

# Local Government Association

## Queen's Speech – On the Day Briefing

14 October 2019



### Introduction

The Queen has today set out the Government's agenda for the next Parliamentary session. This paper details the new Bills of relevance to local government and outlines our local government priorities. Further details of today's Queen's Speech can be found on the Government's [website](#). You can also find out about our work engaging with Parliament on behalf of local government in our [LGA in Parliament 2018/19 report](#).

The LGA has circulated a number of media statements responding to today's announcement which can be found on our [website](#).

### LGA key messages:

- **#CouncilsCan:** We have called for a new settlement for local government to empower councils to transform their local areas. In this Queen's Speech, the Government has bought forward proposals in response to some of the issues the LGA has highlighted on behalf of councils. We now need a long term settlement that gives local government the powers, funding and certainty to transform their areas.
- **Devolution:** It is encouraging that today's Queen's Speech has signalled a renewed energy in favour of English devolution. Taking decisions over how to run local services closer to where people live is key to improving them and saving money. With no new devolution deals agreed in two years, councils will now look to work with Government on how to kick-start this process in a way that works for all areas.
- **Brexit:** Councils are working to help their communities prepare for Brexit. They are as prepared as they can be, but information and resource gaps remain. EU funding has been critical for councils and others in creating jobs, supporting small and medium enterprises, delivering skills, building infrastructure and boosting local growth in all types of areas across the country. The detail of the UK replacement (UKSPF) and quantum of funding remains an outstanding concern and progress needs to be made urgently.
- **Health and social care:** The announcement that the Government will finally bring forward proposals to reform adult social care is an LGA priority. The Government's proposals need to be substantive.
- **Education and children:** It is positive that the Queen's Speech committed to ensuring that all young people have an excellent education and the recent additional money for council high needs budgets to support children with Special Educational Needs and Disabilities (SEND) will help councils deliver for children. It is, however, disappointing that there is no mention of the urgent challenges facing social care services for children and young people as the pressures facing children's services across the country are rapidly becoming unsustainable. Government should act to ensure councils have the resources

# Briefing

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they need to keep children safe and support their wellbeing in years to come.

- **Housing and building safety:** The tragedy that unfolded at Grenfell Tower must never be allowed to happen again and it is important to ensure that high-risk buildings are safe. Reforming the building safety system is urgent so we are pleased that today's Queen's Speech includes legislation to enshrine a tough new system into law. We need a partnership between the new building regulator, councils and fire services, with local authorities given effective powers, including meaningful sanctions.
- **Infrastructure:** A National Infrastructure Strategy will be brought forward to set out a long-term vision to improve the nation's digital, transport and energy infrastructure. It is important that Government works with us and councils to deliver on its infrastructure commitments, including fast and reliable digital connectivity.
- **Domestic abuse:** Addressing all forms of domestic abuse is a high priority for councils and we are pleased to see the Government has listened to the LGA and others, by bringing forward legislation. We support the Domestic Abuse Bill's objectives of ensuring that people feel able to report abuse and are confident that organisations will do everything possible to support them and their families and pursue their abusers.
- **Environment:** We will work with the Government to ensure that the Environment Bill and Office for Environmental Protection is effective in addressing the concerns of communities. Councils want to lead the environmental improvement agenda, but need to be empowered to do so. To help councils in their work on climate change, air quality and recycling, local government needs long term funding, devolved powers and easier access to complex Government funding pots.

### **Bills announced which are relevant to local government:**

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

### **English Devolution**

*A white paper will be published to set out my Government's ambitions for unleashing regional potential in England, and to enable decisions that affect local people to be made at a local level.*

### **LGA view**

- Taking decisions on running local services closer to where people live is key to improving them and saving money. There is clear and significant evidence that outcomes improve and the country gets better value for money when councils have the freedoms and funding to make local decisions. The UK is one of the most centralised countries in the OECD with a devolution settlement that goes little further than Whitehall, Stormont, Cardiff Bay and Holyrood. The LGA welcomes a re-ignition of the debate on English devolution.
- Through a series of devolution deals a number of mostly urban areas have, over the last five years, demonstrated the benefits of giving local leaders greater power and resources. We are encouraged by the announcement of a White Paper with the potential to bring fresh energy to

this debate. The new approach needs to build on the work of Mayoral Combined Authorities and the Devolved Administrations to develop a package of sustainably-funded devolved powers that is available to all of English local government and can be delivered through flexible governance arrangements.

