

## **Queen's Speech 2015**

### **Purpose of report**

For information and discussion.

### **Summary**

The Queen's Speech on 27 May set out the government's legislative agenda for the first session of the new Parliament, and contained six bills of interest to the Safer and Stronger Communities Board. This report sets out the details of these bills.

### **Recommendation**

Members are invited to note the bills in the Queen's Speech of interest to the Board.

### **Action**

Officers to incorporate members' comments and suggestions in the Board's work going forward.

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## Queen's Speech 2015

### Background

1. The Queen's Speech was delivered on 27 May, and set out the government's legislative priorities for the first session of the new Parliament. The bills of interest to the Board included the Psychoactive Substances Bill, Cities and Local Government Devolution Bill, Enterprise Bill, Extremism Bill, Investigatory Powers Bill, and Policing and Criminal Justice Bill.

### Psychoactive Substances Bill

2. The inclusion of the Psychoactive Substances Bill in the Queen's Speech is a significant lobbying success for the Board. Members will recall that following the LGA's participation in the Home Office's expert panel on new psychoactive substances (NPS), the Board called for the government to introduce a blanket ban on the sale of NPS along the lines of the legislation introduced in the Republic of Ireland in 2010. Commitments then appeared in the Conservative and Labour general election manifestos to ban the sale of NPS. Ahead of the Queen's Speech the Board Chair's call for a bill to be included in the Speech attracted media coverage.
3. The bill received its first reading on 28 May and it was published the day after and can be found here: [http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0002/lbill\\_2015-20160002\\_en\\_1.htm](http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0002/lbill_2015-20160002_en_1.htm). The bill makes it an offence to produce, supply, offer to supply, import or export a psychoactive substance. A conviction can result in up to seven years in prison. It is not an offence under the bill to have psychoactive substances for personal possession but does make it illegal to possess psychoactive substances with an intent to supply them. The definition of psychoactive substances covers any substance capable of producing a psychoactive effect by stimulating or depressing a person's central nervous system or affects their mental functioning or emotional state. As this is a very broad definition there are exemptions for alcohol, tobacco and caffeine from the definition with the Secretary of State able to amend the list of exemptions in the future.
4. The bill also creates civil tools so the police and councils can take a proportionate approach to those producing, supplying, importing or exporting psychoactive substances. Prohibition notices can be issued to people producing, supplying, importing or exporting psychoactive substances, while premises notices can be issued to anyone who owns, leases, occupies, controls or operates from a premises from which psychoactive substances are being produced, supplied, imported or exported. If the notices are ignored then the police and councils can seek prohibition or premises orders from the court. Breach of these orders is a criminal offence and can be punished by up to two years in prison, a fine or both. The bill as published gives councils the powers they have demanded to tackle the sale of NPS in their area. Subject to views from members and member authorities the focus going forward will be to support the bill through parliament and explain to parliamentarians why the legislation is needed.

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

5. The bill provides the legislative framework to deliver the devolution agreement reached with Greater Manchester, but also provides the flexibility to implement other devolution arrangements as they are agreed including in county areas. The generic provisions in the bill will allow the introduction of elected mayors for combined authority areas, and will also allow the mayor to undertake the functions of police and crime commissioner (PCC) for the area, with the term of office of the PCC being extended until the mayor is in place.
6. The Greater Manchester combined authority area is co-terminous with that of Greater Manchester Police. With other existing combined authority areas there is not a neat overlap between combined authority and police force geographies. The North East combined authority for instance covers almost all of two police force areas, while the West Yorkshire combined authority covers not just the five councils in that area but also the City of York, which is currently policed by North Yorkshire Police. Any further devolution agreements with combined authority areas will have to give consideration to the effect combining the role of PCC with the elected mayor will have on current police force boundaries.

