

Safer and Stronger Communities Board

Agenda

Monday, 23 February 2015
11.00 am

Westminster Suite, 8th Floor, 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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This meeting is



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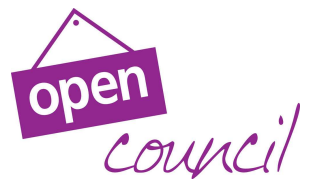
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Safer & Stronger Communities Board
23 February 2015

There will be a meeting of the Safer & Stronger Communities Board at **11.00 am on Monday, 23 February 2015** Westminster Suite, 8th Floor, Local Government House, Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available at 1.00pm.

Attendance Sheet:

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Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

Labour:	Aicha Less: 020 7664 3263	email: aicha.less@local.gov.uk
Conservative:	Luke Taylor: 020 7664 3264	email: luke.taylor@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk
Independent:	Group Office: 020 7664 3224	email: Vanessa.Chagas@local.gov.uk

Location:

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LGA Contact:

Paul Goodchild
0207 664 3005 / paul.goodchild@local.gov.uk

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Safer & Stronger Communities Board – Membership 2014/2015

Councillor	Authority
Labour (7)	
Cllr Ann Lucas OBE (Chair)	Coventry City Council
Cllr Mike Connolly	Bury Metropolitan Borough Council
Cllr Michael Payne	Gedling Borough Council
Cllr Janet Daby	London Borough of Lewisham
Cllr Kate Haigh	Gloucester City Council
Cllr Tony Page	Reading Borough Council
Cllr Sophie Linden	London Borough of Hackney
Substitutes	
Cllr Richard Chattaway	Warwickshire County Council
Cllr Mohammad Nazir	Walsall Metropolitan Borough Council
Conservative (7)	
Cllr Joanna Spicer MBE (Vice-Chair)	Suffolk County Council
Cllr Nick Daubney	King's Lynn & West Norfolk Borough Council
Cllr Joanna Gardner	Royal Borough of Kensington and Chelsea
Cllr Morris Bright	Hertsmere Borough Council
Cllr Thomas Fox	Scarborough Borough Council
Cllr Ian Gillies	City of York Council
Cllr Nick Worth	South Holland District Council
Substitutes	
Cllr Chris Pillai	Calderdale Metropolitan Borough Council
Cllr Jo Beavis	Braintree District Council
Cllr Yasmeen Maqbool	Peterborough City Council
Cllr Jeffery Milburn	South Tyneside Metropolitan Borough Council
Liberal Democrat (2)	
Cllr Lisa Brett (Deputy Chair)	Bath & North East Somerset Council
Cllr Anita Lower	Newcastle upon Tyne City Council
Substitutes	
Cllr Adrian Collett	Hampshire County Council
Independent (2)	
Cllr Philip Evans JP (Deputy Chair)	Conwy County Borough Council
Cllr Colin Mann	Caerphilly County Borough Council
Substitutes	
Cllr Adrian Naylor	Bradford Metropolitan District Council
Non-Voting 0	

LGA Safer & Stronger Communities Board Attendance 2014-2015

Councillors	15.09.14	01.12.14			
Labour Group					
Ann Lucas OBE	Yes	Yes			
Sophie Linden	Yes	Yes			
Mike Connolly	No	Yes			
Janet Daby	Yes	No			
Kate Haigh	Yes	Yes			
Tony Page	Yes	Yes			
Michael Payne	No	No			
Conservative Group					
Joanna Spicer	Yes	Yes			
Nick Daubney	Yes	Yes			
Joanna Gardner	Yes	Yes			
Morris Bright	Yes	Yes			
Tom Fox	Yes	Yes			
Ian Gillies	Yes	No			
Nick Worth	Yes	Yes			
Lib Dem Group					
Lisa Brett	Yes	Yes			
Anita Lower	Yes	Yes			
Independent					
Philip Evans JP	Yes	Yes			
Colin Mann	Yes	Yes			
Substitutes					
Chris Pillai	Yes	Yes			
Richard Chattaway	No	Yes			

Agenda

Safer & Stronger Communities Board

Monday 23 February 2015

11.00 am

Westminster Suite, 8th Floor, Local Government House, Smith Square, London, SW1P 3HZ

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Date of Next Meeting: Monday, 8 June 2015, 11.00 am, Westminster Suite, 8th Floor, Local Government House, Smith Square, London, SW1P 3HZ



**Safer and Stronger
Communities Board**

23 February 2015

Working with Solace

Purpose

For information and discussion.

Summary

Following a reorganisation in the structures of the Society of Local Authority Chief Executives (Solace) in October, John Barradell OBE, Town Clerk and Chief Executive of the City of London has been appointed Solace's lead spokesperson on civil resilience and community safety issues. Mr Barradell will be attending the Board meeting to discuss Solace's priorities and work on this agenda in the year ahead.

Recommendation

Members are invited to explore with Mr Barradell how Solace and the LGA can work together across civil resilience and community safety issues.

Action

Officers to progress as directed.

Contact officer:	Mark Norris
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Working with Solace

Background

1. Following the Annual General Meeting of the Society of Local Authority Chief Executives (Solace) in October 2014 new arrangements were put in place to drive forward Solace's policy work. At the AGM spokespersons were elected for 10 identified policy areas including Civil Resilience and Community Safety. The spokespeople's role is to lead work in their policy area, engage the wider Solace membership, represent Solace in national level meetings and speak publically on behalf of Solace.
2. The Civil Resilience and Community Safety policy area is led by John Barradell OBE, Town Clerk and Chief Executive of the City of London, with Stephen Baxter, the Chief Executive of Suffolk Coastal District Council and Waveney District Council as the Deputy Spokesperson.

Issues

3. Solace is still in the process of identifying work areas in the civil resilience and community safety portfolio as it seeks views from its members, but its initial emphasis is on:
 - 3.1. Improving the ability of councils to respond effectively to emergencies, so they can provide leadership to the communities they represent. Solace is looking to ensure that councillors and senior officers understand the frameworks in which councils operate when dealing with civil resilience and community safety issues, and that there is effective sharing of good practice in responding to emergencies, as well as the rehearsing of coordinated responses where councils have to provide a collective response. Solace is also seeking to ensure work to strengthen local resilience puts local authorities in a position where they can improve their responses after the emergency is over.
 - 3.2. Continuing to make progress in combatting emerging threats, like attempts to breach councils' data security or cyber-attacks on councils' systems, which could leave local authorities in breach of their data protection duties and expose them to financial loss.
 - 3.3. Better integration of teams and departments within councils so that all parts can play an effective role in responding to civil emergencies or community safety issue, and also ensuring there is better coordination across the sector.
 - 3.4. Helping councils work with their communities to make them more resilient by ensuring they are well prepared in the event of an emergency, so are better able to respond and recover from it.
4. Four priorities have been identified for the civil resilience and community safety portfolio in light of these issues:
 - 4.1. Sharing best practice and developing professional standards in these areas.
 - 4.2. Enhancing the skill set of chief executives and senior managers.
 - 4.3. Integrating recovery as an objective within emergency planning procedures.
 - 4.4. Integrating work on these issues into learning and development frameworks.

5. The LGA has a leading role on behalf of the sector in dealing with civil emergencies. This includes attending COBR (the Government's national emergencies committee) and any other relevant ministerial groups established to oversee and coordinate responses.
6. Most recently this involved engaging with government and local authorities about the extreme weather seen at the end of 2013 and start of 2014, which resulted in flooding in a number of areas. The LGA raised a number of strategic issues on behalf of local authorities including financial support for councils affected by the weather, reform of the Bellwin Scheme that reimburses councils for costs incurred in responding to emergencies, the funding of flood defences, changes to legislation around sustainable drainage and assessing the effectiveness of current partnership arrangements. This work continues to be led by the Environment, Economy, Housing and Transport Board.
7. The Board however has overall responsibilities for emergency planning, and councils' role in planning to deal with civil emergencies. However as resources have become more constrained, we have scaled back this work to focus on support during a response, rather than engaging in widescale preventative work and this has allowed the Board to drive forward other agreed priorities as set out below.

Board Priorities

- 7.1. Regulation. This theme includes work on the future of regulatory services and how these can be delivered in the future; taking forward the proposals for licensing reform set out in Rewiring Licensing; and promoting the Board's 'Open for Business' vision for regulation.
- 7.2. Crimes against vulnerable people. This theme includes work on Female Genital Mutilation, Domestic Abuse, Child Sexual Exploitation and Troubled Families.
- 7.3. Organised crime. This theme includes work to support councils in playing a greater role in tackling organised crime and reducing their vulnerability to procurement fraud.
- 7.4. Police and crime/community safety partnerships. This theme includes supporting councils that host police and crime panels, supporting councils in keeping their communities safe, and the future of police governance structures.
- 7.5. Reform of the blue light services. This theme includes work on the wider transformation programme and interoperability with other services.
- 7.6. Community cohesion and values. This theme includes work around tackling extremism and radicalisation and the Prevent Strategy.

Issues for discussion

8. Potential issues members may therefore wish to ask Mr Barradell are set out below:
 - 8.1. Will Solace be working on any of the six themes identified by the Safer and Stronger Communities Board over the coming year and where might Solace and the LGA best co-operate?
 - 8.2. Better information sharing within councils and between partners is an issue when it comes to successfully tackling organised crime groups, reducing incidents of domestic abuse, safeguarding children from sexual exploitation and preventing radicalisation and violent extremism. What could Solace and the LGA do to facilitate better information sharing across the community safety and community resilience agenda?

- 8.3. With silo based approaches within councils and between partners identified as an issue by reports like the Jay Report into CSE in Rotherham and also for example in local responses to organised criminality how can councils integrate their safeguarding, public protection and community safety work? What can Solace and the LGA do to help councils on this agenda?
- 8.4. Later on in the agenda the Board will be considering the impact of the new Prevent duties introduced by the Counter-Terrorism and Security Act 2015 on councils. Are there any concerns Solace members have the LGA should be looking to raise with the government?

Next steps

9. Members are invited to explore with Mr Barradell how the LGA and Solace can work together across civil resilience and community safety issues, and how jointly they might better support councils in their work across these agendas.

Financial Implications

10. There are no financial implications for the Board arising from this report.

The Rotherham Report: Implications for Licensing

Purpose

For discussion and direction.

Summary

Louise Casey's independent report into Rotherham Council's handling of child sexual exploitation cases was published on Wednesday 4 February 2015. Members are aware of the comprehensive action plan across the LGA on child sexual exploitation which seeks to address the key policy and practice issues.

However, the purpose of this report is to look specifically at two chapters on taxi licensing and the wider implications of those findings.

