

Other Business Report

Purpose

For information and direction.

Summary

This report provides an update on LGA policy work and developments affecting policing, community safety and regulatory services that will be of interest to the Safer and Stronger Communities Board.

Recommendation

Members are asked to note the activities outlined.

Action

Officers to progress as directed by members.

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Policing and Community Safety Update

Committee on Standards in Public Life

1. At the end of June, the Committee on Standards in Public Life published [‘Tone from the Top’](#), its final report from its inquiry into policing accountability. The inquiry looked at the governance structures in place for ensuring ethical standards in the conduct and performance of the police. It looked at the role of police and crime commissioners (PCCs), chief constables and police and crime panels. The Board submitted evidence to the inquiry and the Board’s Deputy Chair, Cllr Brett, attended one of the stakeholder roundtables held by the Committee to consider issues arising from its findings.
2. Chapter 3 of the report which looked at accountability around conduct and performance in policing devoted a section to police and crime panels. In this it looked at how effective panels are at scrutinising PCCs, and made a number of recommendations directed at panels, the Association of Police and Crime Commissioners and the LGA on how to improve the ability of panels to scrutinise PCCs. The recommendations relating to police and crime panels or directed at the LGA are set out in **Appendix A**. Officers are drawing up a work programme to address the issues and suggestions raised by the Committee around support for police and crime panels.

Counter-Extremism and Prevent

3. The new duty on councils in the Counter-Terrorism and Security Act 2015 to prevent people becoming involved in terrorism came into effect on 1 July, and a workshop on implementing the new duty was held at the LGA’s annual conference chaired by the Board’s former chair, Cllr Lucas. Delegates heard from Calderdale and Waltham Forest Councils as well as from the Quillam Foundation, an organisation dedicated to countering extremism. The Home Office has held a series of regional events to highlight the new duty and how councils and other organisations also expected to implement it can do so. Officers have also been in discussion with Communities and Local Government officials about what further support could be offered to local authorities to help in implementing the new duty.
4. With several hundred individuals estimated to have left the UK to participate in the conflict in Syria and Iraq, and the media reporting further instances of people and groups travelling to Turkey and then onto Syria over the summer, there has been cross-party agreement about the need to tackle extremists and their propaganda. The Queen’s Speech indicated an Extremism Bill would be introduced this Parliament to provide further powers to tackle extremists. Discussions have been held with officials in the new counter-extremism team in the Home Office about what provisions might be included in the Bill relevant to local authorities.
5. The Queen’s Speech also indicated there would be a Counter-Extremism Strategy launched in the autumn. Further details on what this might contain were set out in a speech the Prime Minister gave on 20 July. This identified a number of reasons why young people were drawn to extremist beliefs and organisations including the role of non-

violent extremism in radicalising people, the fact extremists are drowning out voices opposed to their views, and the lack of identity some people feel with Britain. The Prime Minister indicated the Strategy would look to address these issues by confronting extremist ideology and highlighting common values such as respect for democracy, freedom of speech, equal rights and the rule of law. He also indicated the Strategy would look to tackle non-violent extremism, empower and support those challenging extremist narratives, and build a more cohesive society. In his speech, the Prime Minister went on to announce he had asked Louise Casey to review how to boost opportunity and integration in communities, with an interim report being published early next year. This report would then inform funding for a Cohesive Communities Programme in 2016.

Domestic Abuse

6. In May 2015 the Sun newspaper, along with the charity Women's Aid, launched the 'Give Me Shelter' campaign against cuts in funding for refuges for women victims of domestic abuse since 2010, and for these services to be protected from further cuts. As the Conservative manifesto contained a commitment to protect women and girls from violence, the government responded to the campaign by announcing in the budget in July that it would set up a £3 million fund to encourage innovative approaches including refuge provision to help those suffering from domestic abuse. The budget also included an announcement that there would be a review of the funding of services for victims of violence against women and girls ahead of the Spending Review.
7. The LGA along with other stakeholders fed views into Communities and Local Government (CLG), the department responsible for administering the fund, over the summer. CLG wrote to council leaders and chief executives on 20 August inviting bids from councils in conjunction with specialist providers to fill gaps in specialist accommodation support for victims of domestic abuse. In particular CLG are looking for schemes that support local strategies, involve working across local authority boundaries and are innovative. The funding has to be spent by the end of the 2015/16 financial year, with bids submitted by 1 October.
8. As well as inviting bids CLG has also asked councils to provide information on the current provision of services for victims of domestic violence to help inform the government's review of services. This will inform the refreshed Violence Against Women and Girls (VAWG) Strategy expected in the autumn. The LGA has already provided an overview of local provision of services to CLG, and will be feeding in views to the Home Office as it prepares the VAWG Strategy.

