

# Executive Advisory Board

## Agenda

**Thursday, 10 June 2021**  
**2.15 pm**

Zoom meeting

**To:** Members of the Executive Advisory Board  
**cc:** Named officers for briefing purposes

## Executive Advisory Board

10 June 2021

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There will be a meeting of the Executive Advisory Board at: **2.15 pm on Thursday, 10 June 2021**

### Apologies

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

<b>Conservative:</b>	Group Office: 020 7664 3223	email: <a href="mailto:lgaconservatives@local.gov.uk">lgaconservatives@local.gov.uk</a>
<b>Labour:</b>	Group Office: 020 7664 3263	email: <a href="mailto:LABG@local.gov.uk">LABG@local.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
<b>Liberal Democrat:</b>	Group Office: 020 7664 3235	email: <a href="mailto:libdem@local.gov.uk">libdem@local.gov.uk</a>

### LGA Contact

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### Carers' Allowance

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

### Social Media

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The twitter hashtag for this meeting is #lgaexec.

## Executive Advisory Board – Membership 2020/2021

Councillor and Role	Authority
<b>Conservative</b>	
<b>9</b>	
Cllr James Jamieson (Chairman)	Central Bedfordshire Council
Cllr Izzi Seccombe OBE (Vice Chairman)	Warwickshire County Council
Cllr John Fuller OBE (Deputy Chairman)	South Norfolk District Council
Cllr Robert Alden (Deputy Chairman)	Birmingham City Council
Cllr Teresa O'Neill OBE (Deputy Chairman)	Bexley Council
Cllr Peter Fleming OBE (Board Chair)	Sevenoaks District Council
Cllr David Fothergill (Board Chair)	Somerset County Council
Cllr David Renard (Board Chair)	Swindon Borough Council
Cllr Kevin Bentley (Board Chair)	Essex County Council
<b>Labour</b>	
<b>8</b>	
Cllr Michael Payne (Deputy Chair)	Gedling Borough Council
Cllr Anntoinette Bramble (Deputy Chair)	Hackney London Borough Council
Cllr Tudor Evans OBE (Deputy Chair)	Plymouth City Council
Cllr Georgia Gould (Deputy Chair)	Camden Council
Sir Richard Leese CBE (Board Chair)	Manchester City Council and City Regions Board
Cllr Nick Forbes CBE (Senior Vice-Chair)	Newcastle upon Tyne City Council
Cllr Sharon Taylor OBE (Board Chair)	Stevenage Borough Council
Cllr Nesil Caliskan (Board Chair)	Enfield Council
<b>Liberal Democrat</b>	
<b>5</b>	
Cllr Howard Sykes MBE (Vice-Chair)	Oldham Metropolitan Borough Council
Cllr Ruth Dombey OBE (Deputy Chair)	Sutton London Borough Council
Cllr Gerald Vernon-Jackson CBE (Board Chair)	Portsmouth City Council
Cllr Anita Lower (Balancing Member)	Newcastle upon Tyne City Council
Cllr Bridget Smith (Balancing Member)	South Cambridgeshire District Council

Member)	
<b>Independent 4</b>	
Cllr Marianne Overton MBE (Vice-Chair)	North Kesteven District Council
Cllr Clive Woodbridge (Deputy Chair)	Epsom and Ewell Borough Council
Cllr Paul Woodhead (Balancing Member)	Cannock Chase District Council
Cllr Rosemarie Harris (Balancing Member)	Powys County Council
<b>Regional Representatives 8</b>	
Cllr Robert Stewart	LAB Swansea City and County Council
Cllr Marc Bayliss	CON Worcester City Council
Cllr Simon Henig CBE	LAB Association of North East Councils
Cllr John Hart	CON South West Councils
Cllr Peter John OBE	LAB Southwark Council
Cllr Shabir Pandor	LAB Kirklees Metropolitan Council
Cllr Linda Haysey	CON East Herts Council
Vacancy	CON South East England Councils
<b>Named Substitutes</b>	
Cllr Ralph Bagge	CON South Bucks District Council

#### **Non-voting Members of Executive Advisory Board**

<b>Councillor</b>	<b>Representing</b>	
Alderman Sir David Wootton	INDE	Local Partnerships
Cllr David Fothergill	CON	County Councils Network (CCN)
Sir Stephen Houghton CBE	LAB	SIGOMA

## Agenda

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### **Executive Advisory Board**

Thursday 10 June 2021

2.15 pm

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**Date of Next Meeting:** Thursday, 22 July 2021, 2.15 pm



## Queen's Speech 2021

### Purpose of report

For direction.

### Summary

To update the Executive Advisory Board of the Local Government Association (LGA) on the May 2021 Queen's Speech and to seek approval on the Bills the LGA should prioritise, based on the organisation's business plan and advocacy priorities, for the purpose of its lobbying.

### Recommendations

To discuss and agree the recommended prioritisation of the LGA's legislative lobbying for the next parliamentary session.

### Actions

To take forward the LGA's legislative lobbying.