Recommendation

For discussion and direction

Action

Officers to progress as directed

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The Rotherham Report: Implications for licensing and community safety partnerships

Background

1. Professor Alexis Jay looked at how Rotherham Council's children's services department dealt with cases involving child exploitation between 1997 and 2013. Her investigation found evidence of "appalling" exploitation of at least 1,400 children in Rotherham over a period of 16 years and that there was a "collective failure" by both the police and the local council to stop the abuse. Her report was published on 26 August.
2. On 10 September 2014, the Secretary of State for Communities and Local Government used his powers under section 10 of the Local Government Act 1999 to appoint Louise Casey CB to carry out an inspection of the compliance of Rotherham metropolitan borough council in relation to the council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.
3. Louise Casey's final report was presented to Parliament on 4 February 2015. The report stated that it found a council that was 'in denial' over the extent of the problem, had made limited progress under new leadership, and had not always put the needs of the most vulnerable at the centre of its work.
4. In addition to exploring the work of the Children's services team, which the inspectors found was failing, the Report also contains two dedicated chapters on Rotherham's licensing service, and two specific sections covering the role of the community safety partnership.
5. In response, the Secretary of State for Communities has announced the appointment of 5 Commissioners who will assume direction of the Council. They will replace the LGA's Improvement Board which had been established following the Jay report.
6. The Council has pledged to tackle all the issues in the report, and states that tackling this and other instances of corporate failure is a matter of the utmost urgency.

Findings

7. Rotherham were already working to review their policies and procedures on taxi licensing as they had already identified a number of issues ahead of publication of the report. Nevertheless, the report concluded that Rotherham had 'weak and ineffective arrangements for taxi licensing which leave the public at risk.'
8. Key issues are summarised below:

Oversight and leadership

- Elected members received inadequate training and some were also deemed to have an inappropriate level of intervention in day to day and operational licensing decisions.

- Some members pushed for licences to be granted in advance of receiving a CRB or Disclosure check, while licensing officers reported that some Councillors made representations on behalf of taxi drivers.
- The licensing service seemed more geared towards facilitating the trade than protecting the public.
- There was an excessive deference to police assurances and a failure to recognise the council's own role in pursuing perpetrators and exercising scrutiny.
- There was a failure to ensure only fit and proper persons could be permitted to hold a taxi licence.

Policies and procedures

- Policies and practices were out of date, with one byelaw dating back to 1976.
- The threshold for revoking a licence was set unreasonably high, and inspectors considered that officers had difficulty accepting evidence that had not already secured a conviction.
- Inspections were altered from a no-notice approach, as permitted by legislation, to 10 days advanced notice, following member intervention.
- Complaints were inconsistently recorded, and no analysis of trends in driver track records was / is undertaken.
- Rotherham's new Conviction policy was criticised for permitting the possibility of granting licences to those with more than one indecency offence or being on the sex offenders register.

Structural

- The separation of administrative licensing functions from enforcement licensing functions was ineffective, using different types of software that could not interface.
 - There was a lack of collaborative working, both within the council and with external stakeholders.
9. Louise Casey concluded that there was no real understanding and acceptance of the problem of CSE in licensed vehicles and premises, citing that a senior licensing officer was questioning, as recently as November 2014, whether an action plan on CSE should include actions against licensed vehicles and premises, including takeaways.
10. In addition the Report criticised the Safer Rotherham Partnership (CSP) saying:
- that the powers available to the council to tackle anti-social behaviour could have been used to disrupt the activities of perpetrators and protect victims
 - inspectors were critical of the partnership's reliance on police assurances they were undertaking investigations, and the fact Children's Services and the Youth Service were left to lead the council's response when they did not have the skills or experience to use the powers available to the council to disrupt perpetrators
 - an inability to make use of all the information available to the council which could have informed concerted action to tackle CSE.
11. The Report concluded that the partnership should have taken a more proactive role in prevention, disruption and enforcement; and it should have developed a strategy with the police to disrupt criminal activities associated with CSE.

Additional Points

12. This report has been shared with Rotherham MBC in advance of the Board meeting. The council has accepted the Casey report in full and does not contest any of those issues. They have provided the following commentary on specific issues to assist our support work with other councils.
13. Member training and oversight – Rotherham did provide bespoke training to elected members on taxi licensing, but some members chose not to attend. The example of a member intervening in a court case on behalf of a taxi driver was investigated by Rotherham under their members' code, and was deemed to be acceptable but 'inadvisable'.
14. Convictions policy - Rotherham endorses the need to have a robust policy and believe they are adopting one of the toughest policies in the country. However, they have commented that an offence of indecency could relate to such matters as urinating in public. They therefore have drawn a distinction between third party indecency and indecent assault. For the lesser, indirect indecency offences they felt that a five year ban was appropriate, with a lifetime ban for two offences. The more serious indecent assault offences, such as rape and indecent assault, will result in a lifetime ban.

Next steps

15. The LGA has a wider action plan on CSE (attached at **Annex A**) which is overseen by Cllrs Lucas, Simmonds and Fleming. Actions are progressing well.
16. With regards to these specific licensing issues, the separation of functions within licensing between policy and enforcement is not typically replicated in other councils and appears to be unique to Rotherham.
17. There also appears to have been a particular issue in this case around training staff and elected members. This does not appear to be a universal issue, although we will explore this in further depth with the LGA Licensing Forum.
18. **Nonetheless, this is an appropriate time for all licensing authorities to reflect on their policies and procedures and ensure that they are robust and we are keen to support our members in this.**
19. There are also two particular issues which we need to clarify with Government as there are wider, national implications. A DfT Circular (02/92) explicitly asked Councils to adopt an approach of granting licences after 3-5 years after an indecency offence had been committed. This has been widely adopted by councils across the country, although the most recent best practice guidance from DfT in 2010 omitted this reference. We therefore need to remind councils of this updated version and recommend that, while each case must be determined on its own merits, councils should consider taking a default approach that anyone convicted of an indecency offence will not normally be considered a fit and proper person to be a taxi / PHV driver.
20. The LGA will also continue to raise the recent difficulties around intelligence sharing by the police and the Disclosure and Barring Service, which the Casey Report identified as an issue in Rotherham, and is of major concern to councils across the country.

21. The LGA has a leadership and support role in supporting all councils to review their policies and procedures, and a number of councils are already establishing reviews in partnership with neighbouring authorities. The LGA Licensing Forum will act as a conduit for sharing progress, best practice, and raising any sector-wide issues.
22. We have already undertaken a number of actions as follows:
- updated the online councillor training module on regulatory services with CSE information
 - in the process of updating the LGA Councillor Handbook on Taxi and PHV Licensing (due 19 March);
 - organised two taxi licensing events on 19 and 31 March (which are already oversubscribed)
 - written to all Chairs of Licensing highlighting the potential role of licensed vehicles and premises in CSE
 - lobbied successfully to delete a damaging clause in the Deregulation Bill.
23. The LGA has also supported Rotherham to access peer-support from experts in taxi licensing. John Miley, Senior Licensing Manager for Broxtowe Council, will be providing advice on redesigning the structure of the service and maintaining competency of officers. James Button, Solicitor, has been engaged to review policies and procedures and ensure they are both compliant with the law and designed to engender rapid improvement.
24. The LGA will also be encouraging the professional bodies to develop comprehensive training programmes for both officers and elected Members. The LGA's workshop at the Institute of Licensing National Training Event in November will be used to this effect.
25. The LGA will also be reminding CSPs of the role they have to play in addressing CSE, and gathering and sharing examples of good practice.

Reform of taxi legislation

26. Over a longer period, the LGA will build on its lobbying work on the clauses in the Deregulation Bill and press the next Government to bring forward a Taxi and PHV Reform Bill at an early point in the next Parliamentary cycle. The LGA has already undertaken scoping work with members to identify which aspects of the Law Commission report should be adopted, and where additional powers for local government are needed.
27. Our proposals will, in particular, seek to strengthen councils' powers of vehicles operating in their area but not licensed by them. At the moment, councils may take only limited action against vehicles and drivers they have directly licensed.

Financial Implications

18. None.

ANNEX A

Update on tackling CSE

Background

1. Council efforts to tackle child sexual exploitation (CSE) have been thrown sharply into the spotlight in recent months, following the publication of Alexis Jay's inquiry into historic failings in Rotherham Borough Council.
2. Although the report was specifically concerned with events in Rotherham, previous inquiries have been clear that the sexual exploitation of children should be an issue of concern for communities across the country. In November 2013, the Office of the Children's Commissioner reported that at least 16,500 children across England were at risk of CSE between August 2010 and October 2011.

National response

3. This message has been reinforced in a number of subsequent reports, including a review of CSE in Greater Manchester led by Ann Coffey MP, a Communities and Local Government Select Committee Inquiry into issues arising from the Jay review, and Ofsted's thematic review of the local response to CSE in eight council areas.
4. The Ofsted review received particular criticism for failing to draw out examples of effective approaches to tackling CSE, focussing more strongly on local adherence to procedures and processes. The review was not generally regarded as a useful tool to support local practice improvement.
5. Separately, DCLG, Home Office and DfE have begun a more detailed study to assess the quality of local responses to CSE. Several councils have been contacted to contribute to this work, which will began with local data analysis towards the end of 2014 and continue through a series of tailored diagnostics in the new year. The work is scheduled to conclude in March 2015.
6. LGA, Solace and ADCS have been involved in discussions with officials to ensure that this work focusses on identifying good and emerging practice, rather than becoming another exercise in assessment and inspection. We are particularly keen that this project looks at effective approaches at the frontline, which was largely absent from the Ofsted review.
7. The Chief Social Worker is also working with local government and social work experts on the issue of frontline practice, considering whether the recent CSE inquiries have any implications for the Government's broader drive to improve front line social work practice.
8. This will link to ongoing work to introduce new assessment and accreditation at three levels of practice:
 - Approved Child and Family Practitioner for those who are lead professionals for named children and working with them under the local authority's statutory framework (commonly referred to as "case responsibility");

- Practice supervision for those with responsibility for educating, developing and supervising social workers;
 - Practice leadership for those with responsibility for social work services for children referred to in level one. This is envisaged as a senior leadership position focused entirely on the quality of front-line practice in a local area, complementing the corporate leadership role of the Director of Children's Services.
9. The wider government response to CSE sits within the cross-departmental National Group on Sexual Violence Against Children and Vulnerable Adults, led by the Home Office. The LGA is currently the only local government representative on this group, which is primarily made up of central government departments, law enforcement agencies and the third sector. We are lobbying strongly for increased representation from local government, supported by the Society of Local Authority Chief Executives (Solace), the Association of Directors of Children's Services (ADCS) and the Association of Directors of Adult Social Services (ADASS).