- While the previous Government expressed a clear preference for devolution to Mayoral Combined Authorities, this model is not appropriate or necessary for all places, particularly non-metropolitan England. The future devolution of powers should not therefore be contingent on the adoption of a Mayoral governance model and areas should be afforded the opportunity to propose their own governance arrangements that will ensure robust accountability and democratic oversight.
- Alongside a focus on boosting English productivity and economic growth, the Government has signalled that the return of powers from the EU will lead to a significant increase in the decision-making powers for the Devolved Administrations. While the LGA welcomes today's announcement, we are clear that the Government must also provide local communities in England with a voice in law-making and a share of power commensurate with that held by residents of the other three nations.
- The first step on the financial devolution journey must be completion of the business rates retention reforms. The Government should use the White Paper to guarantee implementation of 75 per cent retention from 2021, with 100 per cent retention enshrined in the subsequent English Devolution Bill. The Non-Domestic Rating (Lists) Bill related to business rates should be taken forward at the first possible opportunity.
- To enable meaningful and self-sufficient financial management, further fiscal devolution is necessary. This could take the shape of assignment of national taxation (such as a share of fuel duty or income tax), further powers over existing local taxes (such as the abolition of the council tax referendum threshold and full control over discounts) and powers to create new levies, such as a local tourism tax or an e-commerce levy.

### **Building safety standards legislation**

*The Government will bring forward laws to implement new building safety standards.*

The main elements of the legislation are:

- A new safety framework for high-rise residential buildings, taking forward the recommendations from Dame Judith Hackitt's independent review of building safety, and in some areas going further by:
  - Providing clearer accountability for, and stronger duties on, those responsible for the safety of high-rise buildings throughout the building's design, construction and occupation, with clear competence requirements to ensure high standards are upheld.
  - Giving residents a stronger voice, ensuring their concerns are never ignored and they fully understand how they can contribute to maintaining safety in their buildings.
  - Strengthening enforcement and sanctions to deter non-compliance with the new regime in order to hold the right people to account when mistakes are made and ensure they are not repeated.
  - Developing a new stronger and clearer framework to provide national

oversight of construction products, to ensure all products meet high performance standards.

- Developing a new system to oversee the whole built environment, with local enforcement agencies and national regulators working together to ensure that the safety of all buildings is improved.
- The Government is also legislating to require that developers of new build homes must belong to a New Homes Ombudsman.

#### **LGA view:**

- Residents deserve to be safe - and feel safe - in their homes and reform of our failed building safety system cannot come soon enough. The inclusion in the Queen's Speech of a commitment to bring forward legislation to implement new building safety standards as the LGA called for is therefore welcome.
- However, in designing the new regulatory framework, we must avoid creating a two-tier building safety system. A close partnership between the new building regulator, councils and the fire service will be essential in ensuring we can build safe communities, towns and cities. At the core of this new partnership must be tougher enforcement powers for councils and the fire service, and we look forward to continuing to work with the Government to deliver them.
- The repair bill for existing buildings is likely to run into the billions and leaseholders and council taxpayers will not be able to meet the costs. There is a significant shortage of the skills required to deliver effective fire safety regulation and funding training will be an essential early step in reform. Government needs to work closely with local authorities to address these challenges.

