

## **Queen's Speech 2015**

### **Purpose**

For comment and approval.

### **Summary**

The paper sets out the key legislation affecting local government in the 2015 Queen's Speech and provides recommendations for prioritising LGA activity.

The LGA Executive is asked to recommend the Bills the LGA should prioritise for the purpose of its lobbying in the 2015/16 parliamentary session. This will identify where LGA resources should be focused to ensure we deliver the best possible outcomes for local government.

### **Recommendation**

That the LGA Executive approves the suggested priority Bills for the LGA in the 2015/16 parliamentary session.

### **Action**

As directed by Members.

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### Prioritisation of Bills

1. Each year following the Queen's Speech the LGA prioritises the key legislation that the organisation will seek to influence. This prioritisation ensures that, by focusing our lobbying, the best results are achieved for local government. Based on an assessment of the implications of the Government's legislative agenda, we are using the following system of prioritisation:
  - 1.1. **High profile engagement:** For a Bill identified as high profile, the LGA will brief for each stage of the Bill's passage through Parliament, work with our network of supportive MPs and Peers to table amendments, use media and stakeholder engagement to keep it on the national agenda, and engage closely with the government department leading the legislation.
  - 1.2. **Medium profile engagement:** For legislation that is important, but does not require as much active lobbying as those Bills identified as 'high profile,' we will ensure, through constructive engagement with officials, the Bill does not negatively impact on local government. Each year there are Bills that we are supporting Government with. These will be managed under this category as our engagement is usually limited to advising on the detail of the Bill and providing supportive comments publicly. However, if the Bill changes negatively during its passage, it can be reclassified into the 'high' category.
  - 1.3. **Monitoring:** For legislation that has limited impact on local government, or is not captured by our corporate priorities, the LGA will seek to monitor its progress. The status of Bills categorised under 'monitoring' will be reviewed to ensure that any changes to them do not require more active participation and lobbying by the LGA.
2. Set out in the below table is the proposed prioritisation of the legislation.

<b>Priority</b>		
<b>High profile engagement</b>	<b>Medium profile engagement</b>	<b>Monitoring</b>
Cities and Local Government Devolution Bill	Psychoactive Substances Bill	Policing and Criminal Justice Bill
Housing Bill	Childcare Bill	Extremism Bill
Enterprise Bill	Buses Bill	Investigatory Powers Bill
Education and Adoption Bill		Scotland, Wales and Northern Ireland (Stormont Agreement) Bills
Full Employment and Welfare Benefits Bill		Energy Bill
		European Referendum Bill
		Trade Unions Bill

### High Profile engagement

#### **Cities and Local Government Devolution Bill**

3. The Cities and Local Government Devolution Bill will provide the legal basis to implement the Government's 'northern powerhouse' ambitions, which will devolve powers to cities with elected 'metro mayors' and will empower towns and counties by building on the Growth Deals.
4. The LGA will use this Bill to argue that devolving control of social care and health spending, local transport networks and infrastructure to Greater Manchester is good news and therefore this legislation needs to ensure that the proposals can be replicated across the country. Alongside legislative change, funding reform is also required. Meaningful devolution should include multi-year finance settlements, powers to set locally appropriate fees, charges and subsidies and rates and discounts for council tax and business rates.
5. It is recommended that the Cities and Local Government Devolution Bill be a high priority for the LGA as making decisions at a more local level will bring about huge economic and social benefits. As recognised in the Bill, we believe the push to decentralise power should be extended to these non-urban areas and are ready to work with the Government to meet this aspiration.

#### **Housing Bill**

6. The Housing Bill will extend the Right-to-Buy to 1.3 million housing association tenants. The legislation will also allow for 200,000 starter homes to be made available for under-40s at a 20 per cent discount. The Bill will also introduce a statutory register for brownfield land and simplify the neighbourhood planning system.
7. The current Right-to-Buy system only provides for councils to replace half or fewer of the homes they have sold and the Government has rightly promised every home sold under the extension of Right-to-Buy will be replaced on a one-for-one basis. It is recommended that this Bill be a high priority for the LGA as councils are ambitious to increase housebuilding across all tenures and support measures to help people into home ownership. We will also seek to work closely with Government to set out how these proposals could be funded without any unintended consequences on local governments' ability to invest and ensure communities include a mix of homes.
8. We will also argue that in order to deliver the homes and infrastructure desperately needed, councils must have a lead role in housebuilding. Local authorities could build half a million new homes and transform the lives of hundreds of thousands of families if given greater powers, resources and flexibility.