LGA action plan

10. In response to the issues highlighted in Rotherham and reinforced in subsequent reports, the LGA has developed a cross-Board action plan to support local activity in tackling CSE. This work has been underway since summer 2014, and includes:
11. Fully updated CSE resources for councillors. A revised CSE resource pack was published on 20 January 2015. The pack includes a brief overview of CSE, a summary of the issues to emerge from recent inquiries and reviews, and advice on key lines of enquiry for councillors to pursue when assessing the quality of local responses. The pack also includes several local case studies, which cover issues such as community engagement, regional work across local authority boundaries, building effective multi-agency partnerships and advice on independently auditing local practice.
12. An urgent high level CSE summit, held jointly with Solace and ADCS. This took place on 20 January 2015, and provided an opportunity for senior leaders within local government (Leaders, Lead Members, Chief Executives and DCSs) to take stock of the issues highlighted over the past few months, to review progress in tackling some of these historic weaknesses, and to determine what further action is required to ensure children are better protected in future.
13. Review of local safeguarding children boards. Tackling CSE effectively requires a strong multi-agency response, with LSCBs in a central role. Councils currently provide 55% of the average LSCB budget, with partners such as the police contributing less than 10%. These budgets are now coming under increasing pressure as expectations and workloads increase, and the LGA has commissioned Research in Practice to consider the effectiveness of current arrangements. The first stage of this work, a survey of LSCB Chairs, concluded in December 2014 with responses from 131 LSCBs (87% of the total). The second stage, multi-agency focus groups and deep dives in four LSCB areas, will begin in the new year. The project will conclude in March 2015.

14. A peer diagnostic framework for LSCBs. This three day diagnostic has been piloted in five areas, and will be rolled out in full in the new year. This will be available to all councils, and includes a specific focus on efforts to tackle child sexual exploitation in the area. In response to demand from councils, the LGA will also continue to provide general safeguarding children peer reviews and diagnostics on a fully costed basis. This offer includes Safeguarding Children Peer Review, Safeguarding Practice Diagnostic and a Care Practice Diagnostic.
15. Raising awareness of CSE focus in regulation and licensing. We have successfully lobbied against a government clause that would have relaxed taxi regulation, using media releases to highlight the importance of proper checks on drivers. We are working to identify good practice in tackling this issue, and will hold a taxi licensing conference on 31 March 2015 to share learning. We will also review our training for licensing officers and councillors, and have written to all Chairs of Licensing to highlight the role of taxis in CSE.
16. Modelling the impact of funding reductions. New modelling from LGA has identified a £2.6bn shortfall in children's social care funding by 2020. Recent figures from DfE highlight a 22% rise in referrals since the Baby P case in 2008, and a 65% increase in children subject to child protection plans over the same period. These figures will be increasingly incorporated into media work over the coming months.
17. Resources to support councils with recruitment and retention of social workers. We have called for £65m of bursary grants to be devolved to councils, and are working with DfE to consider how councils can be more closely involved in local decisions through teaching partnerships. We launched a range of recruitment and retention resources in October 2014, including a toolkit, podcast and new case studies. We have also held an initial meeting with the Chief Social Worker to discuss her ongoing review of the effectiveness and use of practice tools.

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Counter Terrorism

Purpose

For discussion and direction.

Summary

The government published draft statutory guidance on implementing the new Prevent duties set out in the Counter Terrorism and Security Act 2015 in December. There has been increasing focus on these measures following the terrorist attacks in Paris in January. This report briefs members on the statutory guidance and implications for councils going forward.

Recommendations

Members are asked to:

- a) Note the consultation on the draft statutory guidance on the new Prevent duties and the LGA's response to it;
- b) Provide a steer on whether there are any other issues the LGA should be raising with government about the Act; and
- c) Comment on whether there are any issues related to community cohesion such as the need to create counter narratives to extremist ideology the LGA should be pressing for government action on.

Actions

Officers to action as appropriate.

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Counter Terrorism

Background

1. At the Board's meeting in December it received a report on the Counter Terrorism and Security Bill which was published on 26 November. Among a range of measures, the Bill included two new duties for local authorities amongst other bodies. These are a duty to have due regard when exercising their functions to prevent people being drawn into terrorism; and a duty to set up panels to assess the extent to which people referred to them are vulnerable to being drawn into terrorism.
2. Following the Board's steer, we have registered the need for local areas to be given the flexibility to decide if existing structures, such as community safety partnerships could be adapted for this purpose. Members were also keen to ensure that cost to councils of implementing these two new duties is fully funded by the Government. Both these issues were highlighted in the briefing the LGA circulated to MPs ahead of the Second Reading of the Bill in December. Since then the Bill received Royal Assent on 12 February.

Draft Statutory Guidance

3. The new Act gives the Home Secretary the ability to issue guidance on how to meet the two new statutory requirements. The draft guidance is prescriptive. It states that specified authorities should assess the risk in their area, institution or body. It then goes on to set out how the specified authorities can demonstrate their compliance with the duties. The guidance sets out the expectation that:
 - 3.1. Those in leadership in specified authorities will:
 - 3.1.1. establish or use existing mechanisms to understand the risk of radicalisation;
 - 3.1.2. ensure staff understand the risk and build capabilities to deal with it;
 - 3.1.3. communicate and promote the importance of the duty; and
 - 3.1.4. ensure staff implement the duty effectively.
 - 3.2. The specified authorities will evidence they are working in partnership for example with Prevent co-ordinators and by participating in community safety partnerships.
 - 3.3. Appropriate training is provided to staff to ensure those who engage with the public understand what radicalisation means and why people might be vulnerable to it, and understand what measures are available to prevent people being drawn into terrorism.
4. There is also sector specific guidance for a range of bodies including local authorities, the police, schools, higher and further education, health and prisons. The section for local authorities states that members and senior officers in councils should:
 - 4.1. establish or make use of existing multi-agency groups to agree risk and co-ordinate activity, using the counter-terrorism local profiles (CTLPs) as a starting point;
 - 4.2. incorporate the duty into existing policies and procedures, such as those associated with safeguarding;

- 4.3. develop a Prevent action plan which sets out projects, activities and interventions to reduce the risk of people being drawn into terrorism and work collaboratively with local and regional Prevent co-ordinators;
 - 4.4. train frontline staff appropriately, and ensure they are able to make referrals to Channel programmes;
 - 4.5. ensure that publically owned venues and resources do not provide a platform for extremist views, and that organisations working on the Prevent agenda do not engage in extremist activity;
 - 4.6. ensure that private, voluntary or other organisations (such as children's homes and fostering agencies) that provide services in relation to children that would otherwise be provided by the council are part of their local authorities' safeguarding arrangements;
 - 4.7. understand the range of out-of-school settings attended by local children in their area and ensure children are properly safeguarded; and
 - 4.8. monitor the impact of Prevent work.
5. The guidance confirms that the Home Office will continue to identify a number of local areas as Prevent priority areas – up to 50. They will be funded to employ a Prevent co-ordinator, and there will continue to be Home Office funding available for Prevent projects and activity. This funding will also now be made available to other areas. The Home Office will monitor and assess delivery in the priority areas.
 6. The Home Office will also monitor the wider implementation of the Prevent duty, which as a last resort could include the appointment of an inspector to assess an authority's compliance and intervention in areas judged to be failing.

LGA response to the draft guidance

7. Discussions with councils highlighted a number of concerns with the draft guidance. These were raised with the Home Office and Department for Communities and Local Government in a roundtable event organised by CLG to discuss the guidance. Lead Members then approved a response to the consultation (attached at **Annex 1**).
8. Discussions with civil servants suggest we have some traction on these points. However the LGA could seek a meeting with Ministers to highlight the need to address the issues raised.

Paris terrorist attacks

9. The terrorist attacks in Paris at the start of January raised the possibility of similar marauding gun attacks in the UK and provided further impetus for counter-terrorist measures. As the Home Secretary set out in her statement to Parliament, the government, security services and police have been planning for such a possibility since the 2008 attacks in Mumbai. The response to such an attack would be led by the police, security services and possibly the military but would also involve the other emergency services. Exercises have also been carried out by the police and other agencies to prepare for similar scenarios to what occurred in Paris.
10. Councils' role in the immediate aftermath of the event of a similar attack in the UK would involve, as it has after previous incidents, issuing public statements urging unity and calmness, offering meetings with the police to explain activities and calling faith leaders

together to respond collectively to condemn violence of any kind. It may also involve responding to local developments caused by responses from other organisations like the EDL. Councils have built up expertise in this area.

11. In the longer term the main challenge for councils will be rebuilding and sustaining community cohesion. Support and funding from the government around the Prevent duties could be helpful here in helping councils build relations between communities so they are bound together in an atmosphere of tolerance. This support should also be of assistance in building local counter narratives to confront extremist ideology, in creating alternative choices, and in identifying credible voices who can expose the extremists flawed arguments, all of which should ensure extremist messages do not take hold.

Next steps

12. Members are asked to:

- 12.1. Note the consultation on the draft statutory guidance on the new Prevent duties and the LGA's response to it;
- 12.2. Provide a steer on whether there are any other issues the LGA should be raising with government about the implementation of the new Prevent duties, and if a meeting should be sought with Ministers; and
- 12.3. Comment on whether there are any issues related to community cohesion such as the need to create counter narratives to extremist ideology the LGA should be pressing for government action on.

Financial Implications

13. There are no financial implications arising from this report.

Prevent duty guidance: a consultation

Date: 30 January 2015

Introduction

1. The Local Government Association (LGA) is a voluntary membership body and our member authorities cover every part of England and Wales. Together they represent over 50 million people. They include county councils, metropolitan district councils, English and Welsh unitary authorities, London boroughs and shire district councils, along with fire authorities, and national park authorities. This response is made on behalf of local authorities in England and is also supported by the Welsh LGA.
2. The LGA supports the additional measures included in the Counter-Terrorism and Security Bill to identify those at risk of radicalisation and working with them so they do not become violent extremists. However a number of issues need to be addressed if local authorities are to be able help counter extremism and reduce the threat to the communities we all wish to protect. These include the better provision of resources, greater clarity about the extent of local authorities' responsibilities to support educational establishments, as well as the resources and support available to councils to carry out Prevent work. These points are addressed below, and we would urge the Home Office to establish a dialogue with the local government sector to address them.

A risk based approach to the Prevent duty

3. The draft guidance states that all the specified authorities should demonstrate an awareness and understanding of the risk of radicalisation in their area. It goes on to state that those in leadership in specified authorities are expected to use existing mechanisms to understand the risk of radicalisation and ensure staff understand the risk. From a local authority perspective the guidance identifies the existing Counter-Terrorism Local Profiles (CTLPs) as the main tool for councils to use to assess the risk of radicalisation in their area.
4. Councils are of the view that the CTLPs need to be refreshed, strengthened and improved if they are to enable councils to make a full and up-to-date assessment of the risks under the new duty. Councils have on occasion been provided with information that is out of date and lacking in the detail needed to enable them to take effective action to address extremism. At times it is also unclear where the information provided comes from and therefore how reliable it is. The constraints on sharing the information in the CTLPs within councils also has an impact on local authorities ability to act on it in a timely fashion and to maximum effect.
5. At the same time local authorities are likely to have a range of

Submission

information that would be useful to the police and security services, such as addresses. Police forces are already making use of this information in the context of addressing serious and organised crime. The same should also be happening when it comes to addressing extremism.