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## Queen's Speech 2021

### Background

1. The Queen's Speech announced the Government's agenda for the next Parliamentary session of 2021-2022. The Speech contained many measures that will be of relevance to councils and this paper seeks to summarise the key Government Bills that will come before Parliament and proposes a prioritisation for the LGA's engagement with them.
2. The Speech also made a series of policy announcements – particularly around levelling-up, social care and climate change – that are not covered in this paper as it focuses on how the Association will use parliamentary process to influence Bills which are set to come forward for scrutiny. The LGA continues to lobby on these and many other issues are important to the sector (this broader set of issues is addressed via the Headlines document, LGA conference document and the Spending Review). The LGA will of course also continue to use its parliamentary communications to provide thought leadership and influence parliamentary reports and debates in order to help our efforts to shape decision-making ([our LGA in Parliament 2020/21 report provides further details about this work](#)).
3. The full Queen's Speech can [be found on the Government's website](#) and our 'on the day' briefing to member councils is available on the [LGA website](#).

### Issues

4. Following a Queen's Speech, the LGA uses its business plan to prioritise the legislation and key policy announcements that the organisation will seek to influence. This prioritisation is based on cross-party political direction to ensure that, by focusing our lobbying, the best results are achieved for local government. This also provides councils with an early view of Bills they may wish to work with the LGA on to influence. Based on initial feedback from members, and following an assessment of the implications of the Government's agenda, we are using the following system of prioritisation:
  - 4.1. **High profile engagement:** For a Bill identified as high profile, the LGA lobbies at each stage of the Bill's passage through Parliament, works with our network of MPs and Peers to table any relevant amendments, uses media and stakeholder engagement to keep our priorities on the national agenda, and engages with the government department leading the legislation.
  - 4.2. **Medium profile engagement:** For legislation which is important, but does not require as much active lobbying, we will seek to ensure – through constructive engagement with Ministers and officials – that the proposals do not negatively





impact on local government. For the Bills managed under the medium profile category, our engagement is usually limited to advising on the detail of the proposals and a general briefing on key issues to Parliament, if it is required. Should the Bill be amended to have a more significant impact on local government, it can be reclassified into the 'high' category.

- 4.3. **Monitoring:** For legislation that has limited impact on local government, or are not captured by our corporate priorities as set out in the LGA business plan, we will seek to monitor progress. The status of Bills and policy categorised under 'monitoring' will be reviewed to ensure that any changes do not require more active participation and lobbying by the LGA.
5. At the time of writing we are also exploring which Private Members Bills (PMBs) will be of interest to us and likely to carry enough support in Parliament to be passed. We will monitor these Bills and make decisions on whether to engage with them on a case by case basis, taking guidance from our policy boards as required.
6. Set out below is the proposed prioritisation of legislation and policy announcements in the Queen's Speech which have been identified as being of interest to councils.

<u>High priority</u>	<u>Medium priority</u>	<u>Monitoring</u>
Planning Bill	Police, Crime, Sentencing and Courts Bill	Draft Victims Bill
Environment Bill	The Electoral Integrity Bill	Product Security and Draft Telecommunications Bill
Skills and Post 16 Education Bill	Procurement Bill	Subsidy Control Bill
Health and Care Bill	Armed Forces Bill	Dormant Assets Bill
Building Safety Bill	Animal Welfare Plan and Legislation	Professional Qualifications Bill
	Draft Online Safety Bill	



## High Profile engagement

### **Planning Bill**

7. The Queen's Speech announced that legislation will be brought forward to modernise the planning system so that more homes can be built. According to the Government, this will include changing local plans so that they provide more certainty over the type, scale and design of development permitted on different categories of land; significantly decrease the time it takes for developments to go through the planning system; replacing the existing systems for funding affordable housing and infrastructure from development with a new more predictable and more transparent levy; and reforming the framework for locally led development corporations to ensure local areas have access to appropriate delivery vehicles to support growth and regeneration.
8. Based on previous guidance from members, this Bill will be a high priority for the LGA and we will make the case that certainty through Local Plans is critical as is resources to transition to a new system. It is also an opportunity to reinforce our message that councils also need powers to incentivise developers to build and ensure there is a mix of homes – to rent and buy – that are available and affordable to people that need them. Further information on [our response](#) to the proposals on planning reform can be found in our submission to the consultation on the Planning White Paper.

### **Environment Bill**

9. The Queen's Speech confirmed that the Environment Bill will be carried over into the new parliamentary session and based on previous discussions with members, this will continue to be a high priority for the LGA. The Bill has been through its House of Commons stages and is due to be scrutinised by the Lords where we will reinforce our message that the legacy of the COVID-19 pandemic must be that we, as a nation, grasp the opportunity to protect and enhance our natural environment, and tackle the climate emergency.
10. We will continue to work with the Government on the Bill's intention to strengthen local powers in relation to air quality enforcement. Existing mechanisms are decades old, misaligned with one another and need to be reformed to fit with modern sources of emissions. The Bill also points to a new environmental relationship between local and national government, with potentially greater responsibility sitting with councils. The impact of this is that councils will have a new environmental improvement role within their localities.
11. Local government is well placed to take the lead on this agenda but to deliver on these ambitious plans they will need to have appropriately skilled staff and adequate resources. At this stage it is difficult to predict the impact of the legislation and the costs for local authorities in meeting their new statutory duties. We are therefore going to work with

Government and parliamentarians to take forward our recommendation that the Bill is amended to ensure an assessment is made of how the new duties are operating into the future and ensuring local authorities are sufficiently funded.

