

## Queen's Speech 2016

### Purpose of the Report

For direction.

### Summary

This report updates the Leadership Board on the Queen's Speech - setting out the key legislation affecting local government in the 2016 Queen's Speech - and seeks approval on the Bills the LGA should prioritise for the purpose of its lobbying.

### Recommendation

That the LGA Leadership Board approve the suggested priority Bills for the LGA in the 2016/17 parliamentary session. This will identify where our resources should be focused to ensure we deliver the best possible outcomes for local government.

### 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 feedback from our Boards, and following 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 campaigns at each stage of the Bill's passage through Parliament, work with our network of 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, we will ensure, through constructive engagement with officials, the Bill does not negatively impact on local government. These Bills will be managed under the medium profile category as our engagement is usually limited to advising on the detail of the Bill. 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 do not require more active participation and lobbying by the LGA.
2. Set out below is the proposed prioritisation of the legislation that has been identified as being of interest to local government.

Priority		
High profile engagement	Medium profile engagement	Monitoring
Buses Services Bill	Counter-Extremism and Safeguarding Bill	Criminal Finances Bill
Children and Social Work Bill	Digital Economy Bill	Investigatory Powers Bill
Education for All Bill	National Citizens Service Bill	Modern Transport Bill
Local Growth and Jobs Bill		Modern Transport Bill
Policing and Crime Bill		NHS Overseas Charging Bill
Neighbourhood Planning and Infrastructure Bill		Prison and Courts Reform Bill

Priority		
High profile engagement	Medium profile engagement	Monitoring
		Soft Drinks Industry Levy
		Wales Bill

## High Profile engagement

### Bus Services Bill

- The Bus Services Bill will give elected mayors and local transport authorities the power to improve bus services for the people who use them. Mayoral combined authorities would be given London-style powers to franchise local services. Data about routes, fares and times would be made available across the country to developers of apps to give passengers better information about how to make the most of local bus services.
- Following a previous steer by Leadership Board, it is recommended the LGA work on this as a high profile Bill as it is an opportunity to highlight the need for local areas to take responsibility for bus services through the option of franchising. We will call for this option to be given to all local authorities who wish to improve bus services in towns, villages and rural areas that are poorly served at present. It is important that all councils, regardless of whether they are part of a combined authority or have a Mayor, also have access to franchising powers. We will call for local government, rather than the Secretary of State, to be given the power to agree franchising bids. Greater access to buses data will also help local people to access vital services.
- We will also highlight how, to be fully effective, the option to franchise needs to go hand-in-hand with the devolution of bus subsidies, a commitment to fully fund concessionary fares and effective traffic management powers.

### Children and Social Work Bill

- The Children and Social Work Bill includes measures to boost adoption rates by requiring courts and social workers to take account of a child's need for stability up to the age of 18, extend personal adviser support for care leavers up to the age of 25, require councils to consult on and publish a local offer for care leavers, establish a new specialist regulator for social work, and allow local authorities to pilot new, innovative approaches to children's social care.
- It is recommended that the legislation be a high priority for the LGA as this will have an impact on councils. We will highlight how many of the provisions outlined have the potential to support the good work already taking place in local authorities across the country, and could make a real difference to the lives of vulnerable children and young people. It will also be important to highlight that adoption is not right for every child and the need for support for care leavers to be fully funded. Improving the regulation of social workers will increase public confidence in the profession. However, we will make the points that any changes should not be overly bureaucratic so as to avoid deterring people from the social work profession and any new burdens on local government should be funded.

### **Education for All Bill**

8. The Education for All Bill will end the statutory role of councils in school improvement by removing their duty to promote high educational standards in local schools. It will give the Secretary of State new powers to force all schools in a council area to become academies if she considers that the council is underperforming or unviable in its support for local schools and will take forward other proposals in the Education White Paper. It will implement the Government's manifesto commitment to make school funding fairer.
9. We will use this Bill to continue to highlight our opposition to any forced academisation. We will make the case that councils are amongst the country's most effective education leaders as evidenced by the 81 per cent of council maintained schools rated by Ofsted as Good or Outstanding, compared to 73 per cent of academies and 79 per cent of free schools. The Bill is also an opportunity for the LGA to raise our concerns that Regional School Commissioners (RSCs) may lack the capacity and local knowledge of each individual commissioner to hold more than 2,500 schools to account effectively.