6. Rather than rely primarily on a document based approach to assessing risk, the LGA is of the view that a partnership approach would be more appropriate in assessing risk. This would bring together the police and council with the security services so there was an on-going dialogue that is better placed to respond to rapid changes in risk within a local area. Where there are existing Prevent co-ordinators they would be well placed to programme manage this process.

Working in Partnership

7. The Bill specifies that local authorities should establish a panel to assess the extent to which identified individuals are vulnerable to being drawn into terrorism. The section in the draft guidance on partnership working by local authorities states that councils should establish or make use of existing local multi-agency groups to co-ordinate Prevent activity. It is not clear from the descriptions included in the draft guidance if this covers the Channel panels the legislation places a duty on councils to establish. Given the number of existing partnership arrangements between the police, councils and other partners at the local level such as Community Safety Partnerships, Health and Wellbeing boards and other forums such as Multi-Agency Risk Assessment Conferences and Organised Crime Partnerships the LGA would support flexibility in allowing local areas to designate an existing partnership to consider Channel referrals. If this is what the draft guidance intends then it should be made more explicit in the text.

Monitoring compliance with the duty

8. The draft guidance makes it clear that specified authorities must comply with the duty, and the Home Office will monitor compliance with it. The draft guidance goes on to refer to the Home Office drawing together data from a range of sources, and monitoring and assessing Prevent delivery in up to 50 areas. Where appropriate, it states, matters will be referred to inspectorates. There is no clarity provided in the guidance however, about how a judgement will be arrived at that an authority is not complying with the duty. Specified authorities should be clear from the commencement of the new duty about the criteria and outcomes the Home Office will be using to assess compliance with the duty. Specified authorities need to understand what compliance with the duty means, and how they can demonstrate they are complying. If not, there is a risk that any future Home Office interventions will be viewed as the result of subjective assessments of performance based on a process understood only by civil servants, and not the objective performance of local partners seeking to deliver the Prevent strategy.
9. Consideration also needs to be given in the monitoring and enforcement process to the need for local discretion when delivering the duty. Prevent priority areas have already developed good practice in engaging with communities and dealing with local tensions in a way that prevents them escalating into disturbances or

disorder, which can create opportunities for extremists to recruit more supporters. Any assessment of compliance with the duty on the part of the Home Office must take account of local circumstances and practice, which may be as effective, if not more so, than centrally mandated programmes to address extremism.

Staff training

10. Local authorities are stated in the draft guidance to be responsible for ensuring frontline staff have a good understanding of Prevent. Councils employ thousands of staff. Delivering such training will take time and it is not clear over what period of time councils will be expected to deliver it. It is also unclear what level of training is considered appropriate to comply with the duty – for example will the Home Office be looking for councils to provide all staff with Workshop to Raise Awareness of Prevent training with the cost implications of doing so?
11. The separate section on schools in the guidance talks of the senior management and school governors providing training that allows staff to identify children at risk of being drawn into terrorism, and to be able to challenge extremist ideas. The schools listed in the section include those maintained by local authorities. It is likely that they will seek support from Local Education Authorities in sourcing, providing and financing the cost of this training. The financial impact this will have on councils needs to be included in the assessment of the additional resources that will have to be made available to councils to deliver the new duty.

Use of local authority resources

12. At paragraph 40 the guidance states that local authorities should ensure that organisations they work with around the Prevent agenda are not engaged in extremist activity. There are contract and commissioning implications arising from this that need to be more fully explored. For example, what if an employee of a commissioned organisation frequently expressed extremist views? What should the local authority expect that organisation to do? Councils would have to include clauses in their contracts going forward to take account of this and other possibilities, which may affect their ability to commission and deliver Prevent work.

Support for councils

13. Paragraph 45 refers to the Home Office providing targeted assistance to local authorities through 'peers' and to sharing good practice. Until the beginning of 2014 DCLG funded the EDL Special Interest Group. Led by Blackburn and Luton councils this group provide support and assistance to councils affected by English Defence League demonstrations. This support included case studies on good practice, a series of networking events as well as providing a forum in which councils could exchange information and ask for help. It is the LGA's view that a local authority-led approach to sharing good practice in this way offers an efficient and effective means of assisting councils in general. More specific assistance to individual authorities through a peer mechanism should be modelled on the approach used by the Home Office in the work since 2011 on reducing gang and serious youth violence.

Resources

14. Although not necessarily a matter for the draft guidance urgent consideration needs to be given to the costs of implementing the new duty. The cost of appointing co-ordinators in authorities that do not currently have them, delivery of Channel support to individuals, wider prevent work with communities, and the training of staff will all be expensive, and this is by no means a comprehensive list of the costs that councils face. The figures in the Impact Assessment to the Bill can only be regarded as a preliminary assessment of the costs rather than a proper evaluation of the financial impact of the new duty on local authorities. The Home Office needs to work with the LGA, Welsh LGA and local authorities to accurately calculate what those costs are so that local work to counter radicalisation and extremism is properly funded.



Female Genital Mutilation

Purpose

For information.

Summary

This report provides an update on LGA activity on Female Genital Mutilation (FGM) since the update at the December 2014 Board meeting.

Recommendation

Members are asked to note the LGA's work on FGM.

Action

Officers to action as appropriate.

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Female Genital Mutilation

Background

1. The December Board meeting received a report on the work of the Task and Finish Group established by the Board to look at how the LGA could assist councils in tackling female genital mutilation (FGM). This paper updates the Board on the LGA's work on FGM since the start of December.

Updating the Councillors Guide to FGM and the online resource

2. Ahead of FGM Zero Tolerance Day on 6 February, the LGA has updated the Councillors Guide on FGM to take account of comments and suggestions received since the publication of the guide in October 2014. The guide, which is available on the LGA's website, has been downloaded over 3,700 times since its launch.
3. The on-line resource for councils on FGM, which was launched at the conference we held in October, has also been updated. New case studies from councils about their work to end FGM in their area have been added to the briefings and information, useful documents and links to other organisations. Officers are in the process of gathering further case studies to be added to the resource to help other councils identify good practice they can adopt.

Lobbying on the Serious Crime Bill

4. The LGA has continued to lobby for an amendment to the Serious Crime Bill which would make it an offence to encourage or promote FGM. Cllr Brett met Baroness Williams of Trafford, a Whip in the House of Lords, to discuss the amendment and the reasons for it. The meeting discussed the revised wording for the amendment produced by a leading barrister and the testimony the barrister had obtained from victims and organisations supporting them in the UK. The main concern raised by the Ministry of Justice officials was having enough evidence to justify an offence that would limit the right to free speech.
5. The LGA therefore passed further evidence to the Ministry of Justice of how FGM was being promoted and encouraged in the UK. The need for the amendment was also raised with MPs ahead of the Bill starting its passage through the Commons. As a result the Labour Home Affairs team tabled an amendment on behalf of the LGA. They also tabled an amendment of their own which would allow the police to issue warning notices to those deemed to be promoting FGM. Both amendments were debated in January. In resisting the LGA's amendment Ministers said they still had serious concerns about the necessity and proportionality of the offence being proposed. The Government has however indicated they will be discussing both amendments with the Opposition before the Bill reaches its Report Stage in the Commons later this month.

International Day of Zero Tolerance for FGM Summit

6. The Government held a cross-departmental summit on 6 February to mark the International Day of Zero Tolerance for FGM. The event was attended by a range of organisations involved in tackling FGM, and the LGA was invited to participate. Those

attending heard from ministers from the Department of Health, the Home Office, Department of Communities and Local Government and the Wales Office, along with the Solicitor General, the Director of Public Prosecutions and representatives from the Department of Education and the Association of Chief Police Officers.

7. A number of new measures were announced to mark the International Day including further funding for prevention work, a new national system allowing clinicians to note the risk of FGM on a child's health record and the extension of the mandatory requirement to record patients with FGM to GPs and mental health trusts.

DfE's Social Care Innovation Programme

8. One other announcement made at the summit was that the joint bid by the LGA and Barnardo's to the Department of Education's Social Care Innovation Programme to develop a specialist FGM service had been successful. The LGA and Barnardo's will receive £2.14 million to establish and run the service for its first two years after which it is planned to become self-sustaining. The service will include specialist social workers to help local authorities case manage FGM referrals, a consultancy and practice development service to build the capacity of professionals working with children, the gathering of information and good practice examples to help inform the development of better practice, and a community outreach service to change attitudes and behaviours in communities.
9. As part of the bid a project plan for establishing the service was drawn up, and LGA officers met Barnardo's staff earlier this month to discuss how this project plan is taken forward. Key actions include agreeing and establishing governance arrangements by July, agreeing models of social work support councils can buy into by May, identifying communities for the community outreach work by June and appoint an evaluator for the project.
10. Partners who have already expressed an interest in being involved with the development and delivery of the service have been informed of the success of the bid and asked to confirm they wish to be involved going forward. The Association of Chief Police Officers, NHS England, the College of Social Work and FORWARD have already responded to say they wish to work with the service, and we are waiting to hear from the Association of Directors of Children's Services and the Department of Health. The LGA and Barnardo's have already started to approach a small group of local authorities to discuss how the service could help manage their FGM referrals.

Next steps

11. Members are asked to note the LGA's continuing work on FGM, and the Board will be updated on progress with establishing the specialist FGM service, and on the LGA's lobbying around the Serious Crime Bill.

Financial Implications

12. There are no financial implications arising from this report as the work around the specialist FGM service will be financed through the grant, and the other work is carried out through existing resources.



**Safer and Stronger
Communities Board**

23 February 2015

Regulatory Services Update

Purpose

For information and direction.

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 directed

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Regulatory services update

Licensing issues

Licensing reform

1. The Autumn Statement in December included an announcement on licensing reform. Government has accepted the LGA's argument for licensing reform, and has called for councils to move towards creating a single online application process for licensing by 2018.
2. Officers are working with officials from the BRDO to identify the necessary steps for taking this forward. It is intended that this work should build on the findings of the current pilot project in Cornwall, which is exploring how to join up different licensing functions across the council.

Taxi licensing / Deregulation Bill

3. The LGA has raised serious concerns that council licensing teams are experiencing difficulty in accessing data that is crucial in undertaking background checks to determine whether an individual is a fit and proper person to hold a taxi / PHV licence.
4. Several police forces have advised councils that they will no longer provide information on criminal investigations involving prospective taxi drivers. This is because they do not believe it is unlawful for them to do so, despite Home Office guidance that advises that it is.
5. Separately, the Disclosure and Barring service has told a number of councils they can no longer check whether a prospective taxi driver has been barred from working with children or vulnerable adults unless the driver is to work on a school transport contract. We have highlighted this in a press release, and with relevant departmental officials. We are also seeking to place an oral Parliamentary question to raise this directly with the Ministers concerned.
6. Proposed amendments to attach additional safeguards to the remaining two taxi licensing clauses in the Deregulation Bill have been rejected by the House of Lords, meaning the clauses are likely to be passed in their current form. Officers will work to provide guidance to councils on overseeing the changes as and when the Bill is passed. We will also push for a full taxi licensing reform Bill as a priority for the next government.
7. Our contribution to developing this reform bill will be informed by sessions in the two Taxi and PHV Licensing conferences being held on 19 March in Manchester and 31 March in London.

