. As local authority operated surveillance camera systems probably account for no more than 4 per cent of all UK cameras, the Board has previously supported the extension of the code more widely to drive up standards of operation in all sectors.
16. The Home Office is currently in the process of developing the code, which is to be published later in the year. LGA officers have been involved in discussions with the Home Office on what the code might look like, and ensuring that it compliments rather than conflicts with guidance issued by other regulators such as the Information Commissioner. Officers will continue to engage with the Home Office as the code is further developed over the summer.

Queen's Speech

17. Having anticipated at least two bills of interest to the Board in the Queen's Speech in May (on metal theft and anti-social behaviour), there were no policing or community safety related bills of direct relevance to the Board in the Queen's Speech. The main purpose of the Crime and Courts Bill introduced in the House of Lords in May is to establish the National Crime Agency which will replace the Serious and Organised Crime Agency. The Bill sets out the functions of the Agency of reducing serious and organised crime, and gathering intelligence. The Justice and Security Bill, also introduced into the House of Lords in May, will establish the Intelligence and Security Committee made up of members of

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both House of Parliament and tasked with providing oversight of the Security Service, the Secret Intelligence Service and the Government Communications Headquarters. It will also make changes to what sensitive information is available to courts in civil proceedings.

19. The Enterprise and Regulatory Reform Bill is referenced in the Regulatory Services update paper.

# LGA Briefing – Anti Social Behaviour White Paper

23 May 2012



## Summary

The Home Office is proposing to move away from a one size fits all model of dealing with anti-social behaviour and to recognise that anti-social behaviour is a local problem that is different in every area and for every victim. The Government strongly advocates that responses to anti-social behaviour be driven locally and be overseen by police and crime commissioners. The role of government will be to support local agencies in tackling anti-social behaviour (ASB).

It is suggested that local agencies will have to focus their response to ASB on the needs of the victim, rather than the incident, which it has been in the past. The Government will provide support by:

- Helping agencies to identify and support high risk victims through better logging of calls and managing of cases.
- Giving frontline professionals more freedom to use their discretion and common sense to do their job.
- Improving the understanding of the experiences of victims.

People and communities will be supported to set out what is and isn't acceptable locally and in holding agencies to account by:

- Introducing a Community Trigger so victims and communities have the power to ensure action is taken.
- Making it easier to demonstrate the harm to communities in court through Community Harm Statements.

Professionals (mainly the police) will have the powers they need to tackle ASB by:

- Introducing six faster, more effective formal powers to replace the 19 current tools. The new tools will include:
  - A civil injunction
  - A court order available on conviction for the most anti-social individuals
  - Simpler powers to deal with quality of life crime (including out of control dogs, public drunkenness and mini-motos) and to close premises that are a magnet for trouble
  - A more effective power to stop ASB in public places
- Speeding up the eviction of anti-social tenants.

There will also be a focus on preventing ASB occurring in the first place by addressing the underlying causes of this behaviour.

# Briefing

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## **LGA Response**

We are pleased with the localist thrust of this report. We have consistently argued that a centralised approach to tackling ASB is ineffective, stifles local initiative and problem solving, and fails to take account of the local nature of ASB which varies between communities and neighbourhoods. The emphasis to free local agencies from central targets and initiatives is therefore welcome. Similarly reviewing the range of tools and powers to make them more flexible, easy and inexpensive to use is sensible, provided that, taken together, these do not leave gaps or present a weakening of the overall set of tools and powers. We particularly welcome the greater emphasis on the wider use of informal measures which have proven to be successful. While the active engagement of the police is vital in dealing effectively with ASB, the key to providing respite for communities and victims, and sustainability in the longer term, is multi-agency partnership working at local level, and the White Paper's emphasis on enforcement through the police is only part of the solution.

### **Putting victims first: focusing the response to ASB on the needs of victims**

This chapter outlines how the Government and local agencies are overhauling the system of dealing with ASB to put the needs of victims first. It outlines the ASB call handling pilots run in eight police force areas, which looked at being able to identify vulnerable victims, and then brought local partners together to manage the high-risk cases. At the same time as the pilots have been running, there has also been a simplification by the police of the recording of ASB incidents so that emphasis is on assessing the impact of the behaviour on the victim. The aim is now that all incidents are risk assessed and all 43 forces in England and Wales will be encouraged to use the findings from the call handling pilots to develop their response to vulnerable and repeat victims.

More effective management of cases is also identified as a means of ensuring that agencies work better together to tackle ASB. The use of Multi-Agency Risk Assessment Conferences (MARACS), which were originally developed to deal with domestic violence, have been used in a number of areas to deal with high-risk ASB cases, and the Government is keen more areas use this approach.

The Government also wants professionals to take the right action. Centrally set targets, action plans and minimum standards have already been scrapped, so that professionals can take action to challenge ASB immediately – early intervention, often on an informal basis, can provide people with an incentive to change their behaviour. The Government would like to encourage the use of informal methods where it is appropriate.

## **LGA Response**

The multi-agency partnership approach to identifying and tackling ASB which involves high-risk or vulnerable victims is best supported by the

development of the case management and call handling pilots that have already been carried out. This is an important and welcome development and we support the wider rollout of this system. MARACS have proved an effective tool in tackling domestic violence and extending their use to ASB is a way of taking swift, effective action and protecting vulnerable victims. The use of informal interventions, such as Acceptable Behaviour Contracts have been pioneered by councils, and we are pleased that the Government encourages the use of these informal methods which are vital in setting boundaries about acceptable behaviour. Clearly, if these are not working, an escalation of intervention is necessary.

### **Empowering communities: protecting victims**

This chapter outlines a range of initiatives to help victims, communities and businesses ensure that local agencies take action to deal with ASB. At the heart of these proposals is the introduction of a community trigger that would give victims (or a third party in the case of vulnerable victims) and communities the right to demand action from agencies where they have repeatedly ignored complaints about ASB. The Community Trigger will be a high level duty on councils, the police, and health services to deal jointly with complaints from the public where no action has previously been taken, although vexatious or malicious complaints could be rejected. Registered social landlords would have a duty to cooperate with the authorities the duty applies to. It would be up to local areas to decide how they implement the Community Trigger, though they would have to publish the thresholds, criteria, process and reporting mechanisms they intended to use locally. Police and crime commissioners would have a role in providing democratic oversight.

Community Harm Statements developed by the Chartered Institute of Housing for use by social landlords to demonstrate the impact ASB was having on a community to the courts are highlighted as a means of setting out the effect ASB is having on local residents. The Government also sets out its intention to include details of the number of Anti-Social Behaviour Orders (ASBOs) issued by each court on the national crime mapping website from October. In addition it sets out its desire for more community representatives to become involved in the delivery of restorative justice through the piloting of Neighbourhood Justice Panels.

