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Legislative Update

Purpose of report

For information and discussion.

Summary

Board members have previously received a report on the bills of relevance in the Queen's Speech to the Safer and Stronger Communities Board. This report provides an update on those bills; and specifically the progress in implementing the Scrap Metal Dealers Act 2013.

Recommendation(s)

Members are asked to:

- (a) Note the progress with the bills in the Queen's Speech relevant to the Board.
- (b) Note the implementation date for the Scrap Metal Dealers Act 2013.

Action

Officers to incorporate members' comments and suggestions in the Board's work going forward.

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Background

1. The Queen's Speech was delivered on 8 May and contained details of three bills relevant to the work of the Board: the Anti-Social Behaviour, Crime and Policing Bill; the Offender Rehabilitation Bill; and the draft Consumer Rights Bill. The draft Communications Data Bill, which we had anticipated being in the Queen's Speech, was not included.
2. These bills of interest have now been published and two have started their passage through Parliament. Over the same period of time the Home Office has also been working on the implementation of the Scrap Metal Dealers Act.

Anti-Social Behaviour, Crime and Policing Bill

3. This bill provides the legislative framework to implement the changes to the tools and powers to tackle anti-social behaviour first outlined by the Home Office at the start of 2011. It replaces the existing 19 measures with six new orders and notices. There are also sections on dangerous dogs, firearms, forced marriage, the College of Policing, extradition and court fees.
4. The bill had its Second Reading on 10 June, and has now entered the committee stage in the House of Commons. The LGA was invited to give evidence to the public bill committee and Cllr Mehboob Khan, along with Angela Mawdsley, an Anti-Social Behaviour Manager from Leeds City Council attended the committee session on 18 June. A particular issue raised by Cllr Khan is the powers available to councils to tackle anti-social tenants living in private rented accommodation by for example barring them from their home. Other issues raised at the evidence session included how useful the community trigger would be, the lack of consultation with local authorities before the police use dispersal powers, whether there needed to be further provisions about dangerous dogs, and the use of community protection notices. Cllr Khan also stressed the importance of early intervention as a means to prevent anti-social behaviour occurring in the first place. The Board has in addition submitted written evidence to supplement its oral evidence.
5. Amendments have now started to be tabled. Most are minor amendments, but opposition MPs have laid amendments which would allow those applying for an injunction to prevent nuisance or annoyance to seek to bar an anti-social tenant from private rented accommodation as well as from social housing. This amendment is in line with the LGA's suggestion that there are greater powers to tackle anti-social behaviour in private housing, although exactly how this could be achieved is being discussed with the Environment and Housing Board. Additionally amendments have also been laid that would create a dog control notice, which charities like the Royal Society for the Prevention of Cruelty to Animals have been pressing for. We have not taken a view on the need for a dog control order as it was not clear how it would differ

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from the other provisions already included in the bill. Should the Home Office accept the amendment it would not create any difficulties for local authorities.

6. Officers will continue monitoring amendments to ensure that appropriate briefing is supplied to the members of the bill committee on changes that may impact on councils and their abilities to successfully use the tools and powers included in the legislation.

Offender Rehabilitation Bill

7. This bill implements the proposals for reforming the rehabilitation of offenders set out in the Ministry of Justice's 'Transforming Rehabilitation' consultation. The key measure extends the statutory supervision of offenders serving short sentences, so that all offenders release from prison will have at least 12 months supervision. The Board has previously welcomed this. The bill will also extend the period of time that offenders sentenced to between one and two years in prison spend under supervision, and would allow courts to require drug-abusing offenders to attend treatment appointments.
8. The bill had its Second Reading in the House of Lords (where it was introduced) on 20 May, and had its report stage following committee considerations on 25 June. The final stage in the Lords, Third Reading, is due to take place on 9 July. One change voted through at report stage, and in opposition to the government's wishes, introduced a new clause 1 to the bill. Arising out of concerns at the speed with which the Ministry of Justice is proceeding with the changes in 'Transforming Rehabilitation', the amendment requires any changes to the structure of the probation service to be laid before parliament and approved by both Houses. It is likely that this amendment will be overturned when the bill reaches the House of Commons.

Draft Consumer Rights Bill

9. The draft bill was published by the Department for Business, Innovations and Skills on 13 June. The stated intention of the bill was to provide better consumer protection by consolidating eight existing pieces of legislation covering goods services, digital content and unfair contract terms. This would make it clear what rights consumers have and updating the law to take account of technological changes such as greater digital commerce.
10. Part 1 of the draft bill covers consumer contracts for goods, digital content and services. Unfair contract terms are covered in Part 2. Much of this is based on existing legislation. Provisions in Part 2 will strengthen the powers of trading standards officers who have received a complaint about terms in a consumer contract to apply for an injunction against the trader if the term purports to exclude or restrict liability or is unfair.
11. One area of the proposed legislation that looked as if it could be problematic for councils was the possible requirement for trading standards to give notice of an inspection before carrying it out. The bill under Schedule 5 does state that powers of entry can only be exercised where a written notice setting out why entry is necessary must be given at least two working days before the date of entry. However where trading standards have reasonable cause to suspect a breach of relevant legislation,

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giving notice would defeat the purpose of the entry, or it is not practicable to do so because the officer suspects there is an imminent risk to public health or safety then notice would not have to be given. This therefore protects the right to inspect with no notice.

Scrap Metal Dealers Act 2013

12. The Scrap Metal Dealers Act 2013 received Royal Assent at the end of February. Since then officers have been liaising with the Home Office and other bodies including the Environment Agency and British Transport Police on the implementation of the legislation. Due to a keenness on the part of ministers to see the new licensing regime for scrap metal dealers in place as soon as possible implementation of the legislation will commence on 1 October. There will be a transition period from the old registration scheme under the 1964 Scrap Metal Dealers Act to the new provisions running from 1 September to 1 November.
13. Dealers already registered with their local authority before 1 September, and motor salvage operators already holding a licence, will be given in effect a temporary licence. They will be able to apply to the relevant council or councils for licences under the new Act from 1 September. Councils will have until 1 November to decide whether or not to grant a licence. During that time those businesses with a temporary licence will be able to continue operating until they receive a licence under the 2013 Act.
14. To assist councils with implementing this new licensing system the Board held a fully booked conference on 18 June at Local Government House. Officers are looking at repeating the event on 23 July in Leeds to allow those councils that were unable to make the event on 18 June to attend. The LGA has also been working with the Home Office on producing a guide to dealing with applications and creating a template application form that councils can use from September. The guides along with updated versions of our Metal Theft Toolkit and Councillors Handbook will be ready in July.

Conclusion and next steps

15. The LGA will monitor progress with the Anti-Social Behaviour, Crime and Policing Bill, the Offender Rehabilitation Bill and the draft Consumer Rights Bill. Further reports will be brought back to the Board if there are any significant changes in the proposals in the bills due to amendments or pre-legislative scrutiny in the case of the Consumer Rights Bill.

Financial Implications

16. There are no financial implications arising from this report. Work described in the report is being met from existing resources.