Reducing the Strength schemes

8. The All Party Parliamentary Group on Beer held an inquiry into Reducing the Strength schemes in January, following concerns raised with the Group by various industry associations. The meeting heard from a number of different groups / individuals who raised concerns about the schemes, but regrettably did not seek to collect any evidence from councils themselves. The Group was critical of the Competition and Markets

Authority for a perceived failure to investigate breaches of competition law linked to the schemes.

9. Following the session, the CMA have reviewed the LGA guidance and suggested minor tweaks to reinforce key points about the competition law risk. We have circulated the guidance to all councils with a covering letter highlighting continued concern about these schemes and the need to ensure schemes comply with competition law.

Licensing conference

10. Cllr Page gave the keynote address at a busy annual licensing conference chaired by Cllr Spicer. Around 100 delegates attended and heard updates on a huge range of issues including licensing fees and the Hemming case, local gambling regulation and licensing reform. The conference launched the Reducing the Strength guide and Local Framework on Betting.

Hemming case

11. The Hemming v Westminster case was heard in the Supreme Court in mid-January. The LGA submitted a intervention to the case in December, outlining the financial implications for councils if compliance and enforcement activity were excluded from licensing fees. HM Treasury subsequently submitted a late, but mostly helpful written intervention arguing that the EU Services Directive was not intended to be construed as narrowly (ie, excluding compliance and enforcement costs) as suggested by Hemming's legal team.
12. The verdict in the case has yet to be announced. However, the court hearing made clear that the judgement would not apply to the Licensing Act. Therefore even if Westminster lose the appeal, the direct impact of the case will be contained.

Gambling update

13. The joint framework with the Association of British Bookmakers was launched at the annual licensing conference, and we are now working with ABB / councils to encourage them to make use of the framework.
14. In early March, the LGA will jointly host an event with Westminster and Manchester councils to launch a piece of research which we are part-funding. The research aims to help councils map area vulnerability to gambling related harm, in order to help develop targeted licensing policy statements, which councils are required to update over the next year.

Public health conference

15. Councillor Page chaired a session on public health and licensing at the LGA's Public Health conference in early February. Other speakers were Lord Brooke, Chair of the All-Party Parliamentary Group on Alcohol Harm, and Edward Kunonga, Director of Public Health for Middlesbrough, where they have achieved significant success in sharing data between partners. The session was well attended and attracted good twitter coverage.

Other issues

Year Ahead conference and Remodelling Public Protection report

16. Cllr Evans participated in a political plenary alongside councillors and Parliamentarians at the annual Year Ahead in Regulatory Services in Stratford-upon-Avon on 5-6 February. The session focused on what lies ahead for regulatory services over the next Parliament.
17. In his remarks, Cllr Evans launched the LGA's short discussion paper on 'Remodelling Public Protection' which was approved by lead members at their meeting in January following feedback from the Board in September. The report aims to prompt further thinking about the future of environmental health, trading standards and licensing services, and is attached as an **Annex**.

Communications data roundtable

18. Officers convened a roundtable on councils' use of communications data, as part of the Independent Reviewer of Terrorism Legislation's review of communications data and interception powers. Officers from trading standards and corporate fraud teams, and from the National Anti-Fraud Network, gave a compelling outline of the important work that councils use communications data in, including tackling rogue traders, scammers and fraudulent activity. The LGA will be following up the roundtable with a submission highlighting the key points from the discussion, and was encouraged by the review team to outline calls for additional powers in this area if they would better support councils' work in this area.

Memorandum of understanding – LGA, Care Quality Commission and Health & Safety Executive

19. The LGA has signed a memorandum of understanding with the Care Quality Commission (CQC) and Health and Safety Executive (HSE) relating to the enforcement of health and safety law. In April this year, the CQC will assume responsibility for all safety and quality of care issues relating to patient / service users in registered providers, when health and safety responsibilities transfer from councils and the HSE. The enforcement of health and safety in relation to staff and members of the public will remain the responsibility of councils (in regard to residential homes) and the HSE (in regard to nursing homes and hospitals). The MoU outlines these differing responsibilities, and how the organisations will work together in this area.

Remodelling public protection

The future of councils'
public protection services

Introduction

The fundamental purpose of public protection services (here defined as trading standards, environmental health and licensing) is just that – to protect residents, consumers, businesses and communities. They provide public protection in relation to a range of environmental and health issues – such as air quality, noise, the food chain, and alcohol – and from businesses and rogue traders who unwittingly or deliberately breach acceptable standards set down in legislation. Public protection services have a long established role within the functions of local government.

More recently, there has been increasing recognition that for business-facing public protection services, an important role is to support local businesses and boost local economic growth. Public protection services support businesses by helping them to understand and comply with controls, and also by tackling rogue businesses that undermine reputable businesses and consumer confidence. They also have a role in directing local businesses to other support that councils can provide. Alongside the de- and better regulation agenda, this has been an important driver of public protection services in recent years.

But public protection services are facing significant challenges. They are small services in comparison to other council functions and (with the exception of licensing) are largely reliant on general council funding, that is, council tax and government funding, which has been cut by central government by 40 per cent over the lifetime of the current Parliament. The resulting cuts to public protection budgets have led to a notable reduction in staff numbers, and a significant loss of expertise. Concerns have been raised

about our national resilience in the event of a major public protection incident – for example, a foot and mouth outbreak of the scale of 2001 – and about the long term sustainability of these services with further cuts to local government funding still to come.

It is understandable that the risk to public protection services arising from local government cuts has not received the same level of attention as cuts to other services both small (eg, libraries) and large (eg, social care): these are higher profile services with a more obvious impact on peoples' lives. However there is an equally pressing need for serious thinking, both locally and nationally, about how we can ensure a sustainable future for public protection services over the next decade. This discussion document sets out some of the key issues, challenges and possible solutions: we invite all those with an interest in these services – from councils, businesses, local communities and the professions themselves – to share their views.

Public protection services in 2015

A broad range of responsibilities – and reduced funding

Public protection services encompass a wide and diverse range of activities. Environmental health and trading standards in particular cover a huge array of different responsibilities, some of which have limited relevance to each other beyond the core connecting theme of public protection. Licensing is a more contained service – effectively a particular approach to public protection – but again covers a diverse set of activities. This breadth of activity across public protection could be said to contrast to the functions of, for example, a children's services directorate, which are more obviously linked together and centred on a specific section of the population.

This broad range of responsibilities can make it harder to explain all that these services do. Equally, the fact that for the most part these services are successful when something doesn't happen – because relevant requirements and controls are complied with – means they may only really be visible when things go wrong. This makes it difficult to demonstrate their impact and value.

Examples of public protection activities		
Environmental health	Trading Standards	Licensing
<ul style="list-style-type: none"> • housing • food safety • health and safety • pollution – air / noise • animal welfare (dogs, animal licensing controls) • pest control • cooling towers 	<ul style="list-style-type: none"> • product safety • consumer protection – e-crime, doorstep crime • food standards • animal health and welfare (infectious animal diseases, food chain animal issues) • weights and measures • age-restricted sales (tobacco, alcohol, knives, fireworks etc.) 	<ul style="list-style-type: none"> • alcohol • taxis • gambling • other (special treatments, street trading etc.)

Trading standards' expanding set of responsibilities

In 2014, the Trading Standards Institute (TSI) commissioned detailed research on the number of statutory functions enforced by trading standards.¹ This highlighted **an overall total of 263 functions**, over 200 of which have been created since 1990. The diversity of the list is as noteworthy as the total number, ranging from regulations governing consumer credit, estate agents, and a variety of infectious diseases linked to animals (anthrax, avian flu) to age restricted sales and various food labelling requirements. The range of responsibilities undertaken by council environmental health officers is equally extensive and diverse.

In recent years, the trend in business-facing elements of public protection services has been towards a more business friendly approach. More broadly, public protection services have also sought to take a more proactive approach to supporting strategic objectives such as public health and economic growth - for example, through the creation of healthy eating, or business accreditation schemes. This contrasts to a narrower regulatory focus on overseeing and enforcing specific legislation and related controls.

However, cuts to local government funding have had a significant impact on these services' capacity both to support the full breadth of their responsibilities and to take a more proactive approach to them.

There has been much less consideration of the impact of local government cuts on

smaller services such as this, despite the fact that they have been afforded less protection than other services that have been prioritised through smaller budget cuts. Research² for the Local Government Association (LGA) has indicated a number of effects:

- Staff resources – the major component of public protection budgets – have fallen significantly in environmental health and trading standards³, on average by around a third.
- There has also been a significant loss of skills and expertise, with early retirement and voluntary redundancy schemes often leading to the departure of more experienced officers.
- Organisationally, overall numbers of directorates and / or management tiers have reduced, leading to public protection services being joined in larger directorates with groupings of other services, and heads of services typically being at a lower management tier than previously. This removes them further from strategic decision making by chief officers and councillors and compounds the challenge of providing a coherent narrative of their diverse responsibilities.
- Anecdotal evidence suggests that there has been a shift away from proactive to reactive work that extends far beyond a risk based approach. Many experienced professionals have expressed concern that as interventions are targeted solely at high risk or non-compliant businesses, overall levels of compliance with important regulations will start to reduce even among responsible businesses.

¹ The list identified statutory duties (where there is a mandatory power to enforce) and powers (where there is a power to impose but no mandatory duty) imposed on: weights and measures authorities (ie trading standards functions); local authorities; food authorities and feed authorities (ie local authorities and typically trading standards functions); or otherwise likely to be enforced by trading standards teams. See: <http://www.tradingstandards.gov.uk/jobs/statutorypowers.cfm>

² http://www.local.gov.uk/web/guest/regulatory-services-and-licensing/-/journal_content/56/10180/6840465/ARTICLE

³ Licensing is largely funded by income from licensing fees, so appears not to have experienced the same level of impact.

located anywhere in the world. Even among responsible and locally based businesses, a larger number than would once have been the case may now be part of national chains, thus bringing them into contact with multiple different council public protection teams.

Public protection services have always had to prioritise workloads; for example, even before recent cuts to local government funding, it would not have been possible – or necessary, or desirable – to actively support all of the trading standards functions outlined above at any one point in time. But the onset of public sector ‘austerity’ brings into sharp focus the question of how wide and diverse small services can really be, and what core public protection priorities should be given the funding available.