### **Skills and Post-16 Education Bill**

12. The Queen's Speech announced a Skills and Post-16 Education Bill that will support a lifetime skills guarantee to enable flexible access to high quality education and training throughout people's lives. It also aims to put employers at the heart of the post-16 skills system through the Skills Accelerator, by enabling employers and providers to collaborate to develop skills plans aimed at ensuring local skills provision meets local needs.
13. Achieving a localised approach to skills provision that improves outcomes, helps build the economy and is more efficient has been a long-standing priority for the LGA and for that reason it is recommended that this Bill be categorised as a high priority. We will use our parliamentary engagement to make the case that adult training must be delivered by strong local providers including colleges, independent training providers, and council run adult education centres. There should be the offer a clear pathway to further learning and work, with support for those who need to increase their basic skills and go on to further learning and work.
14. The spatial and funding scope of the Local Skills Improvement Plans (LSIP) is yet to be defined by Government. The Bill is therefore an opportunity to reinforce the point that the scope of LSIP should be informed by the new DfE trailblazers. Moreover, councils and Mayoral Combined Authorities provide strong local strategic and democratic oversight to the delivery of post 16 and adult skills provision and given this local government involvement will be critical to the success of LSIPs.

### **Health and Care Bill**

15. The Government has announced that it will bring forward legislation to empower the NHS to innovate and embrace technology. Through the Health and Care Bill it is intended that patients will receive more tailored and preventative care, closer to home.
16. The Bill is a high priority for the LGA as we support Integrated Care Systems (ICS) as a strong driver for integrating health services in a system through the Integrated Care Board and an ICS Health and Care Partnership. We will use our parliamentary engagement to make the case that the Bill should ensure parity of esteem between the Integrated Care Board and an ICS Health and Care Partnership.

17. It is also an opportunity to highlight that, wherever possible, the ICS footprint must be coterminous with the local government. We will therefore continue to call on the Government to resolve any problematic ICS footprints at the earliest opportunity through a transparent transition process that involves all relevant councils and NHS organisations.
18. Meanwhile the Bill is likely to implement the measures in the Health and Care White Paper relating to adult social care and public health, notably proposals to introduce assurance of local government's adult social care provision. The passage of the Bill through Parliament will be an opportunity to make the case for a review-driven approach that looks at whole systems, is based on a shared agreement of what good looks like, and is person-centred to provide locally flexible care and support. We will also make the case that any new processes for assurance and oversight need to be accompanied by a New Burdens assessment to fairly capture the resource implications for councils and others in meeting new regulatory approaches.
19. For a more detailed commentary on the Health and Care White Paper, which outlines many of the proposals the Health and Care Bill will look to enact, please read our fully policy [position paper](#).

### **Building Safety Bill**

20. The Queen's Speech announced that there will be a Bill to establish in law a new Building Safety Regulator to ensure that the tragedies of the past are never repeated. The key elements in the Bill include creating a Building Safety Regulator, with a duty on council regulators and fire and rescue authorities to cooperate with it; introducing new duties for those responsible for residential buildings over 18 metres or seven storeys, including stock-holding councils; and establishing a new framework to provide national oversight of construction products and strengthen the powers of the Office for Product Safety and Standards in this area.
21. The LGA has engaged with pre-legislative scrutiny of the proposals in the last Parliamentary session. This legislation will continue to be a high priority for the LGA as the Bill cannot come soon enough as our broken building safety system needs reforms to be enshrined in tough new legislation.
22. We will use our lobbying to make the point that no leaseholder should have to pay the costs of making their home safe; that social housing providers will need to be protected from these; and that building safety is not only an issue for buildings over 18 metres which is why a risk-based approach, which considers the vulnerabilities of residents, is required.

**Medium profile**

**Police, Crime, Sentencing and Courts Bill**

23. The Government announced that it will bring forward measures to increase sentences for the most serious and violent offenders and ensure the timely administration of justice. The Bill covers a broad range of community safety issues and seeks to introduce measures which aim to have an impact on victims of crime, those who perpetrate crimes, and wider community safety. It is a carry-over piece of legislation, and the LGA has briefed for it and appeared before the Public Bill Committee to discuss our response to the proposals.
24. It is recommended that the Bill be a medium priority so we will engage with government and Parliament on the proposals to guard against negative impacts on councils, and we are calling for further formal consultation on several measures in the legislation, but we do not intend to push for significant changes across the Bill.
25. We will also be making the point that it is important for this Bill to complement the measures outlined in the Domestic Abuse Act, the forthcoming Violence Against Women and Girls (VAWG) Strategy, the Draft Victim's Bill, as well as wider legislation and guidance, to ensure that simultaneous changes to the local government community safety landscape are considered collectively and carefully.

