

20 January 2022

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/s:

That members of the Board note and comment on the update.

Action/s:

Officers to action any matters arising from the discussion as appropriate.

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20 January 2022

Update Paper

National resilience strategy

1. The Government has published a [response](#) to the call for evidence on the new national resilience strategy. The LGA submitted evidence to the consultation, including the review of the Civil Contingencies Act (CCA) and held a workshop with councillors to discuss relevant issues. The Government has concluded from the evidence submitted to the review that the CCA has served the responder community well but recognises that there is a need to strengthen information sharing agreements and update guidance on the Act. It notes that respondents recognised funding as a key issue and that significant input was received on the issue of including elected figures in resilience, although it is silent on how this will be addressed in future. Officers are due to catch up with officials from the Resilience and Emergencies Division in DLUHC on the next stages in the review shortly.
2. In December, the LGA also convened a group of councillors to provide input to the independent review of the Civil Contingencies Act being led by the National Preparedness Commission. The independent review is due to report shortly.

COVID-19 Plan B

3. Officers have been working with councils, LGA colleagues and government officials to monitor the implementation of plan B measures on vaccine certification, which were introduced in December. Councils are responsible for enforcing the requirement for vaccine certification at major events and premises such as nightclubs, alongside the requirement for most indoor venues to ensure customers and visitors are aware of the need to wear face masks. On 6 January, we hosted a webinar for around 400 delegates to discuss the implementation of the vaccine certification; evidence suggests this is going smoothly in both night time venues and events such as football games.

Drink spiking

4. On Wednesday 19th January, Cllr Jeanie Bell, one of the Safer and Stronger Communities Board Licensing Champions, is providing oral evidence to the Home Affairs Select Committee's inquiry on drink spiking. Cllr Bell will provide an overview of the role of licensing committees in regulating the night-time economy and promoting safeguarding, as well as sharing examples of councils demonstrating best practice. We have also submitted written evidence to this inquiry.

Licensing

5. Officers are developing new training materials to support councils and councillors with the operation of licensing committees:

20 January 2022

- 5.1 **E-learning module:** We are refreshing our e-learning module to focus on licensing more specifically and cover the basics of what a licensing committee is, as well as detailing what a councillor's role as a committee member entails.
 - 5.2 **Online videos:** This will be complemented by a series of online videos which will cover different licensing scenarios and encourage members to think about how they would approach each scenario, before being given advice on key points they should have considered. Officers have gone out to procurement for a supplier to deliver the videos.
 - 5.3 **Leadership essentials:** We will be running our licensing leadership essentials course in Warwick from Thursday 10 March – Friday 11 March 2022. The course will focus on good quality decision making at licensing committee and how a good licensing committee is run. Attendees will be able to compare how their committee operates with other authorities and share ideas with other councillors.
6. We are holding our annual licensing conference virtually on the mornings of Tuesday 8 – Wednesday 9 February 2022. The conference will provide an opportunity to examine the government's plans and expectations for licensing as well as exploring the challenges facing licensing authorities, highlighting innovative work being undertaken by councils and their partners and discussing how we can build on best practice. Cllr Bell is chairing the conference on Tuesday 8th February and Cllr Woodbridge is chairing the conference on Wednesday 9th February.

Taxi licensing legislation

- 7. The Taxi and Private Hire Vehicle (Safeguarding and Road Safety Bill) is due to complete its stages in the House of Commons on Friday 21st January, before passing into the House of Lords for further scrutiny.
- 8. This Bill makes provision for councils to share information on recent adverse licensing history – specifically refusals, suspensions or revocations of licences - on a database such as NR3 and would require councils to check that database before reaching a licensing decision. We are expecting this Bill to complete its parliamentary stages and become law. Additionally, the MP who is responsible for the Bill, Peter Gibson MP, is speaking at the LGA's Annual Licensing Conference in February.
- 9. The Taxis and Private Hire Vehicles (Disabled Persons) Bill is due to have its Second Reading in the Commons on the 14th January. This Bill aims to ensure all disabled passengers receive appropriate assistance and are not charged extra or refused carriage when using taxis and private hire vehicles. Given where this Bill is in the parliamentary timetable, it is unlikely it will complete its stages and become law.

20 January 2022

Police, Crime, Sentencing and Courts Bill - domestic abuse reporting and child abuse sentences

10. The LGA has briefed Peers during the Report Stage debates for the Police, Crime, Sentencing and Courts Bill. Amendments have been agreed on Harpers Law (mandatory life sentences for those who kill an emergency worker in the course of their duty), data-sharing protocols, and the extension of the serious violence duty to include domestic abuse and sexual offences. The Bill continues in Report Stage until 17 January 2022 and will then proceed to Third Reading.
11. The Ministry of Justice (MoJ) have announced that as part of the Police, Crime, Sentencing and Courts Bill, [anyone who causes or allows the death of a child or vulnerable adult in their care will face up to life imprisonment – rather than the current 14-year maximum](#). In addition, offences of causing or allowing serious physical harm to a child, and cruelty to a person under 16, will also incur tougher maximum penalties – increasing from 10 to 14 years respectively.
12. The Government also plans to add [new measures](#) to the Police, Crime, Sentencing and Courts Bill which aim to improve support for victims of domestic abuse and improve the safety of women and girls. Under the changes, victims of domestic abuse will be allowed more time to report incidents of common assault or battery against them. Currently, prosecutions must commence within six months of the offence. This requirement will be moved to six months from the date the incident is formally reported to the police, with an overall time limit of two years from the offence to bring a prosecution. The Government also plans to introduce amendments to the Bill which will make taking non-consensual pictures of breastfeeding a specific offence.