#### **Domestic Abuse Bill**

*The Bill aims to transform the approach of the justice system and other agencies to victims of domestic abuse. The Bill brings forward proposals to define domestic abuse and establish in law the Domestic Abuse Commissioner post. The Bill also creates a consolidated new domestic abuse civil prevention and protection order.*

#### **LGA view:**

- Addressing all forms of domestic abuse is a high priority for councils and we support the Bill's objectives of ensuring that people feel able to report abuse and are confident that organisations will do everything possible to support them and their families and pursue their abusers.
- Providing a clear definition in law of domestic abuse will provide clarity for councils and other agencies in undertaking their work, as well as underpinning the remainder of the Bill. It will be important that this definition encompasses the different forms that domestic abuse can take.
- The creation of a Domestic Abuse Commissioner will help to raise the profile of domestic abuse and ensure momentum in strengthening organisations' approach to it, as has been seen with the appointment of a Modern Slavery Commissioner. Councils will work collaboratively with the new Commissioner to support the objectives of the Bill and help to embed

good practice across the country.

- There needs to be a greater focus on prevention and early intervention measures to tackle the root causes of domestic abuse and support more victims. This should include funding and investment for evidence-based perpetrator programmes and for key learning and best practice from Domestic Homicide Reviews to be shared on a national level.

### **Serious Violence Bill**

*The Bill will place a new duty on public sector bodies, ensuring they work together to address serious violence. The Bill will also amend the Crime and Disorder Act 1998 to ensure that serious violence is an explicit priority for Community Safety Partnerships, which include local police, fire and probation services, as well as local authorities and wider public services.*

### **Sentencing Bill**

*My Government is committed to addressing violent crime, and to strengthening public confidence in the criminal justice system. New sentencing laws will see that the most serious offenders spend longer in custody to reflect better the severity of their crimes.*

The main elements of the legislation are:

- Strengthening community orders, so they deliver an appropriate level of punishment, but also address offenders' behaviour, answer their mental health and alcohol or drug misuse needs, or provide reparation for the benefit of the wider community.

### **LGA view**

- We support a public health approach to tackling serious violent crime, which has become an increasing priority for councils.
- Early intervention and prevention needs to be central to this work, as opposed to relying solely on a criminal justice strategy. This requires the input of a range of partners, including those in the health and education sectors.
- As part of this preventative and diversionary work, reducing re-offending is also important in ensuring we have safer and stronger communities. We welcome the emphasis on addressing offenders' mental health issues and alcohol or drug misuse needs, as outlined in the new Sentencing Bill.
- In order to tackle serious violence in our communities, the funding cuts to local youth services, youth offending teams and councils' public health budgets need to be reversed. This should be addressed in the Government's upcoming Spending Review.
- We are disappointed the Government has not committed to improving passenger safety by introducing legislation to reform the law around taxi and private hire legislation - some of which dates back to 1847 and horse-drawn hackney carriages. Councils cannot take enforcement action against the rising numbers of drivers licensed by other authorities operating in their area. This is causing frustration to councils and local drivers who, depending on what the local rules are, may have had to

comply with different licensing standards. As the Government has said it is committed to reforming taxi licensing we need to see proposals brought forward to improve the safeguarding of vulnerable passengers and create national minimum standards.

## **Adult social care**

*My Government will bring forward proposals to reform adult social care in England to ensure dignity in old age.*

### **LGA view**

- We agree with the Government's view that securing the sustainable future of adult social care is one of the major issues facing society. Our work over the last 15 months has sought to keep the debate in the public and political spotlight and we are committed to working with the Government to bring about meaningful change.
- The Government must set out its thinking at the earliest opportunity. We need practical and workable proposals to secure social care for the generations to come so that adults of all ages are supported to live the lives they want to lead. This means ensuring the current system is adequately funded, as well as introducing reforms which improve access to care and pool the financial risk so individuals do not face catastrophic costs. Recognising that such change will take time, we also need Government to build on the funding announced in the recent Spending Review to help secure the service over the short-medium term.

## **NHS Bill**

*New laws will be taken forward to help implement the National Health Service's Long Term Plan (LTP) in England.*

### **LGA view**

- The LGA broadly supports the intentions of the Bill, though we recognise that, like the LTP itself, the legislation is likely to focus almost solely on measures to enable greater collaboration between NHS organisations. Making it easier for different parts of the NHS to work together is important but, in making legal changes to enable better collaboration between NHS organisations, the Government needs to avoid inadvertently creating a two-tier system which introduces more barriers to collaboration between the NHS and councils.
- The NHS operates within a complex system involving local government, voluntary and community services and private and independent providers and we need a common framework for integration and collaboration that applies equally to the NHS and local government. Any new legislation should facilitate this.