Psychoactive Substances Bill

9. Following publication and First Reading of the Psychoactive Substances Bill in the Lords, the Board briefed peers at key stages of the Bill's passage through the House. This included producing briefings related to amendments tabled at Committee Stage, and meeting staff in the Whip's Office in the Lords to discuss the LGA's views. In June the Board's former Chair, Cllr Lucas also met Lord Bates, the Home Office Minister with responsibility for the Bill in the Lords, to explain local authorities' concerns about the sale of new psychoactive substances, and the problems they have experienced using existing legislation. Following this meeting the September edition of First magazine carries an article from Lord Bates on the Bill.

10. The Bill has now passed across to the House of Commons. Ahead of the Commons' consideration of the legislation the Home Affairs Select Committee has announced a short inquiry into psychoactive substances and the Bill to inform the Committee Stage consideration of it. A submission has been agreed by the Board's Lead Members and sent to the Select Committee, which may result in a request to give oral evidence to the Select Committee in September or October.

Victims' Code

11. The LGA responded to a Ministry of Justice consultation on its updated Victim's Code, which is being revised in line with an EU Directive on the rights of victims. MoJ sought LGA's specific views on whether the Code should extend to councils, following a suggestion from the Victim's Commissioner that trading standards should be within scope of the code.
12. Although we expressed our support for the aims of the code, we argued against the inclusion of councils in the code, on the grounds that it will create burdensome obligations relating to the rights of victims of relatively minor and sometimes technical, regulatory offences. Unfortunately, it seems likely that councils will be included within the scope of the revised code, so officers are working with officials from MoJ to reduce the impact of the code in relation to minor offences, and ensure that the new burdens created are recognised.

Communications data / Investigatory Powers Bill

13. The Independent Reviewer of Terrorism Legislation's (IRTL) review of communications data and interception powers was published in June. The Board will recall that the LGA coordinated local government's input to the review, and the final report appears helpful to councils. The IRTL emphasised that communications data is 'properly and productively' used by councils and others to combat a wide range of crimes, rather than solely in relation to issues of national security and terrorism. It also noted that to access communications data, councils have to undergo 'more elaborate' authorisation procedures than other bodies, despite 'managing large areas of responsibility with diminished resources and fewer powers than most other public authorities.' The report recommended removing the requirement for councils to seek judicial approval of requests to access communications data, praising the role of the council led National Anti-Fraud Network in overseeing requests for authorisation.
14. The IRTL recommended that the introduction of consolidated and updated laws to replace the multitude of existing powers in this area. We understand that government therefore intends to use the report as the basis for the forthcoming Investigatory Powers Bill, which we expect to be introduced to the House in early 2016 following pre-legislative scrutiny in Autumn. In preparation for this, we recently submitted a business case to the Home Office outlining local government's case for maintaining access to communications data. We are also aware that, in line with a recommendation from the IRTL, government is currently considering whether it is appropriate that certain bodies (including councils) are excluded from accessing particular subsets of communications data.

Licensing Fees

15. The Home Office has confirmed that it would still like the LGA to build the evidence base for localisation of licensing fees. Officers have drafted up a proposed workplan for surveying councils on licensing costs: in light of poor response rates to previous surveys, the workplan proposes to secure a financial adviser to support councils completing the survey. CIPFA have been approached as a potential provider of this advice.

Amendments to the Licensing Act

16. The Home Office has notified the LGA that they are expecting to amend the Licensing Act 2003 through two Bills being brought forward in the New Year. Amendments will be made to the Late-Night levy to make it simpler to introduce; these include being able to target it at a smaller geographic area, a more equal share of the money between council and PCC, and a requirement for the PCC to spend the money in the area from which it was raised. It will also be made an offence to employ an illegal worker, and doing so will be grounds for a review. The LGA is working with the Home Office to identify a simple method for checking this status which will not be burdensome or delay the licensing process.