### **LGA Response**

The LGA is unconvinced that another duty on local authorities and others is the best means of protecting vulnerable victims. As Victim Support has said, victims should receive a swift response when reporting incidents, without the need for repeated calls or a trigger mechanism. Vulnerable victims or their third party carers tend not to be engaged with public agencies and are therefore less likely to use the trigger than more well organised and vocal individuals and groups and so this proposal does not meet its stated policy intention. It was also unsupported by the responses to the consultation. Although there has been some modification to the proposal so that local areas will be able to decide how the duty is

implemented, there is still a requirement to publish thresholds, criteria and processes as well as reporting mechanisms. These will divert resources into sustaining a bureaucratic process focused on reporting and performance indicators, rather than delivering effective outcomes.

Being able to highlight the consequences of ASB on communities to courts has been established for some time through the use of Community Impact Statements. We therefore support the wider use of Community Harm Statements. We also support greater community involvement in restorative justice schemes, where again councils have been leading the way including developing the concept for Neighbourhood Justice Panels.

### **Swift, effective action: Giving professionals the tools they need to protect victims**

This chapter sets out how the Government will reduce the current 19 tools available for dealing with ASB on a formal basis to 6 new simple, flexible and adaptable powers. The aim is that these should enable professionals to take action quickly which will stop ASB by changing the way offenders behave in the longer term. In order to ensure that the proposals are effective and experts can feed in their views, the Home Office will be publishing a draft Bill to enable full pre-legislative scrutiny of the proposals.

The Home Office will be introducing a **Crime Prevention Injunction** (CPI) as proposed in their consultation. This will be a purely civil order that can be quickly obtained in the County Court for adults and in the Youth Court for 10-17 year olds. It would be obtained on the civil burden of proof (the balance of probabilities) for instances where a person has engaged in conduct which is capable of causing nuisance or annoyance. There would be no minimum or maximum length for the injunction. A power of arrest could be attached to the injunction if the individual had used or threatened violence or if there was a risk of significant harm to the victim. Breach of the injunction would be punishable as contempt of court in the case of an adult, which might include being punished by up to two years in prison. For a child between 10 and 17 the breach would be curfew, activity or supervision requirement, with repeated breaches causing serious harm, resulting in custody for up to three months. Interim orders could be obtained without notice and in the absence of the defendant. The CPI will be based on the ASB Injunction but the Home Office will expand the range of agencies that can use it, and increase the range of circumstances in which it can be used. It will include both prohibitions on behaviour and positive requirements to change behaviour in the longer term.

The **Criminal Behaviour Order** would be a new civil order available alongside a conviction which could be requested by the police or council, and would be available where it would assist in the prevention of harassment, alarm or distress being caused to members of the public. The minimum length of the order would be a year for under-18s and two years for adults, with a maximum term for the order of three years for under-18s, but no maximum term for adults. There would be criminal sanctions for breach with a maximum sentence of 5 years in prison. As with the CPI

there would be the ability to proscribe behaviour and also set positive requirements to address underlying behavioural issues. The police will be given flexibility to determine the seriousness of any first breach and how it should be dealt with, including informal measures or an out of court disposal.

A **Community Protection Notice** would deal with environmental ASB. Councils, the police and social housing providers would be able to issue the notices. They would be issued to an individual or a responsible person within a business or organisation to deal with a problem affecting the community. It is intended to deal with a range of issues such as graffiti, littering, and dog-fouling. It would have to relate to persistent behaviour rather than single incidents, and the police could use it for example to tackle neighbourhood noise issues. Breach of the notice would be a criminal offence punishable by a fine of up to £2,500 or £20,000 for businesses. Where there was a requirement under the notice to 'make good' but this was not done, councils could complete the works and charge the individual responsible.

Councils will be given a flexible power to deal with place based ASB through a **Community Protection Order (public space)**. It would replace Dog Control Orders, Gating Orders, Designated Public Place Orders but would also be available for a wider range of behaviour including those covered by 'good rule and governance' bye-laws. The order would be issued by a council having consulted local residents, the police and police and crime commissioner to deal with existing problems or to prevent future ones. A breach of the order would be a criminal offence with a maximum fine of £1,000.

The police will be given a new flexible **Directions Power** bringing together a range of dispersal powers. It would allow a police officer or Police Community Support Officer to require a person who has committed or is likely to commit ASB to leave an area and not return for 48 hours. There would be no need to designate an area in advance, and could be used on public land or in common areas of private land where the landowner consents. The current power for the police is to return children under 16 home if acting anti-socially and it is after 9.00pm, and the police could require an individual to hand over items which could then be reclaimed from the police station. Failure to comply with the direction would be a criminal offence with a maximum penalty of a £2,500 fine and/or three months imprisonment. Failure to hand over an item would also be a criminal offence with a penalty of a £1,000 fine and/or one month in prison. To ensure accountability, data on the use of the power would have to be published and police and crime commissioners would be expected to hold forces to account for its use.

The Home Office will also be consolidating four premises closure orders (Section 161 Closure Notices, council temporary closure notices for noise nuisance, Crack House Closure Orders and ASB Premises Closure Orders) into a single order. This **Community Protection Order (closure)** would allow councils or the police to issue an order temporarily closing any

property including licensed premises, businesses and private residences for up to 48 hours if there is a public nuisance or there is likely to imminently be disorder. The council and police would have to apply to the Magistrates Courts after the order comes into force for the court to consider the order and whether to extend it. Breach of the order would carry a maximum fine of £5,000 for individuals or £20,000 for businesses and/or up to 3 months in prison. Continuing closure would require a higher test being satisfied: that a person had engaged in disorder, anti-social or criminal behaviour on the premises and the property is associated with disorder or serious nuisance. A property subject to such an order could be completely closed for up to three months, and up to six months in total.

To deal with **ASB associated with social housing** the government will be extending the discretionary ground for possession to cover the eviction of tenants and members of their household for offences committed at the scene of a riot. The government will also be introducing a new mandatory route to possession for ASB modelled on the process for ending introductory tenancies for local authority landlords, and the existing mandatory grounds for possession that registered social landlords and landlords in the private rented sector can use. This mandatory route could be used where: a tenant, member of their household or visitor had been convicted of a violent or sexual offences, offences against property, supplying drugs or where an indictable offence had been committed in the locality of the property in the last year; a CPI had been breached by a tenant, member of their household or visitor within the previous 12 months; the property had been closed through a Community Protection Order (closure) for more than 48 hours; or a tenant, member of their household or visitor had been convicted of a breach of a noise abatement notice.