The local / national dimension

Historically, public protection services have been very localised, dealing primarily with local businesses/premises and localised issues such as housing or pollution. In many respects, this remains the case: licensing officers continue to work with local licensed premises; environmental health teams support local food businesses; and trading standards teams tackle doorstep crime and confiscate unsafe products from local shops and markets.

But with food and other product supply chains increasingly globalised, some of the challenges for public protection services are now significantly less local than they once were. The 2013 horsemeat scandal demonstrated that local consumers and businesses are impacted by the activity of businesses from across the whole of the continent. Similarly, the perpetrators of the internet and other e-crime that trading standards teams now routinely tackle may be

Public protection services have begun to respond to these challenges. The home and primary authority schemes were set up to create lead authorities for national business chains, with the intention of embedding a consistent public protection approach across the multiple council areas in which a business might operate. More recently, National Trading Standards (NTS) was established in 2012 and is responsible for leading regional and national trading standards work on issues such as illegal money lending, scams, e-crime and safety at ports. The NTS model reflects the fact that it is unrealistic for all councils to develop and retain specialist expertise to deal with the serious criminality and other significant issues that cross boundaries.

A further local / national dimension to public protection services is the existence of a number of national regulators that rely on councils as the local delivery agents for some of their functions, notably the Food Standards Agency, Health and Safety Executive, Environment Agency and Animal Health and Plant Agency. These agencies, rightly, have very limited powers of direction in relation to council activities, which are determined by locally elected politicians.

So far, there appears to have been a pragmatic recognition among these regulators of the difficult decisions facing councils and why public protection services are being cutback. But that notwithstanding, there is undoubtedly concern about the extent to which some of these services have been reduced, and the national regulators will certainly have a view about the impact

of further council cuts and decisions to pare back public protection still further.

Finally, it needs to be recognised that there are inevitably some tensions between local decision making and national resilience in these services, arising again from the fact that these are small services with a diverse range of specialisms.

Councils are rightly making individual decisions to prioritise different elements of these services based on local circumstances and need. Officers increasingly cover a broad range of work within their particular profession, and sometimes at the margin of others.

Yet while such decisions make sense locally, there is a risk that our overall national capacity and resilience in some specialisms is being reduced as officers lose experience of working in certain areas. And there are real challenges for the bodies that educate and train the public protection workforce⁴ when there are question marks over the future of these services and a significantly reduced pipeline of officers entering the workforce. The research undertaken for the LGA included a number of suggestions about the need for flexible training and qualification approaches at both technician and officer level – something that applies across the whole of local government as the overall workforce reduces - but it may be difficult to introduce this without more certainty about the future direction of these services.

In the context of substantial funding cuts, all local government services are under pressure. However, there are additional challenges specific to public protection services, which have a huge range of statutory responsibilities, a relatively low profile, and have not been prioritised or protected.

There is an increasingly urgent need for councils to think seriously about the key priorities for these services, and the most effective ways of delivering them in the future, given the likelihood of further budget reductions in future.

⁴ Chartered Institute of Environmental Health; Trading Standards Institute; National Association of Licensing and Enforcement Officers; Institute of Licensing

Moving forward: the future of public protection services

This section of the report outlines some of the key issues that need to be considered in developing sustainable public protection services. These can be grouped into four key themes:

1. Clarity of purpose and strategic prioritisation
2. Joined up / streamlined local delivery
3. Alternative management models
4. A new balance of responsibility

1. Clarity of purpose and strategic prioritisation

At local level...

There is a need for greater understanding of the core purpose and key priorities within public protection services, and how they fit with broader council objectives such as public health and economic growth. This will not remove the need for some difficult decisions about how to prioritise these services, and which elements councils can no longer afford to undertake. But it will help ensure future national resilience in important areas.

There will inevitably be some local variation between councils as regards the most important specialisms within these services, reflecting local circumstances; a rural county, for example, is likely to have a much greater need for expertise in animal health and feed issues than a London borough. It is for this reason that the LGA believes that regulation should be rooted firmly in local circumstances.

However, there is scope for sector-wide consideration about the core elements of public protection services and how this translates to council service provision, before local circumstances are factored in.

...and centrally

There are also implications beyond the sector, in particular for the Whitehall departments churning out national and European regulations that small local enforcement teams cannot feasibly expect to oversee.

Alongside greater local understanding and clarity about public protection services, there is an equal need for a more realistic approach nationally about the extent to which new responsibilities can be placed upon already stretched local services. The TSI work highlighted the extent to which new statutory duties and powers have been created in recent decades, but the trend is simply not sustainable.

Departments may intend for these newer responsibilities to be implemented on a light touch basis (as with the new plastic bag charge enforcement responsibility); or argue that they are not having an impact because they are not being actively enforced (as with the requirement for trading standards to enforce the display of energy performance certificates in public buildings). However, collectively, these responsibilities add up, and they detract from the core purpose of public protection.

This is not an issue unique to public protection services. There is a fundamental issue to be addressed when civil servants focused on a single issue generate work for councils with little concept of the capacity available to actually deliver it. In the context

of significantly reduced funding and future devolution, we need a much more open debate about whether we have the right balance between the funding / resources at central government level and the funding / resources available locally.

Actions

Councils / LGA / professional bodies

- Support greater understanding and strategic prioritisation of services through the development of a core narrative / core elements approach for public protection services.

Government

- Review and streamline statutory duties and powers in public protection services, including considering a '1 in, 1 out' approach to local enforcement responsibilities.

2. Joined up, streamlined local delivery

Local government has long been recognised as the most efficient part of the public sector, and has worked extremely hard to contain the impact of substantial cuts through innovation, greater efficiency and new ways of working. However further budget cuts in the next Parliament dictate that more still needs to be done, and public protection services will need to explore the extent to which different ways of working can stave off service reductions.

Joining up public protection services and roles

Research for the LGA in 2014 considered the issue of whether in future there may be single 'public protection officers' undertaking a broad range of services cutting across environmental health, trading standards and licensing and other elements of public protection, such as fire prevention. The majority (although not unanimous) view among those who participated in the research was that this was unlikely. The common view

was that while there are core skills across public protection services⁵ and common agendas, some elements of the different professions – for example an in-depth trading standards investigation into e-crime, or a very technical environmental health assessment linked to fracking – are and will remain too diverse for a single role.

This may be the case, but there is much more that can be done to join up related aspects of public protection services and the roles of those working within them. This is particularly the case in relation to businesses or local premises. When visiting or advising these businesses, officers who are competent in one aspect of public protection should be in a position to identify issues in or provide basic advice on other public protection issues straddling licensing, environmental health, trading standards and fire prevention. This joined up approach would be of more use to businesses, as well as maximising the use of resources.

There is evidence of this already happening and some good examples of joining up working; but there is certainly room for this to become more systematic. Professional distinctions are likely to remain– but this should not prevent greater fluidity where this is beneficial and achievable. There may be scope for a combined discipline, or even qualification, in public protection / public protection enforcement, as services and roles change. In the meantime, as resources contract and officers are required to multi-task in different areas, officers and professional bodies should consider what more can be done at council level, and in terms of training, to enable them to proactively address a wider range of public protection issues.

Lead authority models

With further budget cuts, it is unrealistic to expect all councils to continue to offer the range of public protection services and specialisms they once did. Lead authority

⁵ Highlighted in the Better Regulation Delivery Office's Regulator's Development Needs Analysis tool: <http://rdna-tool.bis.gov.uk/>

models may offer a route to ensuring councils can continue to access expertise across a range of different areas despite reduced resources.

Research for the LGA in 2014 found that there is already widespread use of informal sharing of staff with particular areas of expertise, particularly in environmental health (where the number of possible specialisms is much wider than a single authority can carry). The National Trading Standards Board has led to the creation of lead authorities for particular areas of trading standards work (such as Birmingham on illegal money lending, or the Yorkshire and Humberside trading standards group's e-crime unit) and as referenced above, the primary authority model is an established and funded route that designates lead authorities for national businesses with sites in different areas.

National Anti-Fraud Network (NAFN)

NAFN is a shared service hosted by Tameside and Brighton councils that provides data, intelligence and best practice support for councils and other public sector organisations / linked outsourced providers. Currently almost 90 per cent of councils are members and this figure is likely to increase following a government decision in 2014 to mandate all councils wishing to access communications data to do so via NAFN.

Established in 1997, NAFN's track record of innovation and success demonstrates that the lead authority model can be effective in providing specialist services across the whole of local government. This can remove the need for all councils to maintain specific types of expertise; in this case, their own intelligence and support structures.

There may be scope to utilise this type of approach further, both formally and informally, through greater coordination across groups of councils in different areas.

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Digitisation / channel shift

There is more that can be done to increase the efficiency of some elements of public protection services through shifting to electronic applications and processes. In Rewiring Licensing, the LGA called for the creation of a single business licence to reduce burdens for both councils and businesses. Government has responded by calling for the creation of a single online application process for licensing by 2018, and the LGA will be working with both councils and the Better Regulation Delivery Office to help implement this. There is also scope for further progress on electronic payments for licensing fees, including the use of direct debits.

Councils face the challenge of how they can continue to provide proactive support to local businesses as funding for public protection services reduces and resources are increasingly focused on high risk areas or enforcement. Critical to this will be the provision of simple, 'off the shelf' advice that is easily available on council websites, many of which are currently better geared to the needs of residents than businesses. Improving the accessibility of council websites to businesses – in line with the requirements of the statutory Regulator's Code – is one simple way that councils could ensure they are assisting all businesses despite the cuts.

Finally, councils should also consider whether public protection services are fully equipped for mobile working, in terms of IT provision, given the role of visits and inspections as part of these services.

Joint sector working on key issues

Councils must be ruthless about ensuring they are not reinventing the wheel but are taking advantage of best practice work from other councils. Where there is scope to collaborate on areas of work, this should be the default approach. As an additional benefit, this may also help to reduce some of the inconsistencies that businesses often complain about when dealing with different councils.

A joint approach to gambling licensing

Westminster, Birmingham, Manchester and Brighton councils are working together in relation to local gambling regulation. The aim of the work is to pool the experience and expertise of all four councils in order to develop a joined up approach to licensing policies and processes.

Other areas of licensing would appear to offer scope for this approach. Following revelations last year about the role of taxi and Private Hire Vehicles (PHV) in child sexual exploitation (CSE) scandals, councils need to review their existing processes and understand how to identify and address the risk of CSE through the licensing process. Again, there is scope for councils to utilise the best of the existing work that has already taken place in this area, through adapting other councils' work to suit their local areas.

With reduced resources available, it is more important than ever that officers are able to share good practice and jointly tackle common challenges. But increased resource and time pressures can make it harder to do so; there is an important role for the LGA, professional bodies and officer associations in supporting this as much as possible.