### **Local Growth and Jobs Bill**

10. The Local Growth and Jobs Bill will provide the framework to underpin the move to full collective retention of business rates by English local government. It will legislate for the set of responsibilities that will be devolved to local authorities as a result of the reforms. The Bill would give the ability to combined authority mayors to levy a supplement on business rates bills to fund new infrastructure projects, provided they have the support of the business community through the Local Enterprise Partnership.
11. This Bill is a high priority for us as the move towards local government as a whole keeping 100 per cent of its business rates income is something the LGA has called for on behalf of councils. Our advocacy on the legislation will support the LGA's work with the Government to ensure the new system works effectively and maximises the potential it offers to local communities and businesses.
12. We will also use the Bill to make the point that it is absolutely crucial that the amount of extra business rates income kept by councils matches the cost now and in the future of any new responsibilities or transferred grants they agree to take on. It will also be an important opportunity for us to highlight our call for the reform of the appeals system.

### **Policing and Crime Bill**

13. The Policing and Crime Bill is a carryover Bill that requires emergency services to collaborate, makes provision for a Police and Crime Commissioner (PCC) to take responsibility for the Fire and Rescue Service (FRS) in their area and to create a single employer for police and fire. Where PCCs do not take over FRS responsibility, the Bill enables a PCC to be represented on an FRA (outside London) with voting rights, where the FRA agrees. The Bill also amends the definition of alcohol to cover powdered alcohol and extends the powers of councils to suspend or revoke personal licences. The Bill includes provisions to reduce the use of police cells as places of

safety for people with mental health problems. The Bill is about to move to the House of Lords having completed its passage through the Commons.

14. The Policing and Crime Bill will continue to be a priority for the LGA as we will make the case that Fire and Rescue Authorities have been collaborating with other emergency services for a long time and further progress is being made. There is therefore no need to compel services to collaborate. We will also argue that PCCs should only take on responsibility for their FRS where this has been agreed by the relevant Fire and Rescue Authority.

### **Neighbourhood Planning and Infrastructure Bill**

15. The Neighbourhood Planning and Infrastructure Bill will legislate to establish the independent National Infrastructure Commission on a statutory basis, to further strengthen neighbourhood planning, to alter pre-commencement planning conditions processes, and to make the compulsory purchase order process clearer. The Bill will also take the Land Registry out of public ownership from 2017.
16. This Bill is recommended as a high priority as it presents an opportunity to highlight how councils are responding positively to neighbourhood planning and are engaging and providing support accordingly. We will also make the case that the Bill provides an opportunity to introduce stronger compulsory purchase powers where planning permissions have expired and development has not commenced.
17. Elsewhere in the Bill, we have already supported the creation of the National Infrastructure Commission (NIC) and the potential it has to provide an independent and long-term articulation of the country's strategic infrastructure. We will also highlight that the Land Registry has a high customer satisfaction rate and has returned money to HM Treasury. Therefore measures to reform its status and operations must continue to ensure the quality and comprehensive nature of the data it holds.

### **Medium profile engagement**

#### **Counter-Extremism and Safeguarding Bill**

18. The Counter-Extremism and Safeguarding Bill will introduce a new civil order regime to restrict extremist activity, and introduce powers to intervene in unregulated education settings which teach hate. The Government will also consult on introducing powers to intervene where councils fail to tackle extremism, and will consider the need for further legislation following the publication of government adviser Louise Casey's review into integration.
19. Local authorities work closely with the Government to tackle extremism and have built up considerable experience in dealing with extremism and its impact on communities. The Government should assist councils in sharing existing good practice rather than consult on the need for new powers of intervention. Further legal powers will assist in tackling some extremist individuals and organisations and protecting communities from them. However, preventing people from being radicalised and engaging in extremist activity means understanding and building relations with communities, better

understanding of the reasons why some people are vulnerable to radicalisation, and what can be done to make them more resilient to extremist views and propaganda.

20. It is recommended we work with the Government to highlight the need for a sustained programme of work over time by local partners as they know and understand the areas they are working in. The LGA will make the point that powers and responsibilities should be devolved to give multi-agency arrangements the freedom and flexibility to respond to local circumstances.

### **Digital Economy Bill**

21. The Digital Economy Bill will seek to modernise the climate for enterprise, making sure Britain remains at the forefront of the global 21st century economy. It will include giving every household and business a legal right to a fast broadband connection; new laws to help telecommunications providers build the infrastructure needed for faster broadband and better mobile networks; allowing consumers to be automatically compensated when things go wrong with their broadband service; and reforms the way the Government uses data to deliver public services.
22. It is recommended that this Bill be categorised as medium profile as we lobbied for and secured a commitment to create a broadband Universal Service Obligation (USO) as a safety net for those residents and businesses with poor connectivity; and we will continue to work with the Government and Ofcom on the detail. We will argue that to ensure the new national minimum standard keeps pace with average speeds across the country, the USO minimum download speed should be defined as a percentage of the national average.
23. The Bill is a further opportunity to make the point that it is important commercial operators work in partnership with councils, who maintain the best overview of local areas' digital connectivity needs, to find the most viable locations for new infrastructure and ensure communities are properly engaged. We also welcome moves to allow consumers to receive compensation when their broadband services are below standard. As a minimum, residents and businesses need to be supplied with adequate and reliable speeds that allow them to access 'digital by default' public services – like Universal Credit, or renewing a driving licence – at peak times. We will seek clarification on how a connection's performance will be judged, and will push for the compensation process to be simple with an obligation on providers to resolve issues.