**The Electoral Integrity Bill**

26. The Government has made commitments to legislation that in its view aims to strengthen and renew democracy and the constitution. The Queen's Speech also announced that further legislation will be introduced in regard to the integrity of elections. The core elements of the proposals included: improving the absent ballot process by increasing protection on postal and proxy voting, including banning postal vote 'harvesting'; strengthening the laws on intimidation and undue influence; requiring identification to vote in a polling station, as already required in Northern Ireland; extending the 'imprint' requirement to digital political campaigning and introducing measures to prevent foreign interference in elections; improving access to voting for electors with disabilities; and removing the 15-year limit on the voting rights of British expats and making it easier to cast their vote.
27. Government has indicated that under this legislation, local authorities would be responsible for the cost of providing "voter cards" for those without appropriate ID. Previous estimates have put this cost between £1.8 and £10.8 million per annum, depending on the design of the scheme. Measures to protect postal and proxy voting and the impact of removing the 15-year limit on the voting rights of British expats will also have resourcing and therefore cost implications for council registration and election team. Recent Cabinet Office research on ID availability found that 91 per cent of respondents had valid photographic identification. Certain protected and non-protected groups were less likely to have access to photographic ID, including Gay and Lesbian, severely disabled, non-binary, unemployed electors, and those without formal qualifications or who were in poor or very poor health.

28. It is recommended that this Bill be a medium priority so that we can engage with government and Parliament on the proposals and guard against negative impacts on councils and local democracy. Councils will of course want to understand more about how the proposals for voter identification, extension of the rights of overseas voters and changes to the postal and proxy voting systems might work in practice. Local government will also want to be assured that proper impact assessments have been completed to understand and mitigate the potential impact on protected groups and that councils are not adversely affected by the implementation or cost of complying with new duties or processes.
29. We have previously welcomed the commitment to legislate to protect those standing for public office and their campaigners from intimidation and abuse and to clarify the existing offence of Undue influence. The LGA supported the Government's proposals in the 'Protect the debate' consultation to develop now electoral legislation to tackle intimidation and continues to call the creation of a specific offence to protect elected members while in office.

### **Procurement Bill**

30. The Government has announced a Procurement Bill to simplify procurement in the public sector. It is recommended that this Bill be a medium priority as we will work with Government, as we have done on the associated Green Paper, and seek to brief parliamentarians on the main aspects of the proposals and how they affect local government.
31. Previously the LGA has welcomed the ambition to transform public procurement as set out in the Transforming Public Procurement Green paper (2020), including the move to simplify and reduce the number of procurement procedures from seven to three. We support the aim to introduce a new 'flexible procedure' to buy goods and services although there are some concerns around creating new bureaucracy and how the procedure might work in practice.
32. The LGA has also been working with Government on the new regime to ensure councils' needs are considered in relation to the proposed National Procurement Policy Statement (NPPS). New priorities set out in relation to social value, pipelines and benchmarking capabilities are all things we have been promoting in the LGA's National Procurement Strategy since 2018. There are however concerns that the proposed single supplier registration requirement and increased processes in the way councils will need to conduct tenders will add complexity. We are concerned that the changes to the current procurement rules for the NHS might lead to an uneven playing field between local government and the NHS. Any measures to reduce procurement requirements on the NHS must not, inadvertently, create barriers to joint commissioning or local authority-led commissioning. The LGA and councils look forward to working with the Government to ensure the new system is a success.

### **Armed Forces Bill**

33. The Government announced that it will bring forward an Armed Forces Bill. This will honour and strengthen the Armed Forces Covenant, placing it in law. It also introduces a new duty to require relevant public bodies across the UK, when exercising specified public functions in the education, healthcare and housing sectors to have due regard to the core principles of the Armed Forces Covenant.
34. This Bill is carried over from the last parliamentary session and the LGA has already given evidence on the proposals to the Public Bill Committee. It is proposed that the Bill be a medium priority as it is an opportunity to promote the work of councils in signing the voluntary Armed Forces Covenant and their commitment to honoring their obligations to those who have served their country.
35. We will continue to fully support the aim of the Bill to help ensure armed forces personnel, veterans and their families are not disadvantaged by their service when accessing key public services. We will continue to work positively with government to further embed the Covenant locally, building upon what has already been achieved. We will also continue to make the case that it is important that potential new burdens are fully funded by national government and kept under review so that councils can continue to deliver high quality services to their armed forces community. We will be working with Government to understand further guidance on the Bill, which will set out what is expected of councils in greater detail.