Outsourcing

It would be unusual, in a section focusing on the efficiency of how local services are delivered, not to reference outsourcing and new models of delivery, and it may be that they have a part to play in ensuring a sustainable future for public protection services. However, at the current time, the evidence does not support this conclusion. Compared to other services, there are relatively few instances of councils entering into public-private partnership arrangements to deliver regulatory services and all are part of a wider outsourcing package rather than a specific approach for regulatory services.

To date, only a few councils have taken up the option of outsourcing or created a mutual to run public protection services and there does not appear to be a developing market for outsourcing these services in their own right. Put simply, it appears that public protection services do not currently appear large or profitable enough for widespread outsourcing other than through much wider partnership arrangements or until such time as private providers sell some elements of these services from a base in one authority to other authorities. This is demonstrated by the difficulty in finding a private sector partner to run the Worcester Regulatory Services contract.⁶

Actions

Councils / officers

- Think about further scope for joining up relevant aspects of these services internally
- Consider scope for further use of lead authority approaches
- Ensure services are enabled to make full use of digitisation, eg mobile technology, websites etc

LGA

- Support pilot work across a range of areas
- Share good practice and case studies
- Facilitate joint working across groups of councils

Professional bodies / national regulators / Better Regulation Delivery Office (BRDO)

- Continue to develop and align qualifications / training where possible
- Consider scope for developing training / learning materials for non-professionals in core / basic aspects of the service

⁶ <http://www.ehn-online.com/news/article.aspx?id=13352>

- Maintain forums for sharing good practice and case studies

Government

- Remove nationally imposed obstacles to joining up, eg prescribed forms in licensing

3. Alternative management models

Alongside prioritisation and efficient delivery approaches, there is a need to think seriously about the appropriate management models for public protection services.

It has been argued in some quarters that there are elements of these services – although by no means all – that might be more appropriately managed differently, for example, at a regional level. That is not to suggest that shared services are the answer to the challenges in this area. This is belied by the fact that creating and sustaining them is incredibly difficult and – again as evidenced in Worcestershire – would not by any stretch remove the need for difficult decisions and hard thinking about the services themselves.

But the argument does recognise that aspects of these services are changing, and that the appropriate response to this might be to rethink traditional ways of managing them. Are nineteenth and twentieth century structures the right way to deal with the twenty first century problem of crime perpetrated over the internet? Is there scope to take further the regional models of delivery created by National Trading Standards; or to create more national units of the type the Elliot review into the horsemeat scandal envisaged will in future play a role in tackling food crime? Are some aspects of public protection services so important that there is a rationale for them to be managed independently of the pressures that councils will continue to face in other higher profile council services, when further cuts are still to come?

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These are difficult questions, and there are no easy answers. But a pragmatic, realistic assessment of the future of these services should include at least some consideration of this issue. When aspects of these services are no longer very local at all, and councils are under growing pressure to manage specifically local challenges and services, it is worth asking the question: are our structures right?

Devolution

The heightened awareness of the case for devolution to English local government following the Scottish referendum is relevant here. In many ways, the legal framework for public protection services already affords a significant level of local control, as evidenced by the limited powers of direction available to national regulators and degree of local decision making. There is also, however, an unnecessary level of central prescription and micro-management, in relevant legislation, and in key areas (for example, betting shops) councils lack meaningful powers to respond to local concerns and take decisions that are right for local communities.

With some relatively minor changes, the existing framework could provide a solid basis for a devolved approach to public protection. Devolution does not offer a panacea to the funding challenges that councils face in any service area. In public protection, in contrast to some other areas, it does not even offer the prospect of unlocking centralised funding streams that can be used more effectively locally. However, what devolution would do is allow councils the flexibility to tailor their approaches to best address local issues and circumstances. The flexibility to scale up some aspects of these services or decision making, potentially to combined authority level, could well offer one way of better supporting these services into the future.

Actions

Councils / LGA

- Ensure smaller services do not get lost in negotiations over devolution

Councils / national regulators / LGA / government / businesses / stakeholder groups

- Consider the need / scope for alternative models in some aspects of public protection services

4. A new balance of responsibility

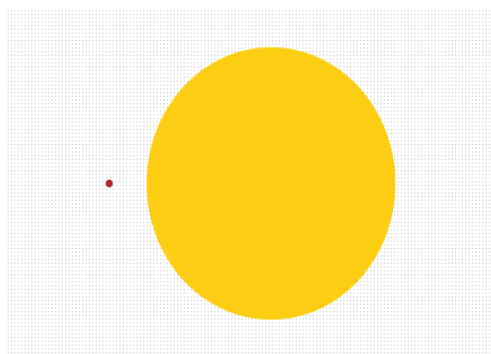
The sections above have explored the scope for greater clarity and prioritisation of public protection services, increased joining up of services, and different management models.

All of these could help reduce the pressures on public protection services. But given the scale of cuts still to come, and a general upward trend in demand for all types of public services, all this will probably not be enough: public protection services will be unable to do everything that they used to. A radically different approach may still be required, supported by a fundamental shift in the perception of responsibilities in this area. Put simply, what is the right balance of responsibility – across consumers, residents, businesses and the public sector – in a post-austerity state?

The Food Standards Agency (FSA) is the government agency responsible for food safety and hygiene across the UK. In developing its strategic approach for the next five years, the agency has very usefully illustrated the extent to which the resources the FSA and councils have to meet this responsibility are dwarfed by the resources of the UK food industry:

A small piece of a big picture

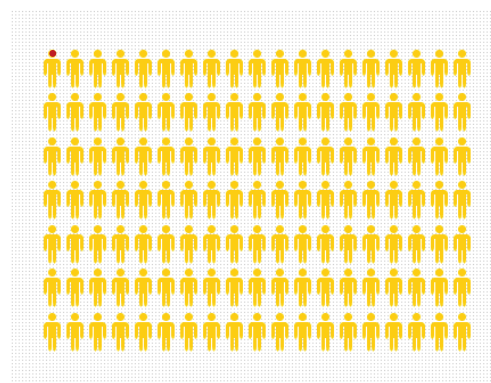
Expenditure makes up 0.08% of Food Sector Turnover



FSA and LAs Food Sector

Sources: FSA annual accounts 2012-13, FSA estimates of LA Food Safety and Food Standards expenditure 2012-13, Annual Business Survey 2012

Staff make up 0.12% of people working in the Food Sector



FSA and LAs Food Sector

Sources: FSA annual accounts 2012-13, FSA estimates of LA Food Safety and Food Standards expenditure 2012-13, Annual Business Survey 2012

Food Sector Food Product Manufacturing, Food and Drink Wholesale; Food and Beverage Services; Food/Beverages Retail Sales. Does not include Agriculture

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In thinking about different approaches to public protection, we should start from the fundamental point that businesses themselves are responsible for food safety and hygiene - and indeed all other public protection requirements. If the traditional public sector model of enabling and enforcing this responsibility is being undermined as available resources reduce, there appear to be at least two alternative approaches to consider.

The first is to examine different ways of funding the existing model, so that businesses are responsible for picking up more of the cost rather than the state. In licensing, it is an established principle that businesses which benefit from a licensing regime should fund it; in other areas of enforcement, local government will seek to recover the costs of enforcement action against rogue businesses (although this is frequently unsuccessful). There is certainly scope for this principle to be extended more widely – and indeed there are active discussions at European level about extending a fee-based approach to oversight of food controls. Many councils have already considered the scope for recovering the costs of their work through fees or charges, and it is likely that more will do so in future. While this might not always sit comfortably with councils' business support / economic growth objectives locally, it is nevertheless an important issue to consider.

The second alternative would be a shift in ownership of some of these activities. Could some functions that are currently the responsibility of councils be overseen by businesses with a stake in them, rather than by the state? Should we move on from the recent trend towards de- and better-regulation and instead focus on a self-regulation mode? This would reflect the reality of constrained public funding and the fact that if councils cannot afford to support these services to the same extent, other parts of the public sector may be similarly constrained. Is there scope to make risk based judgements about the public protection issues that could reasonably be left to businesses to oversee, and those that are so important that the state

should always have a role? What personal responsibilities are incumbent on residents and consumers, alongside businesses and the state? What scope is there to learn from the very different models that exist in comparable Western democracies?

These are hugely challenging and contentious issues that society as a whole has a stake in. But again, a forward thinking attempt to create sustainable services over the next decade should include consideration of these issues.

Action

Councils / national regulators / LGA / government / businesses / stakeholder groups

- Consider the existing balance of responsibility and funding for public protection, and what can be learnt from other countries

Conclusion and next steps

This report highlights some of the challenges facing public protection services, and sets out some possible responses to these challenges. Some of these councils can, should be and are acting on now. Others are more difficult, and will require much more thought and discussion in order to establish if they are the best way forward.

What is clear is that doing nothing is not an option. There is very limited room for further cuts in these services without some hard thinking about both their core purpose / priorities and different ways of supporting them. It is incumbent on councils and local government, led by the LGA and supported by partners at national level and in business, to drive this forward and ensure public protection services are placed on a sustainable footing in future years. As we start a debate on how to do so, we welcome all thoughts on this via:

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Note of last Safer & Stronger Communities Board meeting

Title:	Safer & Stronger Communities Board
Date:	Monday 1 December 2014
Venue:	Smith Square 1&2, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ

Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions	Action
1	<p>Troubled Families</p> <p>The Chair welcomed Joe Tuke, Director of the Troubled Families team at the Department for Communities and Local Government (DCLG), to the meeting. Joe highlighted that the aim of the Troubled Families programme was to turn around the lives of 120,000 troubled families by May 2015, and that currently the programme was on track to meet this target.</p> <p>The Board noted that the programme would be extended for a further five years from 2015/16, and the expanded programme would aim to help an additional 400,000 troubled families. To ensure that the programme was reaching the right families, the programme would retain a focus on schooling, youth crime, anti-social behaviour and unemployment, but would expand to cover domestic violence, vulnerable and younger children, people with physical and mental health problems, those in debt and inter-generational criminality.</p> <p>DCLG would work with a broad range of local and national partners to get views on which problems should be prioritised and how the programme should be designed. There would be local discretion on outcomes and on what constituted significant and sustained progress in particular areas (e.g. a reduction in crime or unemployment). Payment of grant funding for the programme would be linked to incremental improvements that reached quality thresholds, and would be evaluated locally and nationally.</p> <p>Members made a number of comments including:</p> <ul style="list-style-type: none">• Whether families who had progressed to a certain level and had slipped back would receive additional funding if they had made subsequent progress.• There should be even greater co-ordination on the programme across government departments, e.g. Health and DWP.• If disruptive children were integrated back into school a package of support for the school should be provided.• How did the programme ensure that not just the easiest families to turn around were where effort was concentrated?	

- Local government put the most resources into tackling domestic violence, but the police and criminal justice system also benefitted from this work.