Licensing reform

17. Cornwall Council will shortly be reporting on its work to explore the practicalities of Rewiring Licensing. The report is expected to endorse the LGA proposals and outline several key 'clusters' of licences, based on common business models, that could be created if national frameworks were suitably flexible. Cornwall will ask Government to introduce this flexibility, but has also identified a number of improvements that they can make now. The LGA will continue to work closely with Cornwall and other councils within an interest in being pathfinders.
18. The LGA has conducted a survey of councils over their ability to accept online licence applications and payments. This has been a requirement since the implementation of the EU Services Directive in 2009, but a number of councils report issues with providers. This includes the Government's Gov.Uk service which provides a free of charge service to councils that sign up. The LGA will be using the results of the survey to work with Gov.Uk and the Better Regulation Delivery Office to take forward improvements. Elements of this work are also included in the LGA's wider spending review bid to improve councils' digital services.
19. The LGA has also been conducting surveys into the value of public notices in newspapers. The LGA contends that these notices are ineffective and costly, and surveys of councils, residents and businesses are being conducted to identify the true costs of this method of communicating. There has been enthusiastic support for this position from businesses. 20 pilot areas are trialling alternative methods of keeping the public informed, under a joint scheme between the LGA and DCLG.

Institute of Licensing

20. The Institute of Licensing has published a set of principles for designing conditions imposed on licences. The document contains a shortlist of 43 template conditions which they believe cover most eventualities. This work has been produced following examples

from industry and councils of poorly drafted, unenforceable conditions and licences that run to several pages.

21. The LGA's response recognises the need for improved training on designing enforceable conditions, and welcomes the set of principles outlined in the document. However, we oppose the publication of the shortlist of conditions on the grounds that councils' discretion to respond to local issues should not be constrained and would run counter to the localised approach of the Licensing Act 2003. The response encourages the IoL to commit to ongoing training work on licensing conditions, through its publications and events.

Taxi & PHV Licensing

22. Cllr Blackburn has written to Andrew Jones, Minister for Transport, to further express our concern at the decline in quantity and quality of data shared by the police when new licences are being considered. This is counter to guidance from the National Police Chief's Council and is causing serious concern among licensing authorities. The letter asks the Minister to engage with his counterparts at the Home Office to address the issue.
23. The LGA is holding a further Taxi & PHV Conference on 16 October. This will explore changes and challenges to the licensing system. Topics covered include the rise of Uber (who will be presenting), a new database that could share intelligence between councils and the police, and disability issues (following a significant fall in the number of licensed vehicles that are accessible). The Department for Transport have also been invited to talk about their plans following the Law Commission report.

Gambling

24. Cllr Page met with the Betting and Amusement Arcade Trade Association (BACTA) to discuss issues around licensing, including views on Fixed Odds Betting Terminals. Officers held a follow up meeting to identify specific regulatory issues to feed into work to improve regulation.
25. Also on FOBTs, Newham council's Sustainable Communities Act proposal to reduce FOBT stakes to £2 was, as expected, rejected by Government in July. Newham have chosen to appeal the decision. The LGA, in its formal SCA role of selector, is responsible for considering this review. Following an appeal, the selector panel (made up of representatives of the four political groups) have four months to review the evidence, during which they can invite the council that submitted the application to give oral evidence. Having done so, the selector panel can either decline the appeal, or re-submit the proposal to the Secretary of State for review, in which case DCLG is obliged to try to reach agreement with the Panel within six months.
26. As the LGA has never managed an SCA appeal before, lead officers for the SCA are currently finalising the appeal processes, while political groups have each been asked to nominate a representative for the selector panel.
27. Councils are making progress on revising their licensing statements to reflect changes to the Gambling Commission's codes of practice, including the new requirement on operators to conduct risk assessments. This is leading to some industry challenge, as

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there is a degree of variation in how councils are approaching the issue; however, examples of issues sent in by the industry suggest that the main issue is industry disquiet with the new requirements, rather than flaws in the approach that councils are taking.

Next steps

28. Members are asked to note and comment on the issues above.

Financial Implications

29. None.