### **Enterprise Bill**

9. The Enterprise Bill will extend and simplify the Primary Authority scheme, which allows a business to get advice on regulation from a single council. The legislation also introduces business rates appeals reform and allows for the Valuation Office Agency to share information with local government. The Bill is intended to cut red tape by 'at least £10 billion' in Whitehall and from independent regulators. The legislation will also create a Small Business Conciliation Service and cap the exit payments made to public sector workers.
10. This Bill is ranked as a high priority as the LGA would like to see reforms to business rates appeals in order to limit the number of speculative appeals, which are a major cause of financial uncertainty to local government. In addition, councils work closely with Local Enterprise Partnerships (LEPs) and have been at the forefront of refocusing regulatory services to support business growth, provide advice and reduce burdens, including delivering the Primary Authority scheme and Better Business for All. We will therefore promote how good regulation helps responsible businesses as well as protecting residents, consumers and businesses from the risk of potentially dangerous or irresponsible activities and rogue traders.
11. On a separate note, we will also monitor developments on the proposals made in respect of exit payments. The LGA agrees that excessive redundancy payments are unacceptable and notes that the vast majority of councils have taken their own action to limit the scope for such payments in recent years in a way that puts local government well ahead of the NHS and other parts of the public sector. However, great care needs to be taken with legislation in this area to avoid penalising hard working experienced staff with many years of service behind them.

### **Education and Adoption Bill**

12. The Education and Adoption Bill contains new powers for the Secretary of State and Regional Schools Commissioners to more rapidly intervene in schools rated Inadequate or as Requiring Improvement. Schools that are unable to achieve 'Good' within an acceptable timescale will be turned into academies. The legislation also contains measures to encourage councils to join together to create regional adoption agencies.
13. It will be important to respond to new developments on the expansion of academies (as the Department for Education is unable to effectively support the rapid expansion in schools converting to academy status) and to build on the success of recent years in using the adoption system to find children new homes. The Bill has therefore been marked as a high priority.

### **Full Employment and Welfare Benefits Bill**

14. The Full Employment and Welfare Benefits Bill will freeze the main rates of a number of working-age benefits, tax credits and Child Benefit, and reduce the level of the benefit cap. The legislation will replace Jobseeker's Allowance for 18- to 21-year-olds with a Youth Allowance time-limited to six months, after which individuals

will be required to undertake an apprenticeship, training or community service. It will also remove 18- to 21-year-olds' automatic entitlement to Housing Benefit, and provide Jobcentre Plus support in schools to supplement careers advice. The Bill also creates duties on ministers to report annually on job creation and apprenticeships.

15. Councils and LEPs know the needs of businesses and young people locally. This legislation is therefore ranked as a high priority for the LGA as it is an opportunity to call for the national commitment to a Youth Allowance to be delivered through a single youth offer organised locally between councils and Jobcentre Plus. Councils and LEPs are also best-placed to help deliver this which is why we will be calling on the Government to devolve the Apprenticeship Grant for Employers.

### **Medium profile engagement**

#### **Childcare Bill**

16. The Childcare Bill will give families where both parents are working an entitlement to 30 hours a week of free childcare for three- and four-year-olds for 38 weeks of the year. It is seen as requiring medium profile engagement as the legislation is an opportunity to improve the availability and quality of childcare for the under-5s, particularly in deprived areas. However, it is vital that the funding reflects the true cost of delivering places. Capital funding will also be required to allow councils to work with schools to expand provision where necessary to meet the commitment to 30 hours free childcare.

#### **Buses Bill**

17. The Buses Bill will allow combined authorities with directly-elected mayors to take on responsibility for local bus services, promoting an integrated transport system. The legislation will provide the option to franchise bus services.
18. It is recommended this Bill be afforded medium profile engagement by the LGA. The ability for local areas to take responsibility for bus services through the option of franchising will be a useful tool for councils struggling to avoid gridlock on their roads in the face of an estimated 42 per cent increase in local traffic by 2040. Devolution is needed urgently in all local areas, including by county councils, who wish to improve bus services in specific towns that are poorly served at present. Franchising should be available to all local authorities without the need for mayoral elections.

#### **Psychoactive Substances Bill**

19. The Psychoactive Substances Bill will introduce a blanket ban on the sale of psychoactive substance, or 'legal highs,' by making it an offence to produce, supply, offer, possess with intent to supply, import or export psychoactive substances. A psychoactive substance will be any substance intended for human consumption that is capable of producing a psychoactive effect, with alcohol, tobacco, caffeine, food and medical products excluded from the scope of the offence. It will include

prohibition notices and prohibition orders to enable the police and councils to adopt a proportionate response to the supply of psychoactive substances.

20. This Bill is a positive development as the LGA has long argued that the current legislation is not fit for purpose. Legal highs are untested, unpredictable and a potential death sentence and the LGA will therefore promote the importance of the legislation. It is ranked as requiring medium profile engagement.

