

Update paper

Purpose

For information and direction.

Summary

This report provides an update on LGA policy work and developments affecting the priorities agreed by the Safer and Stronger Communities Board.

Recommendation

Members are asked to note the activities outlined.

Action

Officers to progress as directed by members.

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 020 7664 3241
Email: mark.norris@local.gov.uk

Update Report

Licensing fees

1. The LGA/CIPFA fee survey has now been sent to all licensing authorities, with a request to complete the information by 26 February. We have written to Finance Portfolio Holders, Chief Finance Officers, and Licensing managers to ensure that we achieve high-level support for completing the survey. We would ask Board members to ensure that their council is completing the survey, and to alert us if there are any issues that arise. Additional information has been published on the Alcohol Knowledgehub, and our recently updated Fees Guidance has also been circulated. Following the close of the survey, CIPFA will analyse the results and identify a likely range of fees that would be set if local areas were to set them on a cost-recovery basis. Depending on the clarity of these findings, the LGA may conduct an in-depth look with a small group of authorities to predict actual feel levels. The Home Office and HM Treasury have advised on developing the survey and are expecting to allocate staff resources to consider the results.

Public health objective

2. The LGA surveyed all Directors of Public Health on whether a public health objective in the Licensing Act would assist their work to improve local public health. 89% of respondents agreed that there was demand for an objective within their council and that this would enhance their ability to deliver public health objectives by a great extent or a moderate extent.
3. The LGA is working with Public Health England and 8 pilot areas to identify what existing evidence could be used to submit licensing representations under a health objective; and what additional new evidence would be useful. The councils involved are Southampton; Plymouth; Durham; Leeds; Gateshead; Cornwall; Brighton; and Wigan. These are areas that have already been exploring their public health responsibilities within the licensing arena. They are due to report in May 2016. The Home Office have also included reference to consulting on a health objective as part of the new Modern Crime Prevention Strategy, which is a positive development.

APPG on Beer

4. Councillor Page represented councils at the All-Party Parliamentary Group on Beer's investigation into the impact of Reducing the Strength Schemes on the alcohol industry. This was a positive step forward on the previous hearing, to which councils were not invited to contribute. Councillor Page set out the reasons behind introducing these schemes, challenged industry on accusations of inappropriate behaviour, and identified a discrepancy between the 25 schemes that the LGA could identify and the 100 schemes that the alcohol industry claimed were in place.
5. Following the APPG, the LGA has updated its guidance on introducing these schemes to further emphasise that they should not include premium or craft products, and to refer to a recent update of its own guidance by the Competition and Market's Authority (CMA). The CMA also presented at the APPG and reiterated that there was no inherent breach

of competition law from these schemes, although care did need to be taken when establishing them.

Taxi licensing

6. The LGA has worked with Daniel Zeichner MP to table written parliamentary questions concerning the delays over the Government's response to the Law Commission's proposed reforms of taxi legislation; concerns cover the effectiveness of the new intelligence sharing system overseen by the police. The Government has responded on the first two points, saying that it will respond to the Law Commission in due course; and that the National Police Chief's Council (NPCC) is responsible for the new intelligence sharing information, and that the Home Office makes no assessment of its effectiveness.
7. We will continue to work with relevant MPs to push for an update to taxi and PHV legislation, and are seeking a new debate on the Law Commission's proposals. We will also be writing to the NPCC leads on traffic and child sexual exploitation to express our continuing concerns about the lack of intelligence sharing since the new protocol replaced the Notifiable Occupations Scheme.

Year Ahead and Trading Standards Review

8. The independent annual conference for environmental health and trading standards officers took place on 11/12 February. Councillor Worth presented at the Year Ahead 2016 on the future of the regulatory services at a local level. This discussion built on and reflected the LGA's recently published review on the future of Trading Standards Services. Ellie Greenwood also presented on learning from regulatory reviews.
9. On 27 January, the LGA also held its own [conference](#) on using regulatory services to support businesses and economic growth; and supported a workshop for communications teams on communicating with businesses. Over 30 delegates shared experiences and thoughts of using regulation to support economic growth, including having an opportunity to go through the process of setting up a pop-up shop.

Licensing Conference

10. The Annual Licensing Conference will take place on 23 February with Karen Bradley MP, the new minister responsible for alcohol, providing the opening address. The Minister's role for the first time combines drugs and alcohol policy with oversight of child sexual exploitation policy and has already led to greater visible working between the two strands. The Minister is expected to take the opportunity to provide delegates with advance information about the detail of the Modern Crime Prevention Strategy, as it relates to licensing. Other sessions will include a 10-yr evaluation of the Licensing Act, licensing fees, Cornwall's work to explore Rewiring Licensing; and ways to use the LGA's LG Inform tool to create alcohol and gambling area profiles that can be used to inform licensing policies. More than 75 delegates are expected, with an equal mix of councillors and officers.

Peer-led support

11. The LGA continues to provide bespoke licensing support to councils that request it. This has recently included the training of Lancaster City Council's taxi licensing committee;

and a peer-review of Warrington's licensing policy and processes will take place on 14/15 March. Cllr Linden will act as the peer member.

Domestic Abuse

12. The LGA will be hosting a joint event with the Department of Communities and Local Government and the Home Office at the end of the month to discuss with practitioners how the service provision for domestic abuse victims can be improved, and what support might be available at a national level to assist authorities in the future.