### LGA Response

The LGA supports the creation of a genuine civil order that allows councils and other partners to act swiftly to protect victims and communities. The decision to allow a crime prevention injunction to be obtained on the civil burden of proof is welcome, as is the decision to use the existing definition for Anti-Social Behaviour Injunctions both of which the LGA argued for. We remain concerned that there is the very real problem that a breach of the injunction will be treated as contempt of court and a power of arrest may not be attached to the injunction. The process of obtaining the injunction would seem to mean an application to the court (though this is not clear from the detail) which would allow offenders to try and delay proceedings, and also that the police would have no role in enforcing them if there is no power of arrest attached.

Retaining positive requirements that can be imposed on an offender as part of a criminal behaviour order and a crime prevention injunction is welcome. Councils take their supportive role seriously here and have a good track record of providing services and turning lives round. However the continuation of this support for perpetrators will not be easy when councils along with other public services are reducing their budgets. It is not clear how this support would be financed. Enforcement and support

are equally important but we would be opposed to the granting of injunctions or orders being conditional on the provision of positive support measures as communities and victims often need immediate respite and their needs should come first.

Rationalising the environmental and place-based ASB powers is sensible, as are the powers for dispersing people. With the dispersal powers the ability to use them without designating an area in advance still give us cause for concern. Current powers are exercised by the police in consultation with the local authority or the council has responsibility for making the order. The use of dispersal powers can be highly controversial, and although police and crime commissioners would be expected to provide democratic oversight this is after the event, rather than through a process which engages the community before the powers are used. This could result in greater tensions in some communities or sections of communities. The restriction of the power to confiscate items to the police could cause local confusion and reduce the ability to deal with ASB as council wardens and enforcement teams are already involved in asking people to dispose of alcohol and some council staff have powers to do so under the community safety accreditation scheme.

### **Long term solutions: tackling the drivers of ASB**

This chapter sets out how the government will address ASB by preventing it occurring, and outlines some of the work already in train. It refers to the Alcohol Strategy, the changes to the licensing regime made by the Police Reform and Social Responsibility Act and the new powers for councils and the police being introduced to deal with ASB, and highlights activity around illicit drug use, troubled families, and addressing mental health and other health needs. The chapter concludes with a section on irresponsible dog ownership.

### **LGA Response**

The LGA has consistently pressed for greater powers for councils and the police to tackle alcohol related disorder. The proposals contained in the White Paper will provide further tools for tackling problem drinking. While the LGA agrees with the Government position that the law on dangerous dogs needs changing to promote more responsible ownership of dogs and to reduce the number of dog attacks, we are concerned that the proposals within the Defra consultation will not achieve this objective and actually present a missed opportunity to really tackle the misery that the growing tide of dangerous dogs presents for communities across the country.



## **Update on Regulatory Service Issues**

### **Purpose of report**

For information.

### **Summary**

This report provides an update on LGA policy work and developments affecting regulatory services that will be of interest to the Safer and Stronger Communities Board.

### **Recommendation**

That the Board notes the activities outlined.

### **Action**

Officers to progress as appropriate.

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## **Update on Regulatory Service Issues**

### **Better Regulation**

#### Roundtable on supporting businesses and protecting consumers

1. Carolyn Downs, LGA Chief Executive, has hosted a successful roundtable event with national regulatory partners and professional bodies to provide engagement at a strategic level about regulatory services. The meeting created the opportunity to increase awareness of local government priorities, identify common aims and generate the potential to work more closely together in the future to ensure regulatory services can continue to support businesses and protect communities.

#### Enterprise and Regulatory Reform Bill

2. The Queen's Speech announced a new Enterprise and Regulatory Reform (ERR) Bill to reduce burdens on business by repealing unnecessary state legislation and limiting state inspection of businesses. The Bill includes proposals to extend the Primary Authority scheme.
3. Cllr Canver attended the ERR Bill Committee on behalf of the LGA. Evidence presented by Cllr Canver recognised the value of Primary Authority to both businesses and councils as one of a range of options that can be used at a local level to support businesses by reducing red tape, target resource and promote consistent enforcement.
4. However, Cllr Canver also expressed concern that it is not appropriate for central government to intervene in these local partnerships by directing councils to follow inspection plans. Central direction will reduce innovation and introduce a layer of bureaucracy for both primary authorities and enforcing authorities that fails to accommodate local circumstances and the judgement of competent enforcement officers. The LGA believes it is far too early to make wholesale legislative changes to Primary Authority and further work needs to be undertaken to make inspection plans useful for enforcing authorities.

#### Protection of Freedoms Act

5. The LGA successfully secured Government support in order to overturn an amendment to the Freedoms Act which would have required environmental health and trading standards officers to seek a warrant through the courts to carry out basic inspections, unless given permission to enter by the business owner. If passed it would have meant an end to on-the-spot-inspections and delays before council officers could respond to complaints made by residents.

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6. The Freedoms Act will still require that each Government department review existing powers of access for enforcement officers. The LGA are in the process of preparing a consistent approach to these reviews, to be backed by statistics from councils.

LGA respond to BIS consultation on modernising consumer law and enforcement powers

7. The LGA welcomes the long over due steps being taken by the Department for Business, Innovation and Skills (BIS) to update consumer law and enforcement powers. Our response to the Government consultation emphasises that councils use their enforcement powers in a transparent and accountable manner, which is overseen by elected members. While the BIS proposals include important exemptions about providing advance notification to businesses for inspections, the LGA do remain concerned that the current recommendations have the potential to stifle innovation and limit flexible use of resource. We are working directly with BIS to address these issues.

Communications Data Bill

8. The Communications Data Bill aims to introduce safeguards and restrictions on those bodies able to access communications data held by telecommunications providers. The Bill will replace elements of Regulation of Investigatory Powers Act (RIPA) legislation which entitled councils to access communications data. It supplements the Protection of Freedoms Act 2012 which limited council access to this data to occasions that had been authorised by a magistrates' court.
9. The LGA has been informed that we will be invited to give evidence at the Bill Committee once it is established. We propose outlining the continuing need for councils to access this data if they are to tackle rogue and unregistered traders, but expressing our support for the proposed safeguards.

**Alcohol and events licensing**

Deregulation of Regulated Entertainment

10. The Department for Culture, Media and Sport (DCMS) has not yet published the consultation response to their proposals to deregulate events with fewer than 5000 attendees. However, the Live Music Act will commence in October 2012 and deregulates music events with less than 200 attendees. The LGA will be working with DCMS to ensure any guidance is practical and realistic.