### **National Citizen Service Bill**

24. This National Citizen Service Bill will create a new statutory framework to deliver an expanded National Citizen Service, and place a duty on secondary schools and local authorities to promote the legislation to young people and their parents.
25. The National Citizen Service is a good scheme that provides positive experiences for many children and young people (the Government is proposing to allocate £1.1 billion in funding for it over the course of this Parliament). With many local services under pressure since 2010 following substantial reductions to local government funding, we will make the point that it is vital that money to run the scheme should not be at the expense of local services for young people. We will also make the point that if local authorities are to actively promote the legislation, it is essential that there is a

reciprocal duty on providers to engage with local authorities, including a duty to share relevant data.

## **Monitoring**

### **Criminal Finances Bill**

26. The Criminal Finances Bill will reform the law on recovering the proceeds of crime by implementing a more effective regime to support reporting of suspicious financial activity, making it easier to seize illicit funds, and to improve coordination between the public and private sectors to tackle criminal financial behaviour.
27. The LGA will monitor the Bill as it is passed by Parliament as local authority trading standards officers, as well as teams involved in licensing, planning and environmental health, actively use the Proceeds of Crime Act to recover money from criminal activity. The proceeds recovered are then used to compensate victims as well as invested in further enforcement and investigation activity. We will also make the point that, in addition to increasing the ability of those law enforcement agencies that make greater use of the proceeds of crime legislation to recover criminal assets, the Bill should make it easier for local authorities to recover the proceeds of crime from offenders more effectively.

### **Investigatory Powers Bill**

28. The Investigatory Powers Bill carries over from the last parliamentary session. It sets out a number of measures about the interception of communications, equipment interference and the acquisition and retention of communications data. In particular for councils, it puts forward measures to increase oversight of access to, and use of, communications data.
29. We will continue to support the safeguards identified as an important means of ensuring public confidence. We are however calling for the process of judicial authorisation to be simplified so that it does not hinder appropriate use of communications data by councils. We will also make the point that local authorities have an important role in protecting consumers and businesses from fraud and similar types of criminal activity. Although they are not the main users of communications data, teams within councils, such as trading standards, use communications data to tackle a range of criminal activity like rogue traders and loan sharks, who prey on the most vulnerable in society.

### **Modern Transport Bill**

30. The Modern Transport Bill will put in place the conditions to ensure the UK is at the forefront of innovation development of new forms of transport, including driverless and autonomous vehicles.
31. We will monitor developments with this Bill as it is important that UK industry should be supported to play a leading role in the research and development of new technologies and innovations that will improve our transport system. We have however made the point that before tackling the implications of new technology, the Government should

address the reliance on the out of date legislation governing taxi and private hire vehicles (PHVs).

### **NHS (Overseas Visitors Charging) Bill**

32. The NHS (Overseas Visitors Charging) Bill will introduce measures to extend the rules on charging migrants and overseas visitors for NHS treatment to ensure that cost recovery is effective and efficient and the full cost of care is recovered. We will monitor this Bill and make the point that councils provide accommodation and financial assistance to destitute migrant families. In order to avoid further pressures on local authorities, those changes that affect local government should be fully funded.

### **Prison and Courts Reform Bill**

33. The Prison and Courts Reform Bill will reform the way prisons are managed to ensure there is a greater emphasis on rehabilitating offenders, with governors given greater freedom in the running of their prisons. It will also reform courts and tribunals to deliver faster and fairer justice by making better use of technology and modernising working practices.
34. We will monitor this legislation as we have long argued that prison is not effective in rehabilitating offenders. A greater emphasis on rehabilitation and supporting offenders out of a life of crime will help reduce crime rates further and make communities safer.

### **Soft Drinks Industry Levy**

35. The Finance Bill 2017 will include a new soft drinks levy targeted at producers and importers of soft drinks that contain added sugar. The levy will come into effect from April 2018.
36. We will monitor developments as childhood obesity is a serious public health challenge and councils have called for measures to be introduced to tackle the sugar content of soft drinks. We will continue to make the point that local government has already been active in tackling child obesity as evidenced the increase in innovative prevention programmes following the transfer of responsibility for public health in 2013 to councils.

### **The Wales Bill**

37. The Wales Bill seeks to grant the Welsh Assembly additional powers over energy, transport, the environment, and National Assembly and local elections. The LGA will monitor this legislation as we are working together 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.