

Board Policy Priorities for 2016-17

Purpose of report

For discussion and decision.

Summary

This paper sets out proposals for the Safer and Stronger Communities Board's (SSCB) priorities and work programme for 2016-17.

It outlines how the LGA-wide priority on responding to the Brexit vote will impact the work of the SSCB, as well as options for broader work priorities based on a combination of areas of interest previously indicated by Board members, ongoing work, and recent policy announcements by government. Subject to members' views, officers will develop a work programme to deliver these priorities.

Recommendation

That the SSCB discuss and agree the Board's priorities and work programme for 2016-17.

Action

Officers will undertake the projects set out in the report.

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 020 7664 3241
E-mail: mark.norris@local.gov.uk

Board Policy Priorities for 2016-17

Background

1. At this first meeting of the Safer and Stronger Communities Board (SSCB), members are asked to consider the policy priorities for the work programme for the coming year. In making these decisions, members are asked to consider two issues:
 - 1.1. The work that the LGA Leadership Board has asked Boards to undertake based on the overall policy priorities of the LGA.
 - 1.2. Specific policy priorities based on the remit of this Board.

Work commissioned from LGA policy Boards by the LGA Leadership Board

2. As in 2015-16, LGA policy Boards are being asked to incorporate cross-cutting LGA priorities within their work programmes. The key request from LGA Leadership Board as we begin the 2016-17 Board cycle is for individual Boards to:
 - 2.1. Consider the impact of the vote to leave the European Union on their policy areas and make appropriate provision within their work programme.
 - 2.2. Contribute to the development of the LGA's Autumn Statement submission and pitch to the new Government.
3. Alongside this, the LGA Business Plan is being refreshed in September. The key themes in the plan, in common with previous years, are expected to be devolution, housing, finance, adult social care and health, as well as Brexit. Our work programme will need to reflect the new business plan, with the following areas likely to have particular resonance: devolution (in terms of metro mayors, Police and Crime Commissioners and fire services), wellbeing; and the link between skills, the economy and community cohesion.

Impact of the vote to leave the EU on SSCB policy areas and work planning

4. At its meetings in July and early September, the Leadership Board identified five priority areas for the LGA to influence following the vote to leave the EU:
 - 4.1. Securing investment which is currently sourced from the EU
 - 4.2. Developing a new legal base for local government
 - 4.3. Initiating a constitutional debate
 - 4.4. Community Cohesion
 - 4.5. Place-based impact
5. Two of these have particular relevance for the SSCB's work programme. These are:
 - 5.1. Community cohesion.

- 5.2. Developing a new legal base for council enforced regulatory services, given that much of the underpinning legislation is derived from European legislation.

Community cohesion

6. The LGA's proposed work on community cohesion is outlined in a separate paper to the Board. Subject to the views of the Board, the immediate focus of the work is to update and revise existing LGA guidance on community cohesion.

Developing a new legal base for local government - impact of Brexit on council regulatory services and public protection work

7. Local government services are influenced to a significant degree by European legislation. With the UK having voted to leave the EU, there is a need therefore to develop a new legal base for local government.
8. Council regulatory services are heavily shaped by Europe, with a huge proportion of trading standards and environmental health activity driven by European legislation. Of the regulatory service areas within the Safer and Stronger Communities Board remit, the following are largely or in part derived from European law:
 - 8.1. Weights and measures
 - 8.2. Food safety and the feed chain
 - 8.3. Product safety
 - 8.4. Consumer protection and fair trading
 - 8.5. Licensing (via the Services Directive, which covers all licensing excluding taxis and gambling).
9. Additionally, elements of health and safety and animal health are also influenced by Europe (as are other elements of Environmental Health overseen by other boards for example air pollution and other environmental issues).
10. In common with other services, regulatory services are subject to a mix of EU directives that have been transposed into UK law (which will still apply when the UK actually leaves the EU) as well as EU regulations and decisions that apply directly. These would not apply once the UK leaves the EU, meaning that in those areas there will be no legal framework following exit.
11. In relation to both, Brexit provides an opportunity for political choices to be made to change laws previously based on EU regulatory frameworks, for example if they have been 'gold-plated', are simply outdated or are no longer desired.
12. All Boards with policy areas whose legal basis will be affected by withdrawal from the EU are being asked to identify priority areas to flag with government as part of our ongoing discussions on Brexit.