Consultation on Tackling Late Night Drinking

11. The LGA has responded to the Government consultation on the new Late Night Levy for clubs and bars to stress that it must adequately compensate

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councils for keeping nightlife hotspots clean and safe. We have emphasised that each council must be able to determine how their portion of the Levy can be spent to effectively target local issues and work innovatively with partners as problems associated with late night drinking continue to evolve.

Community Events, Jubilee and Olympics

12. The LGA has been working to recognise and share the innovative and new ways of working that councils have developed to support community events, as part of the Royal Wedding, Diamond Jubilee, and 2012 Games. The LGA has published a Councillor Handbook to draw together the different approaches taken by councils and inspire areas to go still further and consider maintaining support for community events on an ongoing basis.
13. A companion 'how to' guide for events organisers has also been published in conjunction with DCLG, Cabinet Office, Streets Alive, The Big Lunch, and Volunteering England. These publications are part of a wider campaign to showcase how councils are simplifying processes and supporting safe activities.

**Licensing**

Helping councils respond to resident and business concerns about 'chuggers'

14. The LGA convened a roundtable with council and charity representatives to build on the findings of a recent LGA survey that showed two out of three councils have received complaints about how face-to-face fundraisers operate in their areas and there was a clear need for more up to date powers to enable councils to tackle this issue. Chaired by LGA Vice-Chair Cllr Gerald Vernon-Jackson, and attended by Lord Hodgson, the chair of the Charities Act 2006 review, the discussion explored existing methods of regulation and voluntary control, the problems reported to councils and the most effective way of responding to issues.
15. The roundtable concluded with an agreement that councils should be able to licence street fundraisers, with conditions placed on: numbers of people collecting; frequency of collections; locations; and times when collection was permitted. In recognition that amended legislation will take time to deliver, representatives agreed that the LGA and Public Fundraising Regulatory Association should develop a strategic relationship on behalf of their respective memberships and develop a national agreement that can be used by councils to voluntarily regulate local fundraising.

Taxi Licensing

16. The LGA will be collating council views on the Law Commission's proposals to amend licensing laws for taxis and private hire vehicles. Initial feedback from

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licensing authorities, including Transport for London, suggests that councils welcome the review and the majority of the proposals. Councils do wish to retain the ability to set local conditions above and beyond a national minimum standard and the LGA will be presenting the case for this in our response on 10 September.

Dangerous dogs

17. The LGA response to the Government consultation on dangerous dogs welcomes the opportunity to update law aimed at tackling dangerous dogs with the aim of reducing the widespread fear felt by many residents about dogs and dog owners in their local area. However, the LGA also stresses that proposals to introduce compulsory microchipping of dogs will not resolve issues associated with dangerous dogs and that expresses concern that Government has failed to work effectively with delivery partners to develop a holistic and sustainable approach to halt the rising tide of dog attacks.

9 July 2012

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## **End of Year Board Report**

### **Purpose of report**

For noting and discussion.

### **Summary**

This report offers an overview of the issues and work the Board has done over the last year. It sets out key achievements in relation to the priorities for the Safer and Stronger Communities Board in 2011/2012, and looks forward to next year's programme of meetings.

### **Recommendations**

Members are invited to:

1. note the achievements against the Board's priorities in 2011/2012; and,
2. agree the programme of meetings for 2012/13.

### **Action**

Officers to action as necessary.

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Helen Murray

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## **End of Year Board Report**

### **Background**

1. Although the state of the economy and unemployment have dominated the political environment in the last year, crime continues to be a key concern for communities and the councils that serve them. The Board's activities have been driven by public sector reforms across the range of the Board's responsibilities, changes in types of crimes being committed, and also in response to events such as the civil disturbances in August 2011.

### **Strategic Issues**

2. The core of the Board's policing, community safety and licensing work in 2011/12 has been the implementation of the reforms in the Police Reform and Social Responsibility Act 2011. The Act not only made significant changes to the licensing regime under the Licensing Act 2003, it also introduced police and crime commissioners. Since the legislation received royal assent in September, the Board has been advising councils on the implications of the changes. In the case of police and crime commissioners (PCCs) this has meant representing the interests of local government on the Home Office transition boards and projects established to ensure there is a smooth changeover from police authorities to PCCs in November 2012.
3. As local authorities in England have the responsibility of establishing police and crime panels, the Board has focused on this issue, providing advice and assistance to councils. As a result the Board has had a significant amount of contact with member authorities in England and Wales through both members and officers. The Board has also spearheaded the LGA's case for becoming the national representative body for PCCs.
4. Other Board work has included new tools and powers to tackle anti-social behaviour, a new code of conduct for CCTV, proposed changes to the services for victims and witnesses, improving community cohesion, criminal records checks for taxi and private hire vehicles, dangerous dogs, a proposed 'minimum pricing for alcohol' and tackling metal theft. The Board has worked closely with other LGA Boards such as the Environment and Housing Board and the Health and Wellbeing Board on these issues.
5. The LGA has continued to work closely with the WLGA on issues affecting both English and Welsh local authorities.

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**Achievements**

6. The Board has achieved some significant successes during the year, including:
  - 6.1 Providing support to councils in setting up police and crime panels by publishing a growing series of well regarded guides to panels and various aspects of their work; establishing a pool of peer experts; setting up a support group on the LGA's Knowledge Hub which has grown to over 140 members; and visited over 50 councils or groups of authorities to talk about the transition to PCCs.
  - 6.2 Launching a new membership body for police and crime commissioners, the Police and Crime Commissioners' Association, with a prospectus launched in May; a fortnightly bulletin being sent to prospective candidates and successful sessions at the LGA's annual conference for prospective candidates.
  - 6.3 Successfully lobbying the Home Office to introduce cashless transactions for scrap metal dealers and to increase the penalties for offences under the Scrap Metal Dealers Act 1964; and also supporting councils in their work to reduce metal theft by producing a toolkit for councils.
  - 6.4 Working with Richard Ottaway MP on his private member's bill to ensure that the Scrap Metal Dealers Act 1964 is replaced by a licensing regime for scrap metal dealers administered and enforced by local authorities.
  - 6.5 Supporting councils during and in the immediate aftermath of the civil disturbances in August including attending the civil contingencies committee meetings and the subsequent Government recovery board meetings.
  - 6.6 Influencing the Government's report on Gangs and Serious Youth Violence Strategy which was commissioned after the civil disturbances, removing the requirement on councils to hold a gang homicide review after every gang related murder, and participating in the Home Office's boards overseeing delivery of the strategy.
  - 6.7 Submitting evidence to the Victims and Communities Panel on behalf of local authorities and their communities as part of the enquiry into the August 2011 riots and proposing measures to prevent similar instances of public disorder occurring in the future.
  - 6.8 Helping the Home Office develop a peer review scheme based on the LGA's own model for their gangs and serious youth violence work, and

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also accrediting 64 Home Office peers so they could participate in these reviews.

- 6.9 Persuading the Government to change its position on councils' ability to require enhanced CRB checks for taxi drivers following sustained lobbying by the LGA.
- 6.10 Working with the Home Office on the introduction of locally set alcohol licensing with the new fees regime coming into effect in April 2013.
- 6.11 Overturning an amendment to the Protection of Freedoms Act, which would have required environmental health and trading standards officers to seek a warrant through the courts to carry out basic inspections, unless given permission to enter by the business owner.
- 6.12 Helping secure the passage of the Live Music Bill through the Parliamentary process as an effective balance between deregulation and ensuring councils have powers to protect residents. The LGA worked closely with Don Foster MP and was instrumental in shaping this private members bill. The Board also responded with the Culture Tourism and Sport Board to proposals by DCMS to deregulate all events under 5,000 people and outlined major concerns with the proposals.
- 6.13 Publishing a Councillor Handbook on community events to draw together the different approaches taken by councils to supporting community events over the Jubilee and Olympic period.
- 6.14 Carrying out four community safety peer reviews to assist Community Safety Partnerships (CSPs) in improving the way they work, accredited further community safety peers for the LGA, conducted four desktop reviews of key community safety related documents produced by the four partnerships involved, and supported ten peer mentoring arrangements for community safety partnerships.
- 6.15 Published a monthly Community Safety bulletin highlighting the work the Board is doing, making good use of our professional advisers on issues such as licensing and anti-social behaviour.
- 6.16 Having online resources available for practitioners through the community safety Knowledge Hub group.
- 6.17 Holding conferences and events to support councils' work on licensing, metal theft, alcohol strategy and emergency planning. This included a successful Safer Communities conference in London entitled CSPs: Change and Renewal, which discussed the impact of cuts to the community safety fund and opportunities for CSPs to work differently.

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Board members took part in chairing and speaking at these events, as well as a number of external conferences and events.

- 6.18 Issuing 27 media releases on subjects including metal theft, licensing, minimum pricing for alcohol, a late night bars and clubs levy, and CRB checks on taxi cab drivers.

**Programme of work 2012/2013**

7. Building on these achievements the Board agreed a number of priorities to feed into the LGA Business Plan for 2012/2013. The Business Plan sets out the following priorities for the Safer and Stronger Communities Board:
- 7.1 developing an attractive membership offer for PCCs
  - 7.2 support to community safety partnerships in preparing for PCCs
  - 7.3 support, guidance and practice shared for local authorities setting up Police and Crime Panels
  - 7.4 reducing red tape and regulatory burdens at local level
  - 7.5 and a programme which is fire-specific, particularly around resilience.
8. And our priorities for helping councils to tackle their challenges are:
- 8.1 ensuring Richard Ottaway's private member's bill on scrap metal dealers becomes law; and
  - 8.2 lobbying as appropriate for changes to the draft anti-social behaviour bill to ensure it provides councils with the tools and powers they need.

**Board Cycle**

9. In January, lead members proposed the following dates for 2012/13 cycle:

Tuesday 11 September 2012 (for induction and business plan discussions)  
Monday 5 November 2012  
Monday 14 January 2013  
Monday 11 March 2013  
Monday 12 July 2013

10. Rooms in Local Government House have provisionally been booked for each of these dates, however the venue can be rearranged if Members would prefer to meet outside of London for any of the meetings.

**Financial Implications**

11. All work programmes are met from existing budgets and resources.

## Note of decisions taken and actions required

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|                       |   |
|-----------------------|---|
| <b>Title:</b>         | Safer and Stronger Communities Board                            |
| <b>Date and time:</b> | Monday 12 March 2012, 11.00am                                   |
| <b>Venue:</b>         | Smith Square rooms 3 & 4 (Ground Floor), Local Government House |

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### Attendance

| Position     | Councillor                          | Council                    |
|--------------|-------------------------------------|----------------------------|
| Chair        | Cllr Mehboob Khan                   | Kirklees MBC               |
| Deputy Chair | Cllr Les Lawrence (Vice Chair)      | Birmingham City Council    |
|              | Cllr Duwayne Brooks (Deputy Chair)  | Lewisham LB                |
|              | Cllr Goronwy Edwards (Deputy Chair) | Conwy                      |
| Members      | Cllr Joanna Spicer                  | Suffolk CC                 |
|              | Cllr Brian Coleman                  | Barnet LB / LFEPA          |
|              | Cllr Nilgun Canver                  | Haringey LB                |
|              | Cllr Lisa Brett                     | Bath & NE Somerset Council |
|              | Cllr Paul Bettison                  | Bracknell Forest           |
|              | Cllr Tom Fox                        | Scarborough BC             |
|              | Cllr Robert Gordon                  | Hertfordshire CC           |
|              | Cllr Jim Harker OBE                 | Northamptonshire CC        |
|              | Cllr Ann Lucas                      | Coventry City              |
| Substitutes  | Cllr Crada Onuegbu                  | Lewisham LB                |
|              | Cllr Henri Murison                  | Newcastle City             |
| Apologies    | None                                |                            |

**Officers:** Helen Murray, Mark Norris, Ian Leete, Stephen Service (all LGA)

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| Item | Decisions and actions  | Action by |
|------|--|-----------|
|      | <p>Cllr Mehboob Khan welcomed Members to the meeting. He introduced Mr Javed Khan and Ms Susannah Hancock, Chief Executive and Deputy Chief Executive of Victim Support and thanked them for attending.</p> <p><b>1. Victims' Services</b></p> <p>Mr Khan expressed his gratitude for the opportunity to talk to the Board. He summarised the role of Victim Support as a charity and said that its work was heavily reliant on volunteers to support victims of crime at every level.</p> <p>Ms Hancock spoke about the introduction of PCCs and the need to ensure that the views of victims were taken into account by them. She emphasised that PCCs now have a statutory duty to get the views of crime victims when commissioning services.</p> <p>Ms Hancock outlined a project to map victim services nationally which worked with victims to identify gaps in provision. Victim Support is now in the process of finalising maps for both LAs and PCC candidates.</p> <p>Mr Khan spoke about the changes proposed by the Government to victims' services with the introduction of PCCs. He expressed Victim Support's view that dismantling a nationally commissioned service and replacing it with 42 local versions was "nonsensical" as the duplication involved would lead to a service which costed more and potentially provided less. He voiced his concern that money for helping victims was not ring-fenced, so a PCC could potentially fund vote-winning causes such as extra police officers on the streets rather than support services.</p> <p>Mr Khan pointed out that if victims are not supported well they are less keen to report crime as they don't have confidence in getting a response. This could potentially lead to less convictions and ultimately, more crime.</p> <p>Cllr Khan took questions from the board.</p> |           |

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On the charity's visibility, Members agreed that Victim Support demonstrated clear passion for their cause but has not always engaged enough with Community Safety Partnerships in local areas. The service provided was perceived as "patchy" as a result, with other, more specialist organisations taking over some of the core areas like rape and hate crime. Members advocated training volunteers in strategic matters as well as delivery to ensure they involved local partnerships.

In response, Javed acknowledged Members' comments as a "helpful challenge". He contended that many services rely on police referring victims to them and that Victim Support needs to know about cases to act on them. The charity is negotiating with the police to improve communication, which often comes down to individual police officers.

On specialised victims' organisations, he argued that there was plenty of space in which these could operate, but Victim Support had always claimed to be for victims in general rather than focused on one specific group. While he accepted that performance had not always been perfect, Mr Khan said that it was much improved from previously and pointed out that less than one pence in every policing pound currently went to victims.

On Police and Crime Commissioners, Members emphasised that Victim Support need to acknowledge the political reality of Police and Crime panels and the likely priority of PCCs to deliver services which are popular with the public, as these changes were now almost certain to come into effect.

Members felt that PCCs will find the range of victims difficult to understand. Some were concerned that domestic violence victims did not bring votes and could be neglected as a result. If PCCs were obliged to appoint a champion for victims in their local area, this could safeguard their interests as a priority.

Some Members proposed advocating for more money from government for victims and agreed that Victim Support has reached out to victims more effectively in the last few years. However, they cited the image problem of victim services among young people as well as fear of reprisals as a reason for many not taking up their offer.

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On nationally versus locally delivered services, some Members argued that it was right to have a balance. However, others warned that LAs could not champion a localist agenda and then press for a national service to be provided in this area. Some argued that PCCs should make very specific plans for service delivery, including what victims could expect as a “minimal entitlement”, with police and crime panels scrutinising what PCCs do in this area.

Members emphasised that members of the public suffering from anti-social behaviour were also victims and needed support. Mr Khan agreed, saying that these cases risked falling “under the radar” with the new proposals as they would not be seen as a priority.

On funding, Members felt there was an argument for deferring the transfer of funding to PCCs until after PCCs had become embedded, and for the current funding from the Ministry of Justice to be regarded as a floor. Members also suggested the need for local victims’ champions. Mr Khan said that a transitional period where funding was staggered rather than given to PCCs all in one go would be helpful.

Some Councillors argued that it was not necessary for every victim of crime to have a standard letter from Victim Support and that the service needed to be more focused. Mr Khan responded that unless support was offered there was no way of telling if people needed the service. He argued that low level crime victims would now often receive a text or email rather than a letter, making the service much more cost effective.

Mr Khan concluded by saying that he would share Victim Support’s response to the Government’s consultation as it developed.

**Action**

Officers to draft consultation response on victim support to Ministry of Justice

**LGA Officers**

**2. Alcohol Strategy**

Members received a comparator of current unit prices at Tesco with the effect of a proposed minimum price per unit to aid

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their discussion for this item. Ian Leete, LGA Policy Advisor, introduced the report, explaining that information on minimum pricing had come from 3 separate research studies on its effects. Ian emphasised that the minimum price proposed was 50p per unit, rather than 50p on top of the minimum price already set by the retailer, so would only have an impact in a limited number of stores. In the case of Tesco, it already sells above the minimum price, so will remain largely unaffected.

While a few councillors thought a minimum price could make some difference to reducing dependency, comments reflected that:

- A more robust approach to licensing would be preferable. This could involve including health objectives in the Licensing Act.
- Whatever the minimum price is, alcoholics are likely to find a way of paying it. One piece of legislation is unlikely to solve what is a deeply rooted social problem in British society.
- Any profits resulting from a minimum price would go directly to the seller, such as supermarkets. Given the purpose of the pricing, this money might be better diverted to Local Authority health services and/or campaigns advocating moderate drinking.
- Conversely, any losses resulting from the public not buying alcohol due to price minimums could result in loss of trade and possible closure for local pubs and corner shops.
- Previous attempts to interfere with the market, such as a minimum price on cider have not worked.
- Minimum pricing could lead to a black market for cheap illegal alcohol alternatives which are a danger to human consumption.
- Drop-in centres could do more to record where alcohol dependents are buying alcohol, although it can be difficult to show that health impacts lead back to one specific premises.

**Action**

Officers to develop LGA key lines on this issue, using Members' comments.

**Ian Leete**

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**3. Integration, community cohesion and preventing violent extremism**

The Chairman welcomed Andrew Stunell MP, Parliamentary Under Secretary of State at CLG to offer his views on the Government's strategic plan "Creating the Conditions for Integration", which was released on 21 February 2012.

Mr Stunell began by saying that it was his responsibility to ensure the strategy was joined up with the various strands of Government activity in England while the Welsh Assembly Government had responsibility for the issue in Wales. As part of the localism agenda, the command structure proposed is not top down but bottom up.

He defined the strategy as being about celebrating common values, building responsibility for wider society, recognising potential and identifying how people in communities can be brought together. At the extreme end, it also looks to tackle extremism and disorder, including Islamophobia and hate crime.

Mr Stunell emphasised that the document was not intended to suggest that there is a single common understanding of integration or that it represented the "last word" on the issue. Rather, it is an overall framework to allow the right conditions for integration. He stressed that the Government is keen to engage with partners on the issue.

Mr Stunell cited the diamond jubilee and the Olympics/Paralympics as opportunities for building a common identity in communities this year. The Government is also working with further education colleges on providing English lessons for those furthest from employment.

In response to Mr Stunell's address, Members reported a rise in low level anti-semitic hate crime and argued that this was in part due to a demonising of the state of Israel. Mr Stunell said that better reporting of such incidents needed to be ensured.

While Members advocated handing powers to communities, they argued that funding was needed to resource this proposal. Furthermore, they cautioned that care needs to be taken to join up this approach with other strands of

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government policy such as devolving powers to the community and setting up free schools. Members argued that some of these other policies could undermine cohesion and local work by councils, for example by allowing schools that promoted a radical agenda. Government departments need to communicate with each other to ensure cohesion outcomes are as intended.

Some Members worried that a focus on integration could desensitise people to their culture rather than celebrate difference. Mr Stunell stressed that the strategy was about bringing people together to develop common values rather than telling them how to be.

Members argued that youth unemployment meant that young people did not feel that they had a stake in the society in which they lived. However, they were sceptical about the benefits gained from throwing money at cohesion projects.

Mr Stunell acknowledged that lack of opportunities was a key factor in increasing cultural alienation, and the Government are currently looking to tackle this. He said that the Government did not have the resources to fund multiple local social projects in the current climate, so the emphasis will firmly be on encouraging other groups within the community to make a local impact.

Some Members were anxious about the risks of community cohesion breakdown posed by the amount of big sporting events in the summer, including the Olympics and the European football. Mr Stunell disagreed that this was necessarily cause for concern as sporting events were often an opportunity for friendly rivalry between nations.

Councillors pointed out that many LA posts formerly involved with cohesion have been cut in recent years as they were not seen as frontline. They said that how tension was dealt with was often crucial to avoiding problems and agreed that retaining focus and ensuring that LA's contribution to building bridges within the community would be vital. This was seen as a broader focus than just BME communities, including also how to get young people in general out of poverty, as there was a perception that some groups were treated better than others.

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On tensions, Mr Stunell said that there was a consistent line of reporting from LAs to the DCLG. While he acknowledged this could be improved, it offered a mechanism for dealing with potentially volatile situations.

In conclusion, Mr Stunell was asked by Cllr Khan what the Board could do to assist on this agenda. He urged the LGA to continue to provide a challenge to the government on its policies, for it to help its member authorities recognise the importance of this area and reinforce the view that it is a frontline service. On community leadership, he asked the Board to work with CLG to ensure the right people are being talked to.

***Decision***

Members noted the report.

**4. Metal Theft Update**

Mark Norris, LGA Senior Advisor said that the LGA had been in discussion with the Home Office to table an amendment to a government bill to allow councils to introduced their own bye-laws on licensing scrap metal dealers. However due to the late stage remaining government bills were at, this was unlikely to happen in the current parliament. He said that there may be something included in the Queen's speech on the issue.

Members expressed frustration that LAs appear to be paralysed to achieve something on what has fast become a very significant crime issue.

Mark assured the Board that if metal theft is not included in specific legislation, the LGA will look to move it into a package of Government amendments in the Autumn.

**Action**

Officers to progress this issue as outlined in the report.

**Mark Norris**

Cllr Canver to forward to the Board LB Haringey's work on tackling Metal Theft.

**Cllr Canver /  
LGA Officers**

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**5. Update on Regulatory Services issues**

Helen Murray, LGA Head of Programme asked Members to note that the next Safer Communities conference would be on 7 November and **not** in October as stated in the Board paper.

The Board noted the activities outlined in the report.

**6. Meetings with Outside Bodies**

On **PCCs**, Helen Murray said that the Home Office had decided to provide the APA with funding so it could support a national representative body for PCCs, but the LGA would continue to put itself forward as the national body for PCC's although there would be discussions with the APA on how the two associations could collaborate.

The Chairman announced that Cllr Mark Burns Williamson has resigned from the Board as he identified a strong conflict of interest between his role on the board and his chairmanship of the APA. Cllr Khan proposed that the Board write to Cllr Burns Williamson thanking him for his contribution.

Cllr Khan also asked for his thanks to be recorded for the extensive work Cllr Nilgun Canver has done on licensing.

On **Clare's law**, Cllr Ann Lucas asked if an item could go in First magazine as soon as possible to ensure that the LGA was seen to reflect current issues. Officers agreed to liaise with the Communications team to make this a priority.

**7. Action**

Officers to draft letter for the Chairman thanking Cllr Burns Williamson for his contribution to the Board.

**Mark Norris**

Officers to liaise with the Communications team on getting Clare's Law issue into First magazine.

**LGA Officers**

**8. Notes of the last meeting**

The notes of the last meeting were agreed as a correct record.

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**9. AOB**

**West Midlands and Surrey Police Business Partnering Programme**

Cllr Duwayne Brooks noted the extensive media coverage on this issue over the previous week and announced that he had requested that this item be included as it presented issues over the accountability of any private firms who would be involved.

Members agreed that there needed to be adequate safeguards regarding both training and accountability of private sector employees, including how accountability was structured through Police and Crime panels. Terms of reference for the panel would need to enable them to look into contractual arrangements of the police and track LAs' intentions further.

Nonetheless, Members stressed that they were not opposed to the idea of privatising some areas in principle. They felt the issue had been misrepresented to some extent in the media, with the incorrect suggestion that Police Officers would go private. They pointed out that in the average force only a third of its staff are police officers and these had been supported by police staff and PCSOs for years. What was radical was the scale of the proposals.

Many felt that the police need to be specialist rather than "omni-competent" and this move could allow them to focus on more fundamental policing. Members argued that roles such as increasing public awareness on crime prevention did not need to be done by an officer and privatising in these areas would create a sustainable police presence on the ground.

The Board agreed to keep a "watching brief" on this issue.

**Late night drinking**

Cllr Canver said she would be inviting Members views regarding the licensing of late night drinking, with a view to writing a letter to Lord Henley.

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**Action**

Officers to draft letter for Cllrs Khan and Canver to Lord Henley sharing Members' views on late night drinking. (Appendix A)

**Letter and  
response from  
Lord Henley  
attached.**

**Date of next meeting: Monday 9 July 2012, Local Government House**



Lord Henley  
[privateoffice.external@homeoffice.gsi.gov.uk](mailto:privateoffice.external@homeoffice.gsi.gov.uk)

10 April 2012

## Alcohol Reforms

Dear Lord Henley

We welcome your comments in the late-night drinking consultation that problems in the night-time economy should be addressed locally. Councils work hard to police the night-time economy, working with the police, businesses and residents to create a vibrant night-life.

We are pleased that Government has recognised this work and is ensuring that councils are able to claim back any costs associated with introducing the late-night levy before the money is pooled to be shared with the police. This will go a long way towards making the levy a valuable tool to drive innovation and collaboration in managing the night-time economy. We have consulted with our colleagues across local government and have today provided your officials with details that we feel will be valuable in further shaping the design of the levy and early morning restriction orders.

We also wanted to take this opportunity to share with you the high-level findings of our discussions, to support your commitment to localism and maximise the local benefit should councils decide to introduce a local levy or EMRO.

Firstly, colleagues have stressed the importance of giving councils full flexibility over spending decisions relating to money raised by the levy. If councils are to use the income from the levy in effective and imaginative ways, then they will need the freedom and flexibility to explore new ways of working, such as joint-enforcement work and involving street ambassadors. This is why we are asking the Home Office to refrain from producing a restrictive list of items on which councils can spend their part of the levy.