### **Animal Welfare Plan and Legislation**

36. An Animal Welfare Plan and supporting legislation will be brought forward by Government as it seeks to ensure the United Kingdom has, and promotes, the highest standards of animal welfare. These plans include delivering on the Government's commitment to the highest standards of animal welfare by creating an Action Plan for Animal Welfare and legislation; recognising animal sentience in law through the Animal Welfare (Sentience) Bill; and increasing protections for pets, sporting animals, and farm animals by ending the export of live animals for slaughter, banning the keeping of primates as pets, improving standards in zoos and cracking down on puppy smuggling, and enhancing conservation through a Kept Animals Bill.
37. It is proposed that this legislation is a medium priority as we support the objective of increasing animal welfare standards and eradicating cruel practices both domestically and internationally. We will also use it to make the point that the Government should balance the need to educate consumers alongside the need for enforcement, particularly in terms of poor welfare overseas, and it must ensure councils can practicably take action in response to new regulations.

### **Draft Online Safety Bill**

38. The Queen's Speech announced the planned introduction of new laws to keep people safe online whilst ensuring that users' rights, including freedom of expression, are protected online. The Bill will place a duty of care on companies to improve the safety of their users



online which will require them to tackle illegal content on their services and to protect children from harmful content and activity online. It will also designate Ofcom as the independent online safety regulator and give it a suite of robust enforcement powers to uphold the regulation.

39. This Bill has been designated as a medium priority as it is an opportunity for us to make the point that abuse online or offline should not be tolerated. We will also work with government to build a thriving digital economy that is trusted by and protects everyone in the UK while ensuring users' rights, including freedom of expression.
40. We will also make the point that councils' trading standards teams play a vital role in tackling fraud, including online, and additional funding would allow councils to support the Government's ambitions to tackle a greater number of online scam cases. In addition, it is vital that online platforms take responsibility for fraudulent activity taking place on their sites.

### **Monitoring**

#### **Draft Victims Bill**

41. The Government has committed to bringing forward new proposals to support victims and this will enshrine key rights into the new Victims Code. It is recommended that we monitor this legislation as we welcome the Government's commitment to enshrine victims' rights into law, as this will help to ensure victims are more consistently supported and thereby enable them to deal with and recover from the impacts of crime. The proposals should also improve victims' experiences within the criminal justice process.
42. We will also make the point that it will be important for the Bill to recognise that 'victims of crime' will apply to a broad range of crimes – including those where the victim is also a perpetrator, such as in cases of child criminal exploitation – and there will be different prosecuting authorities involved in these cases. Listening to, and engaging with victims of crime, and understanding more about their lived experience, will be vital in helping to achieve meaningful change and reform. We are also keen to work with the Government to ensure child victims of crime receive suitable support.
43. Moreover, the LGA has long called for greater investment in domestic abuse community-based support services, as well as early intervention and prevention services, and perpetrator programmes. It is therefore positive to see the Government has committed to consult on the provision of community-based domestic abuse services and will set expectations for the standard and availability of victim support for victims of domestic abuse and sexual violence.

#### **Product Security and Telecommunications Infrastructure Bill**

44. The Government announced that proposals will be taken forward to extend 5G mobile coverage and gigabit capable broadband. This will include reform to the Electronic



Communications Code to support faster and more collaborative negotiations for the use of private and public land for telecommunications deployment.

45. It is recommended that we monitor this legislation to ensure that the proposals do not adversely affect local government or their communities. Access to fast and reliable digital connectivity is a necessity for all communities, something they have rightfully come to expect and essential to keeping pace with developments across the globe. We therefore look forward to working with the Government and Industry to ensure genuine collaboration that respects the needs of local communities and meets the growing demand for high quality digital connectivity.

### **Subsidy Control Bill**

46. The Government has committed to take forward a Subsidy Control Bill that will implement a domestic UK subsidy control regime that in their view reflects the nation's strategic interests and national circumstances. This includes creating a consistent set of UK-wide principles that public authorities must follow when granting subsidies; exempting categories of subsidies from certain obligations of the regime or leaving out of scope entirely; and prohibiting and placing conditions on certain types of subsidies which are at a particularly high risk of distorting markets.
47. It is proposed that we monitor this legislation for its impact on local government as the UK's new subsidy control regime must give a green light to the ambitions of local areas. If it is required, we will be making the point that addressing the needs of local areas through specific financial support to businesses and local organisations must become a stated objective for the regime. This will ensure changes in the law deliver genuine benefits on the ground.

### **Dormant Assets Bill**

48. The Queen's Speech announced a Dormant Assets Bill to support the voluntary sector by reducing unnecessary bureaucracy and releasing additional funds for good causes. The core elements of the Bill include: expanding the Scheme into new asset classes and improving consumer protection in reuniting people with forgotten money; aligning the model for how dormant assets funding is allocated in England with that used in the devolved administrations; and improving the Scheme's operation, for example by allowing the Scheme's administrator, Reclaim Fund Ltd, to only accept transfers from participants who have undertaken appropriate efforts to trace, verify and reunite the asset with its rightful owner.
49. It is proposed that we monitor this legislation to ensure there are no negative impacts on councils. Voluntary and community sector organisations are vital partners for councils across a wide range of issues. COVID-19 has led to a significant increase in demand for support from the voluntary and community sector and had an impact on major income streams from retail units and fund-raising activities. We therefore look forward to understanding more about how the Bill will support the voluntary sector to tackle social and environmental challenges facing local areas.

### **Professional Qualifications Bill**

50. The Government plans to bring forward a Professional Qualifications Bill to create a new framework to recognise professional qualifications from across the world to ensure the UK can access professionals in areas where there may be a workforce shortage. This will replace the interim system that gives preference to professional qualifications from the EU, Switzerland, Norway, Iceland and Liechtenstein.
51. It is proposed that we monitor the proposals as the initial impact for local government will be around social workers because that is the only regulated profession on the current shortage occupation list for which councils are the main employer and may wish to recruit more widely overseas. The LGA will therefore seek clarification on the impact for other professions where the sector experiences recruitment difficulties.

### **Implications for Wales**

52. We anticipate that the territorial jurisdiction of the legislation we are set to engage with will be limited to England. We will however update WILGA as required, particularly if it becomes clear that a piece of UK Government legislation is significant for them.

### **Financial Implications**

53. None.

### **Next steps**

54. Members to discuss and agree the LGA's priorities for its legislative lobbying in the next parliamentary session.



## Adult social care reform update

### Purpose of report

For information.

### Summary

This report provides a summary of the LGA's work on adult social care and support reform over the last year.

### Recommendation

That the Executive Advisory Board note this update and offer comments on the future direction of the LGA's lobbying and influencing work in this area.

### Action

By the Community Wellbeing Board, as appropriate.

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## Adult social care reform update

### Background

1. Adult social care funding and reform has long been a local government and LGA priority. In recent years, the LGA's work in this area has centred around our July 2018 green paper on care, health and wellbeing, 'The lives we want to lead', and our November 2018 response to our green paper consultation, which set out a number of recommendations on the future of care and support. This was a major piece of work, which received extensive national media coverage and generated more than 500 consultation responses from across the care and health sector, and the public.
2. Since 2018, our work on social care reform has continued under our green paper banner with further linked publications, as well as media stories and numerous relevant submissions to select committees and other inquiries.
3. COVID-19 has put social care firmly in the public spotlight and the reform agenda is now frequently framed by partners across the sector in terms the lessons that need to be learned from the pandemic experience. Much of the LGA's work on social care reform over the last year has also framed care reform in this way. Of further note, our work has also sought to tell the social care 'story' in a more positive way, rather than perpetuating dominant framing about the 'crisis in care' or as a 'problem to be fixed'. These of course have their place, but we are also seeking to describe the value of social care in its own right and the role it plays in helping people to live their best life which, in turn, helps strengthen our communities.

### Activity over the last year

4. The following are some of the key highlights of our lobbying and influencing work over the last year:
  - 4.1 In July 2020 we held a successful and very well attended one day virtual event on the future of adult social care. Speakers included the Minister of State for Care, Helen Whately MP, (then) ADASS President, James Bullion, and Deputy Chief Inspector of Adult Social Care at CQC, Debbie Ivanova.
  - 4.2 At this conference, we published a set of 'seven [principles](#) for social care reform' covering people who draw on care and support, the importance of social care's local dimension, funding, workforce, providers and commissioning, health and integration, and the scope of reform. More than thirty prominent national organisations acted as signatories to these principles.

- 4.3 In August 2020 we held five roundtables on the future of social care involving five key constituents of the social care sector: councils, health, the voluntary and charity sector, care providers, and people who draw on social care.
- 4.4 In September 2020, LGA deputy chief executive, Sarah Pickup, gave oral evidence to the Health and Social Care Select Committee as part of their inquiry on social care funding and workforce.
- 4.5 In November 2020 we worked with a number of national partners to set out shared [priorities](#) ahead of the Spending Review. These included: Government investment and reform proposals to ensure a long-term, sustainable future for social care; funding for short-term stabilisation; and investment to bolster preventative activity, secure a new deal for the care workforce, tackle inequalities, and fund innovation, particularly the use of technology.
- 4.6 In March 2021 we published a short [pamphlet](#) on the future of social care, which restated our seven principles for reform and called for a '1948 moment' for social care equivalent to that for the NHS. We also supported calls from elsewhere in the sector for a long-term plan for social care and set out our views on the immediate priorities for care and support as well as the kind of system we want to work towards for the future. Alongside this pamphlet, we published a [report](#) writing up, and reflecting on, the aforementioned 'future of social care' roundtables.
- 4.7 Ahead of this year's Queen's Speech, the LGA Chairman and Group Leaders [wrote](#) publicly to the Chancellor urging Government to put social care funding and reform at the centre of thinking on how best to emerge from the shadow of the pandemic.
- 4.8 In addition to the LGA's own 'on the day briefing' on the Queen's Speech, we also coordinated a [sector response](#) among a number of national partners, calling on the Government to bring forward its reform proposals and a clear timeline for action as a matter of urgency.
5. With the Government having restated its commitment to bringing forward proposals on social care reform this year, as well as the expected multi-year Spending Review in the autumn, this agenda will no doubt be extremely busy over the coming months. Through various channels, we will continue to push on the need for investment to help meet the continuing costs of COVID-19 and tackle the social care funding gap, as well action to move us towards a future care and support system that:
- 5.1 addresses unmet and under-met need
- 5.2 tackles workforce challenges by developing a new deal for the workforce

- 5.3 improves provision, choice and control by thinking about how the system can best be driven by people's needs and experiences
- 5.4 improves quality by being clear on the outcomes we are collectively seeking to achieve and how performance against them is coordinated and supported, including the role of sector-led support
- 5.5 secures a more rational, sustainable and transparent funding model that is based on universal risk pooling
- 5.6 protects people from facing catastrophic costs.
6. In line with all our work in this policy area in recent years, we will continue to balance public-facing work with ongoing discussions with Ministers and officials. We already have well-established links with the Department of Health and Social Care and these have been strengthened further through the recent creation of a new Ministerial Local Government Engagement Group. This groups brings together Care Minister, Helen Whately, senior DHSC officials, the LGA Chairman, the four Lead Members of the LGA's Community Wellbeing Board and a group of six council chief executives. The group's core focus is on adult social care reform and is an opportunity for the Minister to hear directly and exclusively from local government. The LGA is also representing the local government perspective on reform in a small number of engagement roundtables the Department is organising.
7. Additionally, the LGA and the Department have jointly established a new Health and Care Sounding Board. This brings together officials and officers from the LGA, councils, DHSC, MHCLG, NHS England, CQC and other key partners. It is a chance for Government departments and other senior partners to hear the views of local government on health and social care. The group will consider care reform proposals as they develop.

### **Issues**

8. Comments from Members of the Executive Advisory Board on the LGA's activity in this area over remainder of the year would be very welcome and much appreciated.

### **Implications for Wales**

9. Adult social care is a devolved function and therefore there are no implications for Welsh local authorities.

### **Financial Implications**

10. Adult social care sustainability is central to local government sustainability overall. In the work set out above, we have been clear that one-off Government grants and the adult

social care precept are only ever sticking plaster solutions that are unsustainable and hamper longer-term planning.

11. Through our ongoing public influencing activity, as well as meetings with officials, we will continue to set out the cost pressures facing social care and, as per established LGA lines, continue to call on Government to make the case for increases in national taxation and/or a social care premium to secure long-term sustainable funding for care and support.

**Next steps**

12. The Community Wellbeing Board will continue to oversee the LGA's policy work on adult social care funding and reform.
13. Actions arising from this discussion will be taken forward by the Community Wellbeing Board and officers as appropriate.





## **Civility in Public Life**

### **Purpose of report**

For direction.

### **Summary**

This report seeks direction from the Board on the next phase of the Civility in Public Life work programme and proposes a focus on an informal duty of care for councillors; sanctions for breaches of the code of conduct; training on and a refresh of the model code of conduct; and an update to the councillors' guide to handling intimidation.

In particular, the paper:

- Seeks approval for the proposed 2021/22 work programme
- Invites initial comments on the Committee on Standards in Public Life recommendations around sanctions
- Seeks approval to establish a member steering group to oversee the programme of work and provide ongoing insight and commentary.

### **Recommendations**

1. Members are recommended to agree the proposed areas of focus for the 2021/22 civility in public life work programme
2. Members are recommended to agree the establishment of a member steering group for the civility in public life work programme.

### **Actions**

1. Officers to take forward the work programme as agreed by the Board.
2. Officers to liaise with the Political Group Offices on the establishment of a member steering group, if approved.

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## **Civility in Public Life**

### **Background**

1. The LGA has committed to a programme of work alongside colleagues in COSLA, NILGA and WLGA to promote civility in public life, positive debate and the wellbeing of elected members.
2. The LGA [report](#) establishing the programme identified the following purpose for the programme:
  - 2.1 to address the intimidation of local government members and officers
  - 2.2 to address standards of public discourse
  - 2.3 to address standards of political discourse and behaviour in public office
  - 2.4 to provide support and advice to councils and councillors
3. To date, the LGA has produced the following resources for councils and councillors to use:

#### **Model Code of Conduct**

- 3.1 A template for councils to adopt in whole and/or with local amendments.
- 3.2 Guidance for both councillors and officers has been commissioned to support adoption and implementation of the code. This will be published imminently.

#### **Councillors' guide to handling intimidation [LGA and WLGA]**

- 3.2 Practical steps to support councillors to keep themselves safe online and offline.