Joe Tuke commented that the government favoured payment by results in public services. £9 billion had already been spent on 120,000 troubled families but more funding was required from 2015/16 onwards to ensure that the needs of other troubled families were met. Regarding co-ordination of services, it was noted that 150 members of staff from Job Centre Plus across the country had been seconded to help people towards employment, and this resource would be doubled next year. There was a cost savings calculator that had been developed as part of the expanded programme which could be helpful in making the case to other agencies to invest in the programme. There was a process for checking who councils worked with and there was no evidence that they had concentrated on the easiest families to turn round. The Board noted that local governance of work on troubled families was usually undertaken through Health and Wellbeing Boards, as most relevant agencies were represented.

Actions:

Request to see the cost savings calculator used for the programmes costs benefit analysis.

Email copy of presentation to Board members.

Decision:

Members noted the report and thanked the Director of the Troubled Families team for attending.

2 LGA Betting Commission outcome and future approach to LGA policy on gambling regulation

Ellie Greenwood, Senior Advisor, updated the Board on the outcome from the LGA's Betting Commission work. The final meeting of the Betting Commission had taken place in September 2014. The Commission could not reach agreement on clustering of shops or FOBTs, but had agreed a 'Framework for Local Partnerships' in conjunction with the Association of British Bookmakers which aimed to facilitate better working between councils and betting shop firms at local level in order to address issues linked to betting shops. It was proposed that this should be launched at the annual licencing conference on 15 January 2015.

In addition to the development of the framework, which the Board were invited to endorse, a number of other areas of work were ongoing to help councils improve local gambling regulation within the current legislative framework, including:

- Provision of £30,000 grant to Westminster City Council to part fund a research study to assess area vulnerability to gambling related

harm.

- Updating the LGA's Gambling Handbook for councillors and council officers to reflect recent concerns.
- Lobby government to amend the Gambling Act 2005 to reintroduce the demand test to reduce betting shop clustering, and also to give councils the statutory right to create cumulative impact zones in areas with a high number of betting shops.
- Lobby for the addition of new Gambling Act objectives relating to the prevention of public nuisance and public health.
- Develop further player protection measures for fixed odds betting machines, such as bringing maximum stakes into line with maximum stakes for other types of gaming machine (£2 in betting shop premises and £5 in casinos).

The Chair of the Betting Commission thanked members and officers for their work, and highlighted that the top five betting shop companies had been engaged. Following the publication of the framework, he hoped that the government could provide a quick response to the issues which had been raised.

Members agreed that the work had been very worthwhile and it was very positive that the industry were engaged with the process. The return of the demand test would be welcomed by local authorities, however it would be important to ensure it was an effective and workable tool; the concept of cumulative impact might be useful. Members endorsed the need for more work to develop this position to ensure it was robust and could not be circumvented by the betting industry. Members also suggested there was further work on the terminals and the numbers there could be in each shop.

Action:

Further work on the demand test to be undertaken.
'Framework for Local Partnerships' to be published and circulated at the annual licencing conference in January.
Continued lobbying on amendments and additions to Gambling Act 2005.

Decision:

Members noted the report and approved the recommendations therein.

3 Child Sexual Exploitation

Helen Murray, Head of Programmes, introduced the report and updated the Board on work which was ongoing to tackle child sexual exploitation (CSE), which was a particular focus for local authorities following the Jay Report into CSE in Rotherham. The LGA had developed an action plan to support councils in addressing the issue, which included an introductory briefing including key risk factors, an overview of learning from the Jay Report, key lines of enquiry for councillors and case studies and practice examples from around the country.

The Board noted that there was a high demand for safeguarding peer reviews which identified areas of concern and how these could be addressed to improve outcomes for children and young people. A CSE summit would be held on 20 January 2015.

The CSE Action Plan would be circulated to members, and it was noted that much of the work would be finished by mid-January 2015.

Action:

CSE Action Plan to be circulated to the Board.

Decision:

Members noted the report.

4 Female Genital Mutilation

Lucy Ellender, Advisor, updated the Board on FGM work which had been undertaken since the last meeting of the Board and the final meeting of the FGM Task and Finish Group. She explained that there were four key stands of work:

Creation and publication of 'FGM: A Councillors Guide' and the online FGM resource. Guides had now been sent out to councils, and Board members were provided with copies. The online resource had been visited 260 times to date, and would be regularly updated.

The LGA's joint bid with Barnardo's to the Department for Education's Children's Social Care Innovation Programme for the development of a specialist FGM service would be submitted by 10 December and considered by the DfE's Investment Board in mid-January. The Board would be informed of the outcome of the bid in due course, and it was hoped to establish the service as a multi-agency centre of excellence.

Lobbying on the Serious Crime Bill to make it an offence to encourage or promote FGM. An amendment around this topic was moved at the Bill's Report stage, but unfortunately was rejected. Following this the amendment was under consideration by a leading barrister who had also produced a supporting briefing which set out why the amendment was needed.

An audit of referrals to local authority Children's Services departments of cases where a child was thought to be at risk of FGM had been undertaken over the summer. Responses had been received from 98 councils to date, and further work would be done to draw conclusions from the work.

The Chair of the FGM Task and Finish Panel highlighted the FGM councillors guide as a great success. The Chair asked that the model motion on FGM used by Coventry be circulated again so it could be used by councillors at their own local authorities to raise awareness of the

issue.

Action:

That the Board be provided details of where to access the LGA's FGM online resource.

That the Board be updated on the outcome of the bid to the DfE regarding the development of a multi-agency FGM centre of excellence.

The officers explore the possibility of creating a model of community engagement.

Decision:

Members noted the report.

5 Regulatory Services Update

Ian Leete, Advisor, highlighted that in October, following concerted LGA lobbying, the government has announced that it would drop the proposal to allow anyone to drive a private hire vehicle when it was 'off-duty'. This deregulation measure had been controversial as it could potentially increase public safety risks and was inappropriate in view of the use of private hire vehicles in CSE cases.

The LGA had also successfully pushed for Home Office guidance on transitional procedures around the renewal of personal licences. The need to renew is due to be scrapped by the Deregulation Bill, but this will not come into effect before the first renewals are due. Following early sight of the draft guidance, the LGA was able to help redraft the guidance to more effectively address the issues being raised by our members and the alcohol industry.

The Board also noted a consultation on the introduction of Community and Ancillary Sales Notices (CANs), which are also part of the Deregulation Bill. Several member councils had expressed concern that these notices would prove unworkable following the publication of more detailed proposals for their implementation. In light of this additional information, the Board agreed that the LGA should ask the Home Office to reconsider these proposals, although the basic principle of simplifying licensing for businesses is still supported. The Board were particularly concerned that the new CAN should not replicate the problems associated with Temporary Event Notices (TENs).

The Board noted that, following approval at the previous meeting, officers were working with the LGA's legal team and appointed counsel to develop a short witness statement to form a written submission on behalf of the LGA to the *Hemming v Westminster* case when it returned to the Supreme Court in January 2015. To support this a survey on costs of compliance and enforcement activity by local authority licencing teams was undertaken in October.

Ellie Greenwood, Senior Advisor, updated the Board on 'Reducing the

Strength' schemes. The LGA had worked with colleagues in public health to develop good practice for councils who were considering implementing a such a scheme. Councils would have to reach their own decisions on whether a scheme was necessary in their area based on local circumstances, and would be able to design them in a way which would be the most effective. Officers also drew the attention of the Board to concerns expressed by industry, including potential legal risks. The National Association of Cider Makers had suggested that by publishing guidance the LGA would be liable for claims for damages under competition law. The LGA view, supported by legal advice, was that the industry opinion had misinterpreted the status of the LGA, and therefore guidance on the issue should be published. The Board supported this view.

Actions:

That the LGA responds to the consultation on CANs to express the concerns of members.

Guidance on 'Reducing the Strength' schemes be published.

Decision:

Members noted the report.

6 Counter Terrorism and Security Bill

Mark Norris, Senior Advisor, explained that the Counter-Terrorism and Security Bill had been published and had its first reading on 26 November 2014. The Bill would bring in a number of measures, including a duty on local authorities to have due regard when exercising their functions to prevent people from being drawn into terrorism. It also places a duty on councils to set up panels to assess the extent to which people referred to them are vulnerable of being drawn into terrorism. They would have to prepare a support plan for vulnerable individuals and review, revise or carry out further assessments.

Attempts to amend the legislation were unlikely to be successful, and therefore it was proposed that the LGA should highlight that having a stand-alone panel to consider these issues was unnecessary. The Board agreed that local agencies should be given the flexibility to decide if existing structures, such as Community Safety Partnerships, could be adapted for this purpose. The Home Office should be asked to work with the LGA and councils to ensure that the final estimates reflect what councils would have to do in practice.

Action:

Make representations on the Bill to government, particularly regarding the creation of stand-alone panels to consider people who were vulnerable to terrorism.

Decision:

Members noted the report.

7 Notes of the Previous Meeting

Members agreed the notes of the meeting held on 15 September 2014 as correct.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chair	Cllr Ann Lucas OBE	Coventry City Council
Vice-Chair	Cllr Joanna Spicer MBE	Suffolk County Council
Deputy-Chair	Cllr Lisa Brett	Bath & North East Somerset Council
	Cllr Philip Evans JP	Conwy County Borough Council
Members	Cllr Mike Connolly	Bury Metropolitan Borough Council
	Cllr Kate Haigh	Gloucester City Council
	Cllr Tony Page	Reading Borough Council
	Cllr Sophie Linden	London Borough of Hackney
	Cllr Nick Daubney	King's Lynn & West Norfolk Borough Council
	Cllr Joanna Gardner	Royal Borough of Kensington and Chelsea
	Cllr Morris Bright	Hertsmere Borough Council
	Cllr Thomas Fox	Scarborough Borough Council
	Cllr Nick Worth	South Holland District Council
	Cllr Anita Lower	Newcastle upon Tyne City Council
	Cllr Colin Mann	Caerphilly County Borough Council
	Cllr Richard Chattaway	Warwickshire County Council
	Cllr Chris Pillai	Calderdale Metropolitan Borough Council
Apologies	Cllr Michael Payne	Gedling Borough Council
	Cllr Janet Daby	London Borough of Lewisham
	Cllr Ian Gillies	City of York Council
In Attendance		
Joe Tuke		
LGA Officers		
Helen Murray		
Mark Norris		
Ellie Greenwood		
Ian Leete		
Lucy Ellender		
Paul Goodchild		

LGA location map

Local Government Association

Local Government House
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Fax: 020 7664 3030

Email: info@local.gov.uk

Website: www.local.gov.uk

Bus routes – Millbank

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

For further information, visit the Transport for London website at www.tfl.gov.uk

Public transport

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 (Circle and District Lines), **Westminster** (Circle, District 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 stops in Horseferry Road close to Dean Bradley Street.

Bus routes – Horseferry Road

507 Waterloo - Victoria

C10 Canada Water - Pimlico - Victoria

88 Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at Local Government House. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking

