

Local Government Association

Queen's Speech - On the Day Briefing

18 May 2016



Introduction

The Queen has today set out the Government's agenda for the next parliamentary session. This paper details the new Bills announced today that the Government intends to bring forward and which will be of relevance to local government. [Further details of today's Queen's Speech can be found here.](#)

LGA key messages:

- Making decisions at a more local level will bring about huge economic and social benefits. It is positive that this is reflected in many of the Bills outlined in the Queen's Speech today, including in the Bus Services Bill and the Local Growth and Jobs Bill.
- **Transport:** Bus services are a lifeline for many communities in rural areas and provide a vital alternative transport choice in urban areas. The ability for all local areas to take responsibility for bus services through the option of franchising and stronger partnership arrangements will be a useful tool for rural communities facing isolation from vital services and councils struggling to avoid gridlock on their roads in the face of an estimated up to 55 per cent increase in local traffic by 2040.
- **Children's services:** Councils are committed to improving children and young people's experience of the care system. 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. However, adoption is not right for every child. The ongoing focus on adoption must not distract from the importance of other types of long and short-term care for vulnerable children.
- **Digital economy:** The LGA welcomes the creation of a broadband Universal Service Obligation as a safety net for those residents and businesses with poor connectivity, and will work with Government and Ofcom. Building the physical infrastructure required to support excellent mobile and broadband coverage across the country is key to ensuring all residents have access to top quality digital connectivity, especially in some of the country's most rural areas. It is important commercial operators work in partnership with councils, who maintain the best overview of local areas' digital connectivity needs.
- **Education:** The LGA remains opposed to any forced academisation. Councils are among the country's most effective education leaders with 81 per cent of council maintained schools rated by Ofsted as Good or Outstanding, compared to 73 per cent of academies. Only a handful of Multi-Academy Trusts currently maintain more than 10 sponsored academies, compared to councils, which maintain large numbers of schools with significant experience and expertise. Greater clarity is needed as to in what circumstances councils will be considered underperforming or unviable to maintain schools.

Briefing

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- **Local government finance:** The move towards local government as a whole keeping 100 per cent of its business rates income is something councils have called for. We are working alongside the Government to ensure the voice of local government is central to ensuring the new system works effectively and maximises the potential it offers to local communities and businesses. It is 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.
- **Stronger, safer communities:** Councils have been actively working to reduce the impact of extremist activity on communities and individuals, while Fire and Rescue Authorities (FRAs) are already collaborating extensively with the other emergency services. Rather than looking at additional powers to intervene in councils' work to counter extremism, or change the governance of the Fire and Rescue Service, the government should be supporting councils in sharing good practice and building capacity, and by providing the resources they need to tackle extremism and protect communities.

Bills announced which are relevant to local government:

For further information on any of these Bills, please contact the [LGA public affairs team](#).

Bus Services Bill

The Bill will allow 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.

LGA view:

- The ability for local areas to take responsibility for bus services through the option of franchising will be a useful tool for councils struggling to avoid gridlock on their roads in the face of an estimated up to 55 per cent increase in local traffic by 2040.
- However, this option is needed for all local authorities who wish to improve bus services in towns, villages and rural areas that are poorly served at present. It should not depend on having a directly-elected mayor. Greater access to buses data will help local people to access vital services.
- 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. We look forward to working with the Government to ensure that the new legislation is beneficial to all areas of the country.

Children and Social Work Bill

The Bill will include 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.

LGA view:

- Councils are committed to improving children and young people's experience of the care system. 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.
- The Government's determination to drive longer term decision-making through the court system is encouraging, as the recent decline in the number of children adopted from care will only be tackled through close working between social workers and the judiciary.
- Adoption is not right for every child. It is important to be clear that many children and young people have a very positive experience of the care system. Research shows that the love and support of foster families, kinship carers or residential care workers can help children in their education outcomes and emotional wellbeing. The ongoing focus on adoption must not distract from the importance of other types of long and short-term care for vulnerable children.
- Proposals to provide clear, consistent support to young people leaving care by producing a local offer and extending personal adviser support until the age of 25 is supported by councils, but this must be fully funded.
- Improving regulation of social workers will increase public confidence in the profession and engender a sense of pride in the many highly-talented social workers. However we need to ensure this is not overly bureaucratic and doesn't deter new recruits or existing staff from remaining in social work. This is also an excellent opportunity to align the new system with DBS record checks so time is not wasted on repeating lengthy checks that can take months to complete.
- The LGA view is that similar consideration should be given to development of any standards for social workers in adult social care, and the LGA is keen to be involved. The LGA would also offer our support in the assessment of the impact of regulation on recruitment, retention and resources, given current pressures on the adult social care system.
- We are clear that the expertise to deliver high quality children's services is primarily concentrated within local authorities, and it is encouraging that the Government will allow greater flexibility on children's social care services for those areas that want to do things differently.

Counter-Extremism and Safeguarding Bill

The 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.

LGA view:

- Local authorities are united with the Government in tackling extremism and have built up considerable experience in dealing with extremism and its impact on communities. The Government needs to assist councils in sharing existing good practice rather than consult on the need for new powers of intervention. Local authorities should have the resources they need to build local capacity to counter extremist activity.
- 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 reasons why some people are vulnerable to radicalisation, and what can be done to make them more resilient to extremist views and propaganda.
- This requires sustained work over time by local partners who know and understand the areas they are working in, with powers and responsibilities being devolved down to give multi-agency arrangements the freedom and flexibility to respond to local circumstances.

Digital Economy Bill

This Bill will modernise our 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; reforming the way the Government uses data to deliver public services.

LGA view:

- The LGA welcomes the creation of a broadband Universal Service Obligation (USO) as a safety net for those residents and businesses with poor connectivity, and will continue to work with the Government and Ofcom. 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.
- Building the physical infrastructure required to support excellent mobile and broadband coverage across the country is key to ensuring all residents have access to 21st century digital connectivity, especially in some of the country's most rural areas. 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, and the reform of the Electronic Communications Code should encourage this.
- The LGA welcomes moves to allow for 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. The LGA 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 quickly.

- Effective sharing of information is essential for the delivery of smarter, joined-up public services. Councils are leading on the use of customer insight and intelligence to better understand the needs of customers and communities to better design local public services. The LGA is also liaising closely with the Centre of Excellence for Information Sharing which works with local authorities to overcome some of the cultural barriers to information sharing in organisations. A legislative framework will provide some of the legal backing for sharing data, the lack of which often leads to uncertainty in local authorities about what can and cannot be shared.

Education for All Bill

This 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.

LGA view:

- The LGA remains opposed to any forced academisation. Councils are among the country's most effective education leaders with 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.
- Only a handful of Multi-Academy Trusts currently maintain more than 10 sponsored academies, compared to councils, which maintain large numbers of schools with significant experience and expertise. In addition, councils will continue working with all schools to deliver the education needed by individual communities, from making sure every child has a suitable school place, to protecting vulnerable children. Greater clarity is needed as to in what circumstances councils will be considered underperforming or unviable to maintain schools.
- If the statutory role of councils in school improvement ends, parents will have to raise any problems with remote Regional Schools Commissioners (RSCs). We have serious concerns about the capacity and local knowledge of each individual commissioner to hold more than 2,500 schools to account effectively, particularly when each RSC already has between 53 and 133 failing academies to turn around. The LGA opposes the transfer of significant powers relating to education to unelected civil servants. Councils must be allowed to work with RSCs to drive up education standards in their areas.
- The LGA supports the principle of fair funding. However, we are concerned that a single formula can never be sophisticated enough to cope with all local variations in costs. An element of local discretion and local discussion between schools and councils is essential to cope with the different challenges faced by different areas.

Investigatory Powers Bill

This is a carryover Bill that 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.

- 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. 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.
- 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.
- [The LGA's previous briefings can be found online.](#)

Local Growth and Jobs Bill

With this Bill, the Government 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.