Secondly, it will be essential to allow for the diverse nature of council areas and the fact that enforcement costs associated with certain types of business can vary significantly from area to area. We recognise that you have committed to providing some exemptions to both the levy and EMROs, but the more flexibility that can be given to councils to respond to local needs, the more effective both levy and EMROs will be. We strongly urge you to consider allowing councils to define and set local exemptions.

Thirdly, there is particular concern among metropolitan councils that the police element of the levy could be used to fund activity outside the council area from which it was raised. For instance, this could see businesses in Haringey potentially subsidising police enforcement costs in Westminster if one council chose to introduce the levy and the other did not. This could have significant implications for the attractiveness of some areas to businesses, so we would strongly support guidance to police and crime commissioners directing them to return the money to the location from where it was raised.

This is a period of considerable reform and improvement in the field of managing the problems associated with excessive and irresponsible consumption of alcohol. It is helpful that the Home Office has been proactively engaging with the LGA to ensure the new tools and proposals recognise the value of local decisions and accountability.

We are aware that the Home Office will shortly be undertaking a review of regulations as part of the red tape challenge, as well as developing the consultations announced in the new Alcohol Strategy. We would be very happy to be part of any working groups related to these, examining ways to reduce the burdens on businesses, councils and, ultimately, taxpayers.

We are sorry that you are unable to provide the keynote speech at our forthcoming conference examining the new powers and their use in managing the night-time economy on 26<sup>th</sup> September. We would like to highlight the work that you are doing at the Home Office and are conscious that you have now been unable to attend several LGA events. Please let us know if there is anything we can do to make it easier for you to attend and engage with senior representatives of local government.

We look forward to continuing to work with the Home Office on behalf of our members, and the wellbeing of the constituents they represent.

Sincerely



Councillor Mehboob Khan  
Chair, Safer Communities Board



Councillor Nilgun Canver  
LGA Licensing Champion



**Lord Henley**  
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*21 April 2012*

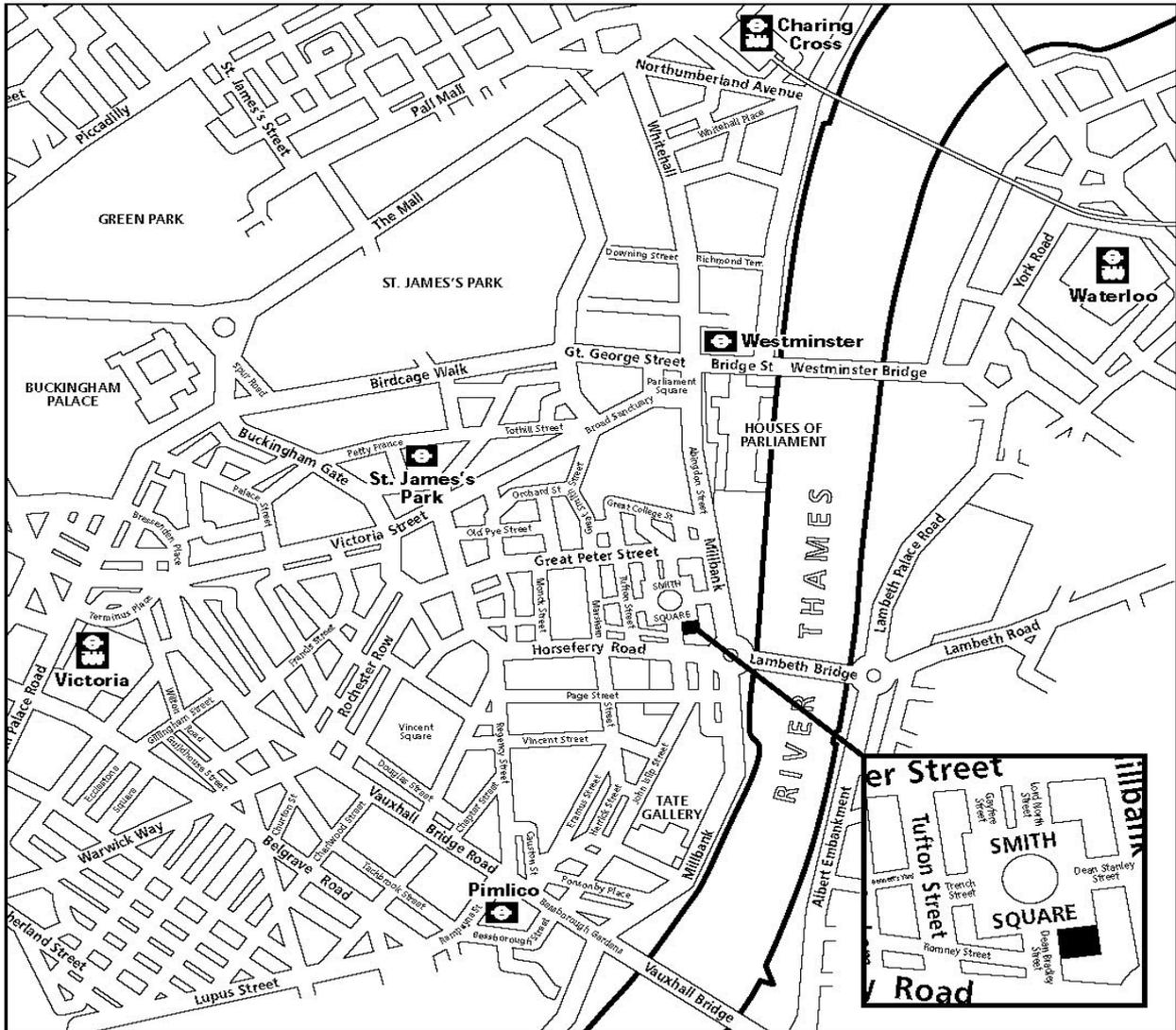
Thank you for your letter of 10 April 2012 on behalf of the Local Government Association about the Dealing with the Problems of Late Night Drinking Consultation.

I am grateful for LGA's contribution to working groups that officials have held to inform our consultation process and I hope that we can continue working together to shape the design of the Late Night Levy and Early Morning Alcohol Restriction Orders.

The Government is committed to localism and I will be mindful of local authority views whilst considering the Government's response to the consultation.

**Lord Henley**

**LGA Location Map**



**Local Government Association**

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**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** (District and Circle Lines); **Westminster** (District, Circle 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 goes close by at the end of **Dean Bradley Street**.

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- 87** Wandsworth - Aldwych **N87**
- 3** Crystal Palace - Brixton - Oxford Circus

**Bus routes - Horseferry Road**

- 507** Waterloo - Victoria
- C10** Elephant and Castle - Pimlico - Victoria
- 88** Camden Town - Whitehall - Westminster- Pimlico - Clapham Common

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