### **Monitoring**

#### **Policing and Criminal Justice Bill**

21. The Policing and Criminal Justice Bill will ensure 17-year-olds are consistently treated as children under the Police and Criminal Evidence (PACE) Act, provide enhanced protection for children by introducing sanctions on professionals who fail to take action on child abuse, cut the use of police cells for detaining people suffering from mental health issues by enabling more places in the community to be designated as places of safety, extend the remit of Her Majesty's Inspectorate of Constabulary, and overhaul the police complaints and disciplinary systems.
22. Councils support the decision to treat 17-year-olds detained in custody as children under PACE, and for ensuring young people charged with an offence get the accommodation that is right for them. Local government is committed to working with the police to improve the accommodation of young people.
23. Those who knowingly withhold information that a child is being harmed should expect to face the full weight of the law. Organisational reputation should never be prioritised above the safety of a child, and we agree that those who seek to cover up child abuse should be held fully responsible for their actions.
24. It is therefore recommended that we monitor developments with this Bill and work with the Government to ensure any reform does not have the unintended consequence of overloading the system with cases where the child is clearly not in danger of abuse or neglect.

#### **Extremism Bill**

25. The Extremism Bill will introduce extremism disruption orders designed to restrict those trying to radicalise young people, banning orders for extremist organisations which seek to undermine democracy or use hate speech in public places, and closure orders for the police and councils to close down premises used to support extremism.
26. Local authorities have built up considerable experience in dealing with extremism and the impact of extremist activity on their communities. Councils need to be assisted in sharing the good practice that has built up and provided with the resources they need to build local capacity to counter extremist activity. We will monitor this Bill and if necessary argue that countering extremism requires sustained work over time by local partners who know and understand the areas they are

working in, with powers and responsibilities being devolved down to give multi-agency arrangements the freedom and flexibility to respond to local circumstances.

### **Investigatory Powers Bill**

27. The Investigatory Powers Bill will allow the police and security services to continue to access the communications data the Government believes they need to investigate offences and bring prosecutions when communications technologies and services are changing fast, with more communications taking place on the internet. It will also respond to the independent review by the Independent Review of Counter-Terrorism legislation.
28. We will monitor this Bill and where necessary work with Government to highlight how councils need to access communications data to tackle serious criminal behaviour that impacts local businesses and residents, as well as investigate fraud against local authorities.

### **Scotland, Wales and Northern Ireland (Stormont Agreement) Bills**

29. The devolution legislation in the Scotland, Wales and Northern Ireland Bills will meet the UK Government's commitment to the various devolution agreements. The LGA will monitor this legislation and continue to work with COSLA, WLGA and NILGA to call for the freedom to work with our communities at a local level and to identify priorities that matter most to them. To achieve this we must move towards a presumption that power is transferred to the level of government closest to the people, secure and enhance the legal position of local government with a defined set of powers and responsibilities, and give greater responsibility for funding at a local level.

### **Energy Bill**

30. The Energy Bill is intended to give local communities greater powers to block onshore wind farm developments and will end subsidies for onshore wind farms from May 2016. It will give the powers to the Oil and Gas Authority to enable it to maximise the economic recovery of oil and gas from UK waters.
31. The LGA has argued that it is right that local people should have a say on development that affects their areas and the local planning system provides a democratically accountable and effective means for councils to consult local people and take decisions based on evidenced local planning policies. We will therefore monitor developments as this legislation passes through Parliament.

### **European Union Referendum Bill**

32. The European Union Referendum Bill will enable a referendum with an in-out vote on the UK's membership of the European Union before the end of 2017. Local government receives significant funding from the European Union, including through the European Structural and Investment Funds. Given the breadth of EU obligations affecting local authorities, the LGA will monitor this Bill as we have called for a more

robust, closer and structured involvement from the outset with Government Departments on EU issues involving councils, including in any renegotiation of powers.

### **Trade Unions Bill**

33. The Trade Union Bill seeks to ensure trade unions use an opt-in process for subscriptions to political parties, lifts restrictions on the use of agency staff to replace striking workers and introduces a 50 per cent voting threshold for union ballots turnouts. In addition to the 50 per cent minimum voting turnout threshold, the Bill introduces a requirement that 40 per cent of those entitled to vote must vote in favour of industrial action in certain essential public services (health, education, fire and transport).
34. The LGA believes it is vital to encourage good employment relations to create the right environment for improvements in services, better staff engagement and higher productivity. In this context, industrial action is always regrettable though the right to it is part of the background that ensures employers and unions engage constructively with each other. Consequently we will monitor this legislation as we would like reform to be the result of a period of careful, detailed consultation in order to ensure that the law is properly framed and not open to challenge and interpretation.