Context

13. The great majority, if not all, of the European led regulations delivered by regulatory services will be comparatively technical and often complex. They are likely to cover issues that the LGA, since the demise of LACORS¹, has not generally been involved in and does not have significant expertise in. In recent years, government departments have tended to seek technical council input on these matters from individual councils officers or relevant professional bodies.
14. In several of the areas affected, there are also responsible national agencies – in relation to which councils are effectively delivery agents - who will be likely to take the lead in developing a policy response; for example the Food Standards Agency, Animal and Plant Health Agency, Health and Safety Executive and National Measurement Office. This reflects that these are not areas that typically lend themselves to local flexibility or variation in the regulations themselves, with the requirements of businesses for national consistency and a level playing field generally accepted.
15. Alongside this, it can be assumed that there will be a variety of business, industry and other interest groups (including consumer organisations) which will have a view on the future of regulations in these areas.
16. In summary, these are not services or areas that have to date been priorities for the LGA or councils (or central government), or where local government will necessarily be expected to offer the leading policy input. However, as Brexit has a potentially significant impact on these council services, there is a need to be clear about the strategic and political steer the LGA should provide on behalf of local government, to help frame the specialist technical input we expect to be provided from both officers and relevant professional bodies.
17. As the Board will be aware, the opportunity to renegotiate the legal base for these services follows growing concern about the impact of financial cuts on regulatory services, and a call from the Chartered Trading Standards Institute in 2015 for regionalisation of the service.
18. Our work in this area has focused on seeking to draw attention to the challenges and how councils can address them. In Remodelling Public Protection we specifically criticised the tendency to continue to give responsibility for national and European regulations to already stretched local enforcement team, and called for a more realistic approach. We also raised the question of whether there is a need to fundamentally re-examine the balance of responsibility between consumers, residents, businesses and the public sector, funding and ownership of these services.
19. In both Remodelling Public Protection and our subsequent Review of Trading Standards Services, we highlighted how global food and supply chains have led to aspects of regulatory services becoming significantly less local in nature. Our review indicated strong support for maintaining trading standards as a local

¹ Local Authority Coordination of Regulatory Services, disbanded in 2011

government service but recognised the tension between a natural tendency for council-led services to prioritise issues with a specifically local impact or perpetrators – such as under-age sales or doorstep crime - compared to those issues which are less local in nature. In general, the areas of work that have typically been prioritised locally are less likely to derive from European regulations.

20. This overall context is important, because it highlights that there are opportunities and risks arising from negotiations linked to Brexit. On the one hand, there may be scope for scrapping or refining some of the regulations councils are responsible for enforcing and which are ineffective or burdensome. On the other, with a recent CTSI survey suggesting little movement on locally led shared services, and a National Audit Office review expected to raise concerns about the impact of local trading standards cuts on the overall consumer protection framework, the issue of regulatory structures could arise again in relation to post-Brexit regulation and enforcement. Changes in the legal framework could provide an opportunity to shift enforcement responsibilities away from local government, seemingly against the prevailing local government view indicated in the trading standards review.

Establishing an LGA position on areas of regulatory services

21. Given the range and technical nature of much of the EU-led regulation in this area, we do not propose that the Board should reach a view on each or even groups of them. However, the Board will be asked to give a general steer on any priority areas among the regulatory services areas affected by the UK leaving the EU. This will help to shape our LGA wide approach to renegotiating the legal base for local government.
22. The Board is also invited to comment on a draft set of principles which can inform our future input in this area. These reflect the concerns previously raised by the LGA in this area, as set out above, and would provide an overarching context for more detailed work at a technical level.
- 22.1. There should be a presumption in favour of reducing or refining the regulations overseen by councils where at all possible, in order to reduce the burdens on both councils and businesses.
- 22.2. There should be a clear and demonstrable rationale for retaining individual regulations. In many cases, there will be strong public protection benefits from retaining regulations that are similar or identical to existing EU regulations. A critical factor will be whether access to the single market will require the UK to comply with EU regulations, and the extent to which that is ultimately prioritised. But there may be some regulations which can be pared back or scrapped altogether, and we will work with officers and the professional bodies to assess the scope for this.
- 22.3. There should be no barriers to councils being able to recover the cost of licences, regulation and enforcement from businesses in specific sectors. Recent developments in the Hemming v Westminster licence fee court case, linked to the EU Services Directive, create a significant risk in this area: Brexit offers an important opportunity to correct this.

- 22.4. Reflecting the views expressed in our trading standards review, councils should retain a leading role for regulatory activity in their local areas.
- 22.5. Any new burdens created through the renegotiation process must be fully funded.
- 22.6. **The Board are asked to give their views on these guiding principles, and identify any priority areas for regulatory services.** Officers propose that, subject to the eventual outcome of the Hemming case, removing any barriers² to charging upfront for enforcement activity at the point at which a licensing application is made should be a key priority.

Specific work of relevance to this Board's remit

- 23. Alongside Brexit and other corporate work, LGA Boards will continue to develop specific work within their policy areas. These priorities will be reported back to the LGA Executive.
- 24. The draft priorities outlined below suggest five key overarching themes for the Board this year, and a series of activities underpinning each of them:

24.1. Prevent, counter-extremism and cohesion

- 24.1.1. In conjunction with the Home Office, we will support a series of regional workshops for councillors on the issues of counter-extremism and Prevent to help increase understanding of the issues and how to have difficult conversations with communities. We will also be training Prevent member champions, inputting to the Home Office on guidance around Prevent and counter-extremism and are working with Luton, the Home Office and DCLG on support for councils to enable them to share good practice.
- 24.1.2. Following on from the referendum campaign and evidence that this has prompted an increase in hate crime, we will refresh and update the LGA's guidance on building cohesive communities. We will respond to the Casey review on community cohesion and integration as and when this is published, and work to ensure that the role of local government is properly reflected and funded in any subsequent government work.
- 24.1.3. With Government committed to publishing a new overarching Contest strategy later this year, we will review the strategy to consider the implications for councils and Prevent.

24.2. Community safety

- 24.2.1. We will continue our work with the National FGM Centre. We will take forward research into the costs of domestic violence with a view to promoting the case for investment in services. We will respond and support councils in relation to the planned 'National Statement of Expectation' by the government on domestic violence, as well as

² Linked to the EU Services Directive being transposed into UK law.

undertaking work on co-commissioning of refuge provision by councils.

24.2.2. We will develop guidance for councils on effective implementation of Public Space Protection Orders.

24.2.3. A review into the future of community safety services in councils will consider the impact of budget cuts on local community safety services and how councils can respond to this.

24.3. **Blue light services**

24.3.1. We will maintain our lobbying around proposals for Police and Crime Commissioners to assume responsibility for fire and rescue services, to ensure that any such changes are based upon local agreement. We will also contribute to the effective development of new models of devolution and emergency services, in terms of the links between PCCs and FRAs and the creation of metro mayors.

24.3.2. Fire Services Management Committee's priorities mean we will continue to support work on fire reform and represent the views of FRAs, in relation to collaboration with the police and health services, improving equality and diversity, proposals for a fire inspectorate and greater transparency of fire services data.

24.3.3. We will continue to support police and crime panels in their scrutiny of PCCs, with a particular focus on the implications of an expanded PCC role in fire for PCP scrutiny.

24.4. **Licensing and regulation**

24.4.1. In light of ongoing reports of problems with taxi licensing in a small number of councils, we have developed a new package of support for councils on taxi licensing. We will refresh our 2015 taxi licensing handbook, and supplement this with a series of case studies. We will provide copies of the handbook to all councils, and hold five member workshops across the country highlighting the strategic role of licensing and the steps councils must take to build a robust and effective taxi licensing framework. We will follow this up with work to support councils in understanding the links between other areas of licensing and child sexual exploitation.

24.4.2. We will continue to lobby the Home Office for changes to the licensing system to give councils greater flexibility in managing their local economy and protecting local residents. This will include making the case for the localisation of licensing fees and reform of licensing processes, as well as lobbying for more fundamental reform of taxi and gambling licensing legislation.

24.4.3. Recognising the ongoing pressures on council regulatory services, we will take forward the recommendations in our trading standards review and continue to promote the case for joining up regulatory services across councils to increase resilience.

24.5. Crematoria, coroners and medical examiners

- 24.5.1. Ahead of changes to the process of scrutinising death certification due in 2018, we will work with councils and the government to ensure that the new medical examiners system does not impose additional costs on councils, and that there is appropriate guidance and support available. We will continue to highlight the pressures created by the Coroners and Justice Act, especially around Deprivation of Liberty Safeguards and funeral poverty.
- 24.5.2. Following recent reviews into crematoria and coroners' services we will feed into the proposed working group on this issue and discussions about a National Inspector of crematoria. We will also continue to support councils in this area and develop guidance on coroners', bereavement and registration services.

Legislation

25. A number of different areas of legislation are of direct relevance to the Board.

25.1. The Investigatory Powers Bill

- 25.1.1. Having successfully completed its passage through the House of Commons, the [Investigatory Powers Bill](#) is currently in Committee Stage in the House of Lords. The LGA's consistent lobbying over recent years for councils to retain access to communications data is reflected in the Bill, which proposes councils should continue to have access. To secure support for this in Parliament (in light of ongoing opposition in the media and among some Parliamentarians), our [briefings](#) have highlighted the importance of council teams having access to communications data to protect vulnerable residents from crimes such as tax evasion or fraud. We have emphasised that councils continue to be subject to more stringent oversight than any other body and are required to seek judicial authorisation before accessing communications data. The LGA has been supportive of continuing with these safeguards to secure public confidence. As the Bill progresses in the House of Lords, we will continue to make our case for councils retaining access to communications data and briefing peers in support of the Bill.

25.2. The Policing and Crime Bill

- 25.2.1. The Policing and Crime Bill includes a number of areas of interest to the LGA, most importantly the role of the Police and Crime Commissioner (PCC) and their potential responsibility for Fire and Rescue Authorities. We have worked with Parliamentarians to table amendments to the Bill to ensure PCCs comprehensively consult with the local fire and rescue authority before a transfer of governance is proposed. The LGA has also briefed in support of amendments on taxi licensing, children's mental health services and deaths in custody of people with mental health conditions.
- 25.2.2. The Bill has already completed its passage in the House of Commons, and is due to have its Committee Stage debate in the

House of Lords on 14 September 2016, when it will then progress to Report Stage for line-by-line examination of the Bill. This is the final stage before Royal Assent, which is expected to be completed before 2017 if parliamentary time allows.

25.3. The Counter-Terrorism and Safeguarding Bill

25.3.1. Still to be introduced, the Counter-Terrorism and Safeguarding Bill was announced in this year's Queen's Speech with the purpose of creating a new civil order regime to restrict extremist activity. The Bill is also set to include powers to intervene in education settings and consultation on powers to intervene where councils fail to tackle extremism. In our initial response to the Bill's announcement, the LGA agreed the Government should assist councils in sharing best practice and we emphasised the importance of local responses to extremism and community relations.

25.3.2. Given the stated objectives of the Bill around powers to intervene in education and councils, we expect to be closely involved once this Bill is published.

Communications and Events

26. There are a number of internal and external communications channels available to help the Safer and Stronger Communities Board promote the work it is doing and to seek views from our member authorities.

27. We have a full programme of conferences and events which support these draft priorities and are designed to support members and officers with new issues and improving their ability to protect the public and communities they serve. Conferences already being planned include:

- 27.1. 12 October 2016: FGM Centre Annual Conference (supported by LGA)
- 27.2. 18 October 2016: Gambling Licensing Conference
- 27.3. October-December: Taxi licensing Workshops
- 27.4. 1 December 2016: Burials and Bereavement Conference
- 27.5. 7 February 2017: Annual Licensing Conference
- 27.6. 7-8 March 2017: Annual Fire Conference

28. As set out above, we are also planning a series of regional workshops, in conjunction with the Home Office, on counter extremism.

29. We also have a dedicated section on the LGA website, regular e-bulletins with a personal introduction from the Chair of the Board (though the LGA's e-bulletins are due to be reviewed), outside speaking engagements and interviews, advisory networks, features and news items in First magazine as well as twitter accounts which are used to keep in touch with our members.

Next steps

30. Following the Board's discussion, officers will prepare a detailed work programme to manage the day to day work. The priorities agreed by the Board will also be reported back to the LGA Executive.

Financial implications

31. This programme of work will be delivered with existing resources. Additional supporting projects may be commissioned subject to funds being available from a small directorate / team budget.