LGA view:

- The move towards local government as a whole keeping 100 per cent of its business rates income is something local government has called for. We are working alongside the Government to ensure the new system works effectively and maximises the potential it offers to local communities and businesses.
- The Government wants the additional retained business rates income to be used by councils to pay for a range of new responsibilities that are still to be decided and to replace current government grant funding to run specific services, such as public health. This will coincide with core government funding to councils being phased out completely.
- It is therefore 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. The Government also needs to consider allowing councils to use some of the extra business rates income to plug existing funding gaps or ease some of long-term financial challenges they face.
- Almost 900,000 businesses have challenged their business rates bill since 2010, which has led to councils making provisions of at least £1.75 billion to cover the risk of these appeals and resultant backdated refunds - of which they have to cover half the cost of at present.

- Once the reform is completed, local government could be liable for 100 per cent of refunds. Urgent reform of the appeals system is needed so councils can use the money set aside to cover the risk of these appeals to invest in vital local services.
- The LGA view is that all councils should be able to raise a levy on business rates, not just mayoral combined authorities.

Neighbourhood Planning and Infrastructure Bill

The Government 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.

LGA view:

- Local government supports the national drive to build more homes. It is crucial to increase the supply of the range of different tenures that meet the different needs of local communities, which includes affordable homes to rent as well as buy.
- Councils are responding positively to neighbourhood planning and are engaging and providing support accordingly. We support the intention to improve the process for reviewing and updating neighbourhood plans and any additional requirements on councils should be fully funded.
- Planning conditions allow planning permissions to go ahead which would otherwise have to be refused or be delayed while the details are worked out. Conditions can save developers time and money as they do not need to invest in detailed submissions until the principle of the development is granted.
- Compulsory purchase powers are an important tool available to councils for assembling the land needed to help deliver growth. We welcome the ambition to further streamline the process and have called for councils to be able to acquire land at closer to existing use value to capture more uplift in land value for infrastructure and community benefits. The Bill provides an opportunity to introduce stronger compulsory purchase powers where planning permissions have expired and development has not commenced
- The LGA welcomes 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. In particular, councils welcome that, for the first time, there will be an evidence-based assessment and recommendations which will inform public debate and government decisions. Early and effective engagement with local authorities will enable the NIC to set out robust recommendations and reach its full potential.
- The Land Registry records the ownership of land and property in England and Wales. It also produces data on house prices and transactions of use to policy makers. The Land Registry has a high customer satisfaction rate and has returned money to HM Treasury. Measures to reform its status and operations must continue to ensure the quality and comprehensive nature of the data it holds.

Policing and Crime Bill

This 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.

LGA view:

- Fire and Rescue Authorities have been collaborating with other emergency services for a long time and further progress is being made. There is no need to compel services to collaborate.
- 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. PCC take-overs could involve a lengthy bureaucratic process (for example, through the need to alter the boundaries of PCC/FRS areas), which do not deliver worthwhile improvements over what can be achieved through collaboration. Business cases need to consider the costs and benefits to the whole affected area.
- Extending the power to revoke licences 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, 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.
- Equally important to better mental health provision for individuals in the criminal justice system is the availability of step-down services once they leave the system, which are provided by local authorities. As such, a whole-system and sustainable approach to the support and funding of mental health services across the NHS, criminal justice system and local authorities is essential to ensuring individuals with mental health concerns are supported throughout their lives.
- [The LGA's previous parliamentary briefings can be found online.](#)

National Citizen Service Bill

This Bill will create a new statutory framework to deliver an expanded National Citizen Service (NCS), and place a duty on secondary schools and local authorities to promote the NCS to young people and their parents.

LGA view:

- The National Citizen Service Bill makes a clear statement about the value of youth services, and underlines the Government's commitment to boosting the engagement of young people in positive activities.

- 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 cuts to local government funding, it is vital that money to run the NCS should not be at the expense of local services for young people. Councils – who know their communities best – must be able to provide services tailored to local needs.
- If local authorities are to actively promote the NCS, it is essential that there is a reciprocal duty on providers to engage with local authorities, including a duty to share relevant data, to make sure that promotion is effectively targeted to meet local needs.

Soft Drinks Industry Levy

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. This is one of the key steps in the Government's childhood obesity strategy.

