

16 January 2017

Update paper

Purpose of report

For information.

Summary

The report outlines issues of interest to the Board not covered under the other items on the agenda.

Recommendation

That the SSC Board note the update.

Action

Officers to progress as appropriate.

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Update paper

Investigatory Powers Act

1. The Investigatory Powers Act received Royal Assent at the end of November. The Act maintains councils' right to access communications data, and will enable them to access a slightly expanded set of communications data which is likely to assist in some trading standards investigations. Although the Act does not alter the process councils are required to undertake in order to access data (that is, routing their requests through the National Anti-Fraud Network (NAFN) at Tameside council and gaining Magistrates' approval of requests), there is a requirement to formalise the 'collaboration agreements' under which councils work through NAFN, and an opportunity for councils to develop collaboration agreements to share designated senior officers (who provide internal authorisation of requests to access data). We are working with NAFN and the Home Office to clarify the implications of this and ensure councils are aware of them.
2. Since the Act was passed, the Government has lost a judicial review relating to the legality of the Data Retention and Investigatory Powers Act. A European Court of Justice (ECJ) ruling shortly before Christmas will now need to be interpreted by the Court of Appeal, and it remains to be seen what the implications may be for the new Act, as well as for previous use of communications data.

Medical examiners

3. LGA officers continue to engage with the Department of Health (DH) and others around implementation of the new medical examiner service, including through officer representation on the DH Strategic Programme Board. DH has agreed to hold more detailed discussions with councils to think through local implementation, including costs, in more detail; we expect that workshops to explore these issues will be scheduled for January or February.
4. We have received a reply from Lord Prior of Brampton, former Parliamentary Under Secretary of State for Health, to our joint letter with SOLACE in which we outlined the LGA's key concerns about the reforms; we will be looking to schedule a meeting with the Minister to discuss these issues in more detail.
5. Sessions on the introduction of the service were held as part of the LGA's Deaths, Funerals and Coroners conference in December.

Water safety campaign

6. Following the presentation and discussion at the last Board, LGA officers met representatives of National Water Safety Forum (NWSF) partners (Royal Society for the Prevention of Accidents, Chief Fire Officers Association, Royal National Lifeboat Institute and the Maritime and Coastguard Agency) and discussed how best to take this work forward. A meeting will be arranged in the early 2017 to discuss the relationship between

the Water Incident Database and LG Inform, the NWSF and LGA will work together around the Camber sands inquests and discussions with the Home Office. The NWSF is to provide the LGA with ten top tips for councils on water safety for the LGA's website and will put together a proposal on water safety workshops – looking at what would encourage Local Resilience Forums and counties to attend. Officers have proposed a water safety session for the LGA conference.

National Female Genital Mutilation (FGM) Centre

7. In November, the National FGM Centre won the Safeguarding Award at the Children and Young People Now Awards. The judges said that the Centre won the award as the “initiative that has made the biggest contribution to prevent and protect children and young people from abuse and neglect”, with one judge saying the centre was “a prime example of multi-agency, ground-breaking practice”.
8. Training is available through the Centre and over 900 professionals have been trained through the Centre since November 2015, including staff from social care and health. The aim of the [National FGM Centre's training offers](#) is to enhance participants' understanding and skills to act appropriately and confidently to protect and support girls who are at risk or have been subjected to FGM. 100 per cent of delegates who have attended the training would recommend it.
9. The Centre's funding is in place until March 2017, and the key issue for the Centre now is sustainability for the future.

Domestic abuse announcements

10. The Home Office published a number of items regarding domestic abuse and violence against women and girls (VAWG) in December. This included the [National Statement of Expectations](#) (NSE) for local VAWG provision, which sets out core expectations to ensure that victims get the help they need. The aim is for local services to be victim-centred, strategically commissioned, and include a focus on safeguarding individuals, managing perpetrators and local awareness-raising. A [three-year £15m VAWG service transformation fund](#) for service commissioners to support delivery against the NSE was announced, with grants to be awarded early in financial year 2017/18. New [VAWG commissioning guidance](#) for commissioners and service providers in England was also published to support implementation of the NSE.
11. Revised [statutory guidance for undertaking Domestic Homicide Reviews \(DHRs\)](#) has also been launched. The LGA fed back comments from sector officers on the draft over the summer. The updated guidance was accompanied by a publication analyzing [key findings from previous DHRs](#).
12. Also published was updated guidance on the [Domestic Violence Disclosure Scheme](#).

Prevent and Counter-Extremism

13. A joint roundtable on counter extremism with the Home Office was held on 14 December, chaired by the Minister, Sarah Newton MP. The following councils were represented: Barking & Dagenham, Bristol, Camden, Islington, Kensington & Chelsea, Lewisham, Luton, Manchester, Portsmouth, Rochdale and Tower Hamlets. Among issues discussed were concerns about right-wing extremism and the need to share good practice. The Special Interest Group on Extremism should help with the latter need when it is formally launched in early 2017. The guide associated with it will appear, jointly badged with LGA and the Home Office at the same time.
14. The Centre for Public Scrutiny has been commissioned to produce a scrutiny guide for councils around prevent and counter extremism and an LGA Leadership Essentials Course covering both will run at the end of February. Both are intended to support councillors in holding portfolio holders to account on these issues and the guide will specifically contain a set of suggested questions through the scrutiny process.
15. A roundtable for councillors volunteering as Prevent Champions will be held by the Home Office on 23 January. We anticipate that members of the Champions Network will be asked to attend future regional conferences with other councillors to offer advice on their local approaches to Prevent, and to provide mentoring and guidance around the Prevent duty to members seeking individual support. LGA officers will work alongside Home Office colleagues to facilitate this process

Improving the community safety response from councils

16. The LGA's research team conducted a survey over the autumn of all community safety partnerships/county strategy groups in England and Wales, to help build a picture of how community safety partnerships are currently resourced, their priorities and challenges, and how the picture has changed over recent years. The [survey findings](#) are available on the LGA website.
17. Two stakeholder workshops were held in November in Birmingham and London to explore some of the emerging themes from this project, informed by the outcomes from the survey and a discussion paper setting out key issues. Further written responses to the discussion paper are expected over the next couple of weeks from other stakeholders unable to attend. The outcomes will be reported at the next Board meeting.

Taxi Licensing

18. We held a series of successful events for councils on taxi licensing in November 2016. The events focused on providing support to councils around oversight and scrutiny of licensing, the role of the licensing committee, as well as sharing best practice and tackling specialist issues like preventing child sexual exploitation and supporting disabled access. Another regional event has been planned for 21 February in Preston.

19. An updated version of our taxi licensing handbook for councillors has been published and shared with the councillors and officers who attended regional events as well as our licensing champions. The handbook will be circulated more widely to all of our members once it has been updated to include the Department for Transport's new statutory best practice guidance. We are expecting this to be published early this year.

Dog control measures, animal welfare and licensing

20. The LGA is assisting the Department for the Environment, Food and Rural Affairs (Defra) with a survey of councils to assess recent anti-social behaviour (ASB) measures to control dogs and reduce dog attacks. The Secretary of State has requested the work be undertaken following high profile dog attacks in late summer and autumn. The LGA has been invited to submit views on the issue by spring.
21. Later this month, Defra are expected to publish proposals for reforming the licensing of animal establishments, following a consultation last year. This follows the publication of an EFRA select committee report into the welfare of domestic animals in November 2016, which called for the current duty on local authorities to become a funded, statutory duty.

Policing and Crime Bill

22. The Policing and Crime Bill completed its passage through the House of Lords at the end of December. During the latter part of the committee and report stages, a number of amendments were made to the Bill in line with established LGA lobbying objectives. The government introduced amendments to the Licensing Act 2003 which will allow councils to publish cumulative impact assessments and have regard to them when setting their licensing policies, and also introduce greater flexibility in the use of the late night levy so that it can be used in part of the council's area rather than across the whole of it. The government also amended the provisions about transfer of fire governance from fire and rescue authorities to Police and Crime Commissioners (PCCs) so that local residents have to be consulted before any change in governance.
23. An amendment from Baroness Finlay, a crossbencher, to the Coroners and Justice Act 2009 which was agreed by the government, will reduce the cost of deprivation of liberty safeguards to councils. Coroners will no longer have to conduct inquests where the deceased had been deprived of their liberty due to lack of mental capacity under the Mental Capacity Act. In our [briefings](#) we also supported the introduction of a public health objective into the licensing process and limits on the availability and use of gaming machines. The amendments made in the House of Lords will be considered by the House of Commons from 10 January and Royal Assent is expected shortly afterwards.

Death, Funerals and Coroners Conference

24. On 1 December the LGA held a Deaths, Funerals and Coroners Conference. The conference was well received, with an 84 per cent satisfaction rate with the conference. Councillor Morris Bright chaired the conference. The programme covered a wide range of issues including funeral poverty, the implementation of the medical examiners service,

the future of the services, pathology and commercialisation. Councillor Ian Gillies, SSCB Bereavement Services Champion, provided the opening address and outlined the work of the LGA on these issues. The conference welcomed approximately 60 attendees from coroners, cremation and burial services.

Brexit

25. Following the discussions at the last two Board meetings on the implications for the Board's work on the decision to leave the European Union, we have been talking to Cornwall Council about how they could assist the LGA work through the technical details of EU regulations, decisions and directives and assess the scope for reducing or refining regulations. This work should be assisted by the LGA's intention to make the list of EU legislation applying to councils available relatively soon.

European Court of Justice (ECJ) ruling in Hemming licensing fees case

26. In November, the ECJ issued a ruling in the long running Hemming case concerning the cost of sex establishment licensing fees in Westminster. As the Board will recall, the Supreme Court overturned an earlier Court of Appeal ruling by finding that Westminster were entitled under the EU Services Directive and UK Regulations to charge licensees the cost of administering and enforcing the licensing regime, rather than just the cost of processing applications. However, the Supreme Court sought guidance from the ECJ on whether Westminster was entitled to charge for this at the point of application, or whether it was only lawful to do once an application had been accepted and a licence effectively granted.
27. The ECJ argued that it was not permissible under the Services Directive for councils to levy a charge at the point of application. However, the commentary to the ruling also suggested the ECJ did not support the Supreme Court's ruling that charging licensees for the cost of administering and enforcing the framework was lawful under the Services Directive. Therefore, although the ECJ ruling is only binding in relation to the specific question it was asked, it effectively gives a green light to further challenges on this point in the future.
28. The LGA has issued guidance to member councils outlining the need to ensure the structure of their licensing fees is lawful in light of the ruling.