#### **Digital citizenship [four nation]**

- 3.3 Rules of engagement to set boundaries for online discussions and empower councillors to respond to abuse and intimidation online.
  - 3.4 Top tips for handling online abuse.
  - 3.5 A two-part guide to digital citizenship will be published in the Summer. Part one provides practical advice to councillors to support digital engagement, while part two considers research and international best practice in this area.
4. This work has received excellent feedback to date, with recognition that the LGA and colleagues in the devolved nations are leading the way in this field. We have also received anecdotal feedback that the rules of engagement in particular have supported councillors to feel empowered in their online communications.

### **Work Programme 2021/22**

5. In developing the proposed work programme for 2021/22, officers have considered the [work programme agreed by members](#) in 2019 along with government activity for the coming year and feedback from representative bodies and stakeholders including the devolved nations, NALC and the Committee on Standards in Public Life.

6. This paper seeks feedback from members on the following proposal as to which areas to prioritise for the 2021/22 work programme:

**6.1. Informal duty of care**

(agreed in 2019 to investigate this as part of this programme)

Drawing on work already underway in Wales, this will seek to clarify what an informal duty of care by councils for councillors would look like and the impact this may have on councillor wellbeing. Subject to a good evidence base for this being a positive step, this piece of work will also include the development of guidance and resources to support councils to implement this informal duty of care.

**6.2. Sanctions**

We anticipate the launch of a consultation by MHCLG shortly on potential sanctions for breaches of the councillor code of conduct, and this issue was raised throughout the model code of conduct consultation. When the consultation is published, we will work with the Board and members to develop a view on its proposals, including consideration of how sanctions might work, the types of sanctions the LGA may support and the likely impact of these, along with alternatives to the use of sanctions where possible while ensuring high standards.

Further detail on this issue is outlined from Paragraph 9.

**6.3. Code of conduct**

Following the publication of guidance on use of the model code of conduct, we will engage with councils to identify whether any further support is needed to help them in adopting and implementing the code. The LGA has also committed to reviewing the model code of conduct annually.

**6.4. Updated councillors' guide to handling intimidation**

Feedback on our digital citizenship work has particularly focussed on the ease of use of the tools provided. The guide is currently 37 pages long and, as published in PDF form, difficult to navigate. It is also focussed on England and Wales due to the different legislation in Scotland and Northern Ireland. It would be helpful to review the guide to:

6.4.1. Improve accessibility

6.4.2. Encompass the four nations

- 6.4.3. Provide additional clarity on reporting online abuse to the police and how to deal with smear campaigns, which have both been raised repeatedly through consultations and stakeholder discussions.
7. In addition to the proposed specific areas of work above, the LGA will continue to engage with stakeholders on relevant initiatives, and seek good practice case studies to ensure the LGA remains at the forefront of this work and is in a strong position to support its member councils will influencing national policy.
8. The LGA will also respond to the Electoral Integrity Bill and the Online Safety Bill, which both impact on this programme of work.

### **Sanctions**

9. The Committee on Standards in Public Life considered the sanctions available to manage behaviour and misconduct at the local council level as part of its report into [Local Government Ethical Standards](#) in 2019.
10. The report concluded that available sanctions, which relied on party discipline and public censure, were insufficient and made three recommendations:
  - 10.1. Councils to be given the power to suspend councillors without allowances for up to six months. As part of this recommendation, they suggested the current legislation should be amended so that s.85 of the Local Government Act 1972, which provides that a councillor ceases to be a member if they fail to attend a council meeting for six consecutive months, be suspended for the period of the sanction. The Committee suggested that such a sanction be used in rare circumstances for the most serious non-criminal offences.
  - 10.2. That the Government clarify whether councils can lawfully bar councillors from council premises and withdraw resources as alternative sanctions to suspension.
  - 10.3. That the current criminal offences for not disclosing pecuniary interests be abolished and dealt with under the standards regime. The committee's view was that the current arrangements were overly cumbersome, set a high standard of proof required to bring a prosecution, and that police were wary of taking on such cases due to the concerns about politically motivated allegations and the resource needed to investigate allegations fully.
11. In relation to administration of sanctions, the CSPL recommended that:
  - 11.1. Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting

members from dependent parishes, to decide on allegations and impose sanctions

- 11.2. Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.
- 11.3. The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.
- 11.4. The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

12. We anticipate that the MHCLG consultation will consider these or similar suggestions and would be grateful for any initial comments by the Board. The Board's views will be sought on the full consultation when it is published.

### **Programme oversight**

13. This paper also seeks approval for the establishment of a member steering group for this programme of work, to oversee the work and provide ongoing insight and commentary. It is proposed that this group is made up of one member from each political group, who will meet quarterly and provide feedback via email on emerging issues in the interim.
14. Formal reports and consultation responses will continue to be agreed by Executive Advisory Board.

### **Implications for Wales**

15. We are working with colleagues in the Welsh LGA to ensure work is applicable across councils in England and Wales, subject to legislation.

### **Financial Implications**

16. This work can be carried out within existing resources.

### **Next steps**

17. Officers will take forward the Board's recommendations on the work programme, working with colleagues in the WLGA, COSLA and NILGA where appropriate.



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