

Queen's Speech / Legislative Update

Purpose

For discussion and direction.

Summary

The Queen's Speech on 18 May set out the government's legislative agenda for the next session of Parliament, and contained five bills of interest to the Safer and Stronger Communities Board. This report sets out the details of these bills.

Recommendation

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

Action

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

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Queen's Speech / Legislative Update

Background

1. The Queen's Speech on 18 May set out the government's legislative agenda for the next session of Parliament, and contained five bills of interest to the Safer and Stronger Communities Board: The Counter-Extremism and Safeguarding Bill; the Criminal Finances Bill; the Investigatory Powers Bill; the Policing and Crime Bill; and the Prisons and Courts Bill.

Counter-Extremism and Safeguarding Bill

2. An Extremism Bill was announced in the Queen's Speech in 2015 to implement the legislative changes the Home Office identified as being needed during the development of the Counter-Extremism Strategy. However due to the priority given to the Investigatory Powers Bill, this Bill was not brought before Parliament. Although the name of the Bill has changed the substantive provisions are not expected to have altered.
3. In addition to the banning order and extremism disruption orders announced as being in the Bill last year, it will introduce powers to intervene in unregulated education settings which teach hate. This will include stronger powers for the Disclosure and Barring Service. The Bill is also intended to give OFCOM new powers over internet-streamed television content from outside the EU, while the government will consider the need for further legislation following the publication of Louise Casey's review into integration.
4. For the LGA the most significant proposal related to the Bill is likely to be the Government's intention to consult on introducing powers to intervene where councils fail to tackle extremism. The LGA has called for the Government to assist councils in sharing existing good practice and to ensure they councils have the resources they need to build local capacity to counter extremist activity, rather than consult on the need for new powers of intervention. When the consultation has been published the Board's views will be sought on the LGA's response.

Criminal Finances Bill

5. The Bill is designed to allow more criminal assets to be recouped and to tackle money laundering and corruption. It 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.
6. The LGA has already pointed out that 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 criminals have gained through

consumer fraud, car cloning, selling counterfeit goods and doorstep crimes and scams, as well the increasing number of crimes committed through the internet. These proceeds are then used to compensate victims as well invested in further enforcement and investigation activity. The Bill will be monitored to see whether it has any implications for councils' ability to recover assets under the Proceeds of Crime Act.

Investigatory Powers Bill

7. This is a carryover Bill that the Board received an update on at its last meeting when discussing the impact of cyber-crime on councils and the communities they serve. The Bill 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.
8. Councils will remain subject to more stringent oversight than any other body accessing communications data due to the requirement for them to seek judicial authorisation before accessing communications data.
9. 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 such as rogue traders and loan sharks.
10. The LGA supports the safeguards identified as an important means of ensuring public confidence, but is calling for the process of judicial authorisation to be simplified so that it does not hinder appropriate use of communications data by councils. The Bill has progressed through the Committee stage in the House of Commons without any changes to the provisions relating to councils access to communications data. The LGA will therefore continue to monitor the progress of the Bill in case any amendments are made to it which would impact on councils.

Policing and Crime Bill

11. This is another carryover Bill, which is now about to move to the House of Lords, and members will recall they received an update on it at the last Board meeting. It requires the 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, subject to a local business case being made 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.
12. The LGA has lobbied on these provisions previously, including arranging for amendments to be tabled following discussion at Fire Services Management Committee, and is represented on a PCC chief executives' working group devising a model business case. The LGA has argued that there is no need to compel services to collaborate and PCCs, who have not been elected with a mandate to run FRS, should only take on responsibility for their FRS where this has been agreed by the Fire and Rescue Authority and that business cases need to consider the costs and benefits to the whole affected area.

13. 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 LGA supports extended powers to revoke licences, as this will enable councils to take prompt action to ensure that people convicted of relevant criminal activity are unable to authorise the sale of alcohol. However, we have argued that further reform of the Licensing Act and other licensing regimes is needed to enhance councils' abilities to protect the public whilst supporting responsible businesses to operate on a level playing field.

Prison and Courts Reform Bill

14. This Bill aims to reform prisons to ensure they are places of rehabilitation. Governors will be given the freedom to improve the education, healthcare and security, as well as the life chances of prisoners. The Bill will also reform courts and tribunals so they deliver faster and fairer justice. From the Board's perspective it seems there will be little of immediate relevance to its current work programme in the Bill, but it will be reviewed on publication to ensure this is the case.

Next steps

15. The focus for the LGA's activity going forward will continue to be around the Policing and Crime Bill. The LGA will also review the provisions in the Counter-Extremism and Safeguarding Bill when it is published to gauge the impact on local authorities. Further updates will be brought to the Board as these bills make their way through Parliament.
16. Members are asked to note the bills in the Queen's Speech of interest to the Board.

Financial Implications

17. None.