

Update on regulatory services 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 Stronger and Safer Communities Board.

Recommendation

That the Board notes the activities outlined.

Action

Officers to progress as appropriate.

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Better Regulation

Communications Data Bill

1. The Communications Data Bill aims to introduce safeguards and restrictions on those bodies able to access communications data held by telecommunications providers. In July, Councillor Paul Bettison presented evidence to the Bill Committee on behalf of the LGA.
2. Councillor Bettison provided reassurance to the Committee that councils only access communications data when absolutely necessary to protect their communities. The powers are used to tackle crimes that present misery for residents and to protect the most vulnerable against rogue traders, loan sharks and doorstep crime. Councils also use these powers to bring to justice those committing benefit fraud. Only 0.3% of requests for communications data are made by councils and from November 2012 councils will be the only public body that gains approval from a magistrate each time powers are used.
3. The progress of the Bill has attracted a great deal of media attention and various LGA press statements have been issued, including a letter to the editor of the Daily Mail.

Big Brother Watch

4. In August, Big Brother Watch issued a report about the perceived misuse of surveillance powers by public bodies, which included a Foreword by the Right Honourable Eric Pickles MP, Secretary of State for Communities and Local Government.
5. The report focused largely on councils and those few cases where powers have been used for minor offences, such as dog fouling. The LGA issued a press statement to provide reassurance about the respect with which powers are treated and how crucial they are to bringing offenders to justice.

Food Standards Agency (FSA) review local delivery arrangements

6. The Food Standards Agency (FSA) Board is due discuss proposals about the future of feed enforcement at their meeting on September 12th. The proposals will seek to address the EU criticisms of the local delivery model and create flexibility to address potential future needs.

Item 6

7. The LGA Chair, Cllr Sir Merrick Cockell, has written to Lord Rooker to highlight that councils deliver feed enforcement alongside a range of other on farm responsibilities to help minimise the enforcement presence within the farming industry. We have stressed that any future approach should not undermine these existing strengths and the expertise held locally.
8. Our response also stresses that councils are experiencing unprecedented funding pressures at the moment and while it is impossible to prevent the impact of these on all frontline services, it does mean that councils are exploring new and innovative ways of maximising resources. We have suggested that one of these emerging models could maintain the many strengths of the current delivery approach, such as the newly formed National Trading Standards Board.

Legal highs

9. In May this year, the Home Office review of their Drug Strategy identified a clear role for trading standards in tackling novel psychoactive substances or 'legal highs'. The LGA has met with the Home Office to reiterate that we do not believe that trading standards legislation was intended for this purpose and relying on this tool presents a number of risks, including the resource implications of exploring new territory and potential for action to fail should it reach the courts.
10. However, we are aware that that 'legal highs' are a great concern to communities and there is a range of work already taking place with the police to tackle this issue. We are now working with the Home Office to consider how lessons from existing local work can be shared more widely and what opportunities can be created for councils ask questions about this complex area.

Licensing

Street fundraising

11. As a result of the LGA roundtable on street fundraising, the LGA and Public Fundraising Regulatory Association (PFRA) have drafted a joint statement that aims to provide clarity for councils on complaints processes, penalties and promote the benefits of councils working with the PFRA to regulate 'chuggers' in their area. This is due to be launched during the Autumn.
12. Councillor Nilgun Canver represented the board at the launch of Lord Hodgson's review of the Charities Act 2006 in mid-July. The review agreed with LGA proposals to clarify and reinforce the role of councils in tackling problem street fundraisers, including the need for strengthened legal powers. Nick Hurd, Minister for Civil Society, has since written to Carolyn Downs asking for the LGA to support the Government Response to the review.

Item 6

Taxi Licensing

13. The LGA will be responding to the Law Commission's proposals to amend licensing laws for taxis and private hire vehicles based on feedback from members. The LGA welcomes the review as timely and the majority of the proposals. However, councils do wish to retain the ability to set local conditions above and beyond a national minimum standard.

Dangerous dogs

14. Councillor Nilgun Canver is due to present evidence to the EFRA Select Committee dog control and welfare on September 12th. The LGA has welcomed the moves by Government to update law aimed at tackling dangerous dogs with the aim of reducing the fear felt by many residents about dogs and dog owners in their local area. The tools contained in the Home Office proposals on anti social behaviour will be particularly important to tackle this growing issue. However, the LGA has also stressed that proposals to introduce compulsory microchipping of dogs will not resolve issues associated with dangerous dogs.
15. A workshop at the LGA 's Anti-Social Behaviour Conference in July provided the opportunity to share some of the work being carried out by councils to address concerns about dangerous dogs. A case study from this event has been shared on the LGA website.