Offensive Weapons Homicide Review

13. The Government has published draft statutory guidance on Offensive Weapons Homicide Reviews. The new reviews are being considered as part of the Police, Crime, Sentencing and Courts Bill.

Drug strategy

14. The Government has announced an investment of £780 million in drug treatment to break the cycle of addiction as part of a 10-year drugs strategy. The Department for Health and Social Care (DHSC) said that all local authorities in England will receive new money for drug treatment and recovery over the next three years.

Rehabilitating offenders

15. The [Ministry of Justice has published a Prisons Strategy White Paper](#), which includes reforms to rehabilitate offenders and ultimately cut crime and keep streets safe. It

20 January 2022

includes a new drive to get offenders into work, introducing a new job-matching service that pairs offenders up with vacancies in the community on release and dedicated employment advisors in prisons to help offenders find work.

Violence against Women and Girls

16. The National Police Chiefs' Councils has [published](#) a new framework launched in England and Wales, which sets out action required from every police force designed to make all women and girls safer. The framework has been developed under the leadership of the new National Police Coordinator for VAWG, Deputy Chief Constable Maggie Blyth and informed by experts in policing, government and the VAWG sector.

Domestic abuse

17. Domestic abuse-related crimes represent a higher percentage of all crimes in December than the rest of the year. The [LGA joined forces with Women's Aid and the Domestic Abuse Commissioner Nicole Jacobs to urge people to look out for common signs of domestic abuse this Christmas](#). As well as a community effort to spot the signs of domestic abuse and report concerns, we are calling for greater investment in early intervention and prevention schemes that helps stop it from occurring in the first place.

Protect duty

18. In February 2021 the Government published a consultation on outline proposals for a new Protect duty, aimed at helping to protect public venues and spaces from terrorist attacks. There are likely to be a number of implications for local authorities from the introduction of a new duty - as owners and operators of venues; as employers of large organisations; and potentially in supporting its introduction with local partners and/or enforcing compliance. The Home Officials [presented to the Board on the proposals](#) and the [LGA submitted a response to the consultation](#) in July 2021.
19. The Government has now published [its response to the consultation](#), which summarises the feedback received. This noted that the majority of respondents believed that those responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from attacks; that venue capacity should determine when the duty applies (with different requirements for larger and smaller venues/organisations); that there was a need for accountability and clear roles and responsibilities; and that half of respondents were in favour of an inspectorate.
20. The Government's response concludes that taking measures to ensure an appropriate and consistent approach to protective security and preparedness at

20 January 2022

public places is a reasonable ask, and that a partnership response to counter-terrorism beyond the security services and emergency services is key.

21. However, the response notes the challenges of determining which organisations should be in scope, and what would constitute proportionate security measures, including ensuring there is not an undue burden on organisations, particularly those which are smaller in size or staffed by volunteers, such as places of worship. It also notes that the Government's impact assessment for the duty and its requirements will also assess the question of costs and burdens further, and sets out the importance of providing a range of tools, guidance and support to ensure that the ask of those in scope of the duty is understandable and deliverable.
22. The response commits to using the feedback to shape the Government's thinking in developing draft legislation, which we expect over the coming months.

Law Commission's review of hate crime legislation

23. In September 2020 The Law Commission published a wide-ranging review of hate crime legislation and consultation seeking views on its proposals.
24. In our response to the review we set out councils' concerns about levels of hate crime in their areas; community frustration, both when harmful hate-fuelled activity takes place but does not cross a legal threshold, and with failures to enforce existing laws; welcomed efforts to amend hate crime legislation to remove discrepancies across the current protected characteristics, and supported proposals for misogyny to be recognised under the legislation; and emphasised how legislative approaches to tackling hate crime must be seen alongside wider initiatives to prevent hate incidents and counter extremism, with continued focus and investment in this broader space.
25. The Law Commission has now published [its response to the consultation](#), including a number of recommendations. These include that:
 - 25.1 any decisions to include, or not include further groups in hate crime laws should require demonstrable need, evidence of additional harm, and suitability alongside existing provision
 - 25.2 sex or gender should not be added as a protected characteristic for the purposes of aggravated offences and enhanced sentencing, but Government should undertake a review of the need for a specific offence of public sexual harassment
 - 25.3 age should not be added as a protected characteristic
 - 25.4 sex workers, people experiencing homelessness, philosophical beliefs or alternative subcultures should not be included in hate crime laws
 - 25.5 aggravated offences which currently exist for race and religion should be extended to all other existing characteristics in hate crime laws: sexual orientation, disability and transgender identity

20 January 2022

- 25.6 freedom of expression provisions should be retained in respect of religion and sexual orientation, and extended to gender critical views, cultural practices and discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of countries and their governments; and for discussion and criticism of policy relating to immigration, citizenship and asylum
 - 25.7 for offences of stirring up hatred by the use of words or behaviour, an exception should apply for conduct that takes place in a “private conversation” (replacing a dwelling)
 - 25.8 the Government is invited to consider establishing a Commissioner for countering hate crime.
- 26 The Government is now considering its response to the recommendations.