LGA view:

- Childhood obesity has been described as one of the most serious public health challenges for the 21st century by the World Health Organization, and councils have called for measures to be introduced to tackle the sugar content of soft drinks as this can help fight child obesity.
- Local government has already been very active in tackling child obesity. The transfer of responsibility for public health in 2013 to councils has sparked a surge in innovative programmes. From working with children who are obese and overweight to encouraging children to cut their consumption of sugary drinks and fatty food, local authorities are showing how child obesity can be tackled. Raising awareness, generating public debate, working with communities, schools and businesses and using local government functions can all help to make communities a healthier one for children and young people.
- Councils are committed to supporting families to live healthier lives.

Other Bills and measures of interest:

Criminal Finances Bill

The 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.

LGA view:

- 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 clocking, selling counterfeit goods and doorstep crimes and scams, as well the increasing number of crimes committed through the internet. The proceeds recovered are then used to compensate victims as well invested in further enforcement and investigation activity.

- 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 also make it easier for local authorities to recover the proceeds of crime from offenders more effectively.

Modern Transport Bill

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.

LGA view:

- It is right 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.
- However, before tacking the implications of new technology the Government should address the reliance on Victorian legislation which predating the invention of car engines to oversee taxi and private hire vehicles (PHVs).
- Taxis and PHVs are a critical component of our transport system. With businesses already exploring the opportunities afforded by driverless vehicles in this area, it is vital that government works with councils and the licensed trade to bring forward new legislation for taxi and private hire vehicles at the next opportunity.

NHS (Overseas Visitors Charging) Bill

The 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.

LGA view:

- Councils provide accommodation and financial assistance to destitute migrant families where there is a child in need, care leavers, and adults with care and support needs. In order to avoid a transfer of costs and further pressures on local authority resources, for migrants in receipt of local authority support the changes should be funded as a new burden on councils.

Prison and Courts Reform Bill

The 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.

LGA view:

- The LGA has 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. In the Budget 2016 devolution of responsibility for the criminal justice system (including prisons and probation) to Greater Manchester was announced. However, it is not clear at this stage how the reforms in this Bill relate to the Government's devolution agenda,
- Reductions in the number of courts have increased the amount of time councils can bring cases to court, and measures that increase the number of cases that can be heard, make better use of technology and reduce the length of time hearings take will assist councils in protecting their communities.

Wales Bill

The Bill is intended to grant the Welsh Assembly additional powers over energy, transport, the environment, and National Assembly and local elections.

LGA view:

- The LGA is 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. To achieve this we must move towards a presumption that power is transferred to the level of government closest to the people, secure and enhance the legal position of local government with a defined set of powers and responsibilities, and give greater responsibility for funding at a local level.

The following legislation was also announced:

The LGA will be assessing the Bills for any potential implications for the sector as they are published.

- British Bill of Rights

Further plans of interest outlined by the Government:

Northern Powerhouse

The Northern Powerhouse is the Government's vision for the North of England. It is built on the solid economic theory that while the individual cities and towns of the North are strong, if they are enabled to pool their strengths, they could be stronger than the sum of their parts.

LGA view:

- Councils throughout the country are ambitious to improve the outcomes for their communities and create the conditions for local economies to grow. The LGA welcomes the Government's continued focus on devolving powers and funding to councils through devolution deals. However, it is imperative that the momentum is maintained to secure deals in all parts of England, especially in non-metropolitan areas whose economic potential is just as significant as that of big cities.

- Councils' aspirations for their places involve the whole spectrum of public services delivered locally: no policy areas should be off the table for devolution negotiations and devolved powers should be accompanied by appropriate funding.
- While it is right that devolution deals include robust governance, there is no one-size-fits-all solution and local areas should be free to propose arrangements that best suit local circumstances.

Life Chances Strategy

The Government will bring forward a Life Chances Strategy, setting out a comprehensive plan for transforming the life chances of disadvantaged families and a new set of indicators for measuring them.

LGA view:

- We welcome the development of the Life Chances Strategy. This must be seen as an opportunity to consider in the round both the pressures that low income families are face, and the benefits of more effectively integrating services in a time of considerable pressure on funding.
- This is complex but local authorities are uniquely well placed to bring together work on welfare reform, public health, housing and homelessness, employment and skills, and early years provision.