### **Enterprise Bill**

7. This bill is designed to reduce the regulation on small businesses, making it easier to start and then grow a business. The bill will look to make regulators more transparent by compelling them to report against the better regulation requirements and also by extending the trading standards Primary Authority scheme. The Board's work in recent years on Open for Business, Rewiring Licensing and Remodelling Public Protection has been designed to ensure that regulatory work by councils supports businesses and economic growth and make it easier to set-up a new business. The Enterprise Bill provides an opportunity for the Board to press government to reform licensing as proposed in Rewiring Licensing.

### **Extremism Bill**

8. The Extremism Bill will take forward the legislative changes the Home Office has identified as being needed during the development of the Counter-Extremism Strategy, which is due to be published soon. The provisions will give the government greater powers to stop extremists promoting their views, and will include banning orders, extremism disruption orders and closure orders.
9. The banning orders will allow the Home Secretary to ban extremist groups, while the extremism disruption orders will give the police the ability to stop individuals engaging in extremist behaviour. There will also be a new power for the police and councils to close down premises used to support extremism. Other provisions will also allow employers to check whether an individual is an extremist and if necessary bar them from working with children. It is likely that the Board's focus around extremism will be on the delivery of the Counter-Extremism Strategy once it has been published.

### **Investigatory Powers Bill**

10. Following the decision in the last Parliament not to proceed with the Communications Data Bill, the government is introducing this bill to allow the police and security services to access the communications data they argue they need to be able to investigate offences and bring prosecutions as more communications take place over the internet. The Communications Data Bill would have required service providers to retain more data and make it available to the police and security services, and it is thought the Investigatory Powers Bill will do the same. This would mean providers would have to keep data on who people call, text, tweet, instant message or email, what games they play and when they post on social networks. We do not expect local authorities to be given the ability to access this data.
11. The bill will however take account of the recommendations from the report of the Independent Reviewer of Terrorism Legislation. The review examined the safeguards in place around councils' access to communications data, and the Board contributed to the review by submitting evidence, and by holding a roundtable involving the Reviewer and local authority practitioners in March. The Reviewer's report was submitted to the Prime Minister on 6 May, and the Home Office has indicated the report will be published shortly.
12. Both the bill and the report are likely to lead to further debate in the media about local authority access to communications data and the ability to conduct covert surveillance. Channel 4 News looked at the amount of surveillance conducted by councils at the end of May after the announcement that this bill would be going through Parliament. Even if the government continues to agree with the arguments the Board has previously made about why councils need access to communications data, we may have to make the case to parliamentarians more widely as the bill progresses through both houses of Parliament.

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

13. The Policing and Criminal Justice Bill will cover a range of measures designed to continue reforms to the police and criminal justice service. These include improving protection for children by introducing sanctions for professionals who fail to take action on child abuse, amending the Police and Criminal Evidence Act so 17 year olds are consistently treated as children under it, reducing the use of police cells as places of safety for those experiencing a mental health crisis, creating a presumption that suspects are released without bail unless it is necessary, strengthening the independence and extending the remit of Her Majesty's Inspectorate of Constabulary, reforming police complaints and disciplinary procedures, and reforming the Police Federation.
14. There is wider LGA interest in some of the bill's provisions as the child abuse proposals relate to work the Children and Young People's Board have done around mandatory reporting of child abuse, and the Community Wellbeing Board has done work around the Mental Health Crisis Concordat, which is designed to ensure people experiencing a mental health crisis are kept safe but also better supported by a range of agencies.

However from the Board's perspective there is little of immediate relevance to its current work programme.

### **Conclusion and next steps**

15. The focus for the Board's activity around the bills going forward will initially be on the Psychoactive Substances Bill, but the other bills will be reviewed as they are published and an assessment made as to what work, if any, is needed in relation to them. Further updates will be brought to the Board on any further work undertaken in relation to the bills.
16. Members are asked to note the bills in the Queen's Speech of interest to the Board.

### **Financial Implications**

17. There are no financial implications arising from this report.