Emergency Planning

13. This month the LGA is running three regional workshops (Bristol, London, York) on the role of councils in meeting the challenge of dealing with a civil emergency. The workshops are designed for councillors with responsibilities in their authority and senior officers. They take a strategic look at principles and things to think about in preparing for, responding to and recovering from all types of emergencies and conclude by working through a scenario. The discussions at the workshops are also helping inform the guide for councillors to civil emergencies that is currently being developed, and which we aim to publish in mid to late March.

National FGM Centre

14. The National FGM Centre is the joint Barnardo's and LGA initiative to help improve the social care response to FGM following a successful bid to the Department of Education's Social Care Innovation funding programme. The Centre is now working in six pilot authorities with full delegated authority in one council and delegated powers in the remaining five. So far the Centre has provided advice, guidance and direct work in relation to 41 cases involving 58 girls in the authorities it is working with, and continues to deliver a range of stakeholder events and conferences. The Chair of the Board, Cllr Blackburn, Cllr Brett as the Board's champion with responsibility for FGM, and Javed Khan, Chief Executive of Barnardo's wrote to the relevant Minister at the Department of Education along with the Chair of the Children and Young People's Board in December to outline the work it has been undertaking and the benefits of continued support from the Department for the Centre in 2016/17.

Police and Crime Commissioners

15. At the start of February the Home Secretary gave a speech on the achievements of the first generation of police and crime commissioners (PCCs). The speech set out how the Home Secretary would like to see the role of the PCC expanded. This included looking with the Ministry of Justice at what role PCCs could play in the wider criminal justice system for example around youth justice, probation and court services and to possibly involve PCCs in setting up alternative provision free schools to support troubled children to prevent them falling into a life of crime. After the PCC elections in May the government will set out in more detail what it proposes to do.
16. A training event for police and crime panel members and officers will be held on 14 March at the LGA. As well as looking at the issues panels will face in building relationships with new PCCs after the elections, along with proposals from the Home Office to change the regulations around the handling of complaints against PCCs and

sharing experiences over the last year, the event will also consider what the possible expansion of the role of PCCs will mean for police and crime panels.

Policing and Crime Bill

17. The Policing and Crime Bill was published and given its first reading in the House of Commons on 10 February. It contains a range of provisions including the ability for PCCs to take over responsibility for handling complaints from the chief constable, creates a list of barred police officers and civilian staff, expands the list of powers that chief constables can give to Police Community Support Officers and support staff (other than the powers that can only be exercised by a constable), gives the Home Secretary the power to specify police ranks, makes changes to the Police and Criminal Evidence Act, and specifies terms and conditions for deputy PCCs to avoid a repeat of the issues encountered in the West Midlands following the death in office of the PCC.
18. The Bill also includes a section on licensing, which make changes to the Licensing Act 2003. These extend the definition of alcohol to include powered and vaporised alcohol, clarify the interim steps than can be taken while a fast track review of a premises is being conducted, give councils the ability to revoke personal licences where the licence holder is convicted of a relevant offence, update the list of relevant offences, and remove the requirement on government to lay any guidance related to the 2003 Act before Parliament.
19. Additionally the Bill makes changes to fire governance to allow PCCs to take on responsibility for the fire and rescue service. This will only take place where the PCC submits a proposal to the Secretary of State and the Secretary of State agree it is in the interests of economy, efficiency, effectiveness and public safety to do so. Where the PCC does not take on governance for the fire and rescue service they can be given a place on the Fire and Rescue Authority (FRA) where they request it, though the council(s) involved can refuse the request. If the PCC's request is agreed to the PCC would be able to attend, speak and vote at FRA meetings or council meetings (including executive meetings) where the business relates to the functions of the FRA. Provisions are included in the Bill to enable police and crime panels to scrutinise PCC's around fire governance where they take on this role. In London the Fire and Emergency Planning Authority will be abolished and its functions transferred to the London Fire Commissioner who will be held to account by a Deputy Mayor. The Bill will also allow the police, the ambulance service and the fire service to enter into collaboration agreements. A paper on the fire governance provisions will be considered at the March meeting of the Fire Services Management Committee.

Prevent and Counter-Extremism

20. Following the discussion at the December Board meeting about the review Louise Casey is conducting into integration, a letter was sent by the review team to councils and the LGA in December inviting submissions to the review. The Board sent in a submission in time for the review's January deadline. Louise Casey will be attending the LGA's Councillors' Forum in March to talk about the review.
21. The Board's Chair, Cllr Blackburn, meet the Security Minister, the Rt. Hon. John Hayes MP, earlier in the month to discuss the role that councillors can play in the Prevent agenda, and how central and local government could work more closely on countering

extremism. As a result of the meeting the LGA and Home Office will be considering what more could be done to assist councils in their work around counter-extremism, and how councillors could be better supported.

Psychoactive Substances Act

22. The Psychoactive Substances Bill received Royal Assent at the end of January. As members will recall the Board lobbied for greater powers for local authorities and partners to be able to tackle the sale of 'legal highs'. The Act prohibits the sale of psychoactive substances and introduces a range of civil powers to allow the police and local authorities to take a graded response to the supply, production and import and export of psychoactive substances. These powers include the ability to issue prohibition and premises notices and apply to court for orders to enforce these notices. Local partners will therefore have greater ability to prevent headshops from selling psychoactive substances as a result. It is expected that the Act will come into force on 6 April 2016. Officers are involved with the implementation group the Home Office has established to prepare for the introduction of the new legislation, and will be producing an overarching guide to the Act as well as more technical guidance for council officers.

Next steps

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

Financial Implications

24. None.