## **Health Service Safety Investigations Bill**

*Legislation will be taken forward to establish an independent body to investigate serious healthcare incidents.*

The main elements of the legislation are:

- Amending the Coroners and Justice Act 2009, giving English NHS bodies the power to appoint medical examiners and placing a duty on the Secretary of State to ensure that enough medical examiners are appointed in England.

### **LGA view**

- While local authorities support moves to improve the quality and accuracy of death certification, and to avoid unnecessary distress for grieving families with unanswered questions about the cause of death, the Coroners and Justice Act 2009 currently gives responsibility to councils to appoint medical examiners.
- The LGA's view is that measures to improve the clinical governance of the health service sit better with the NHS than with local authorities, so we welcome the commitment to amend the 2009 Act to give responsibility to the English NHS to appoint medical examiners.

### **Environment Bill**

*Measures will be introduced to improve air and water quality, tackle plastic pollution and restore habitats so plants and wildlife can thrive. Legislation will also create new legally-binding environmental improvement targets. A new, world-leading independent regulator will be established in statute to scrutinise environmental policy and law, investigate complaints and take enforcement action.*

The purpose of the Bill is to:

- Improve air quality by increasing local powers to address sources of air pollution, enabling local authorities to tackle emissions from burning coal and wood;
- Bring forward powers for Government to mandate recalls of vehicles when they do not meet relevant legal emission standards.

### **LGA view**

- The LGA will be working with DEFRA on the environment principles set out in the Bill and the establishment of the Office of Environmental Protection.
- We welcome the Bill's intention to strengthen local powers in relation to air quality enforcement. Local government has been leading the response to the environmental concerns of residents and businesses for a long time. Many of our powers are decades old and need to be reformed to fit with modern sources of emissions. Additional resources will need to be available for councils to deal effectively with environmental protection.
- We support the principle of increasing biodiversity net gain through the planning process. We also recognise the need to provide new housing and infrastructure. We have concerns about the implementation of these proposals and the new burdens for councils. Planning departments will need to be supported with the right skills and resources to make this work.
- Local government wants to see measures that reduce the amount of unnecessary and unrecyclable material becoming an issue in the first place. The LGA has long called for retailers and manufacturers to pay for

recycling and disposing of packaging in household waste and we welcome the commitment to do this.

- The LGA has supported proposals for councils to collect a core set of dry recyclable materials. Around 70 per cent of councils already collect the proposed set of materials, with the gaps being glass and plastic pots, tubs and trays. How the materials are collected should be a local decision. Councils should be free to decide how to deliver their waste services at a local level. There are a range of local issues such as geography, property type and rurality which determine the method in which waste can be collected.

## **Broadband**

*New legislation will help accelerate the delivery of fast, reliable and secure broadband networks to millions of homes.*

### **LGA view**

- Access to fast and reliable digital connectivity is a necessity for all communities. Good broadband and mobile connections are something that homeowners have rightfully come to expect.
- The Government's commitment to amend the Building Act 1984 so that Building Regulations require all new build developments to have the infrastructure to support gigabit-capable connections is positive. It recognises the case the LGA has been making to give councils this statutory backing.
- The Government has recently pledged £5 billion to support the rollout of gigabit-capable broadband in the hardest to reach 20 per cent of the country. The commitment to create a cheaper and faster light-touch tribunal process for telecoms companies to obtain interim code rights (or access rights) for a period of up to 18 months is an important piece of enabling legislation and the LGA looks forward to working with Government to develop the detail of how this process might work in practice.
- While the focus on ultrafast broadband is important, for many a decent mobile connection is just as vital. Independent analysis of coverage has revealed patchy access, high dropped call rates and not-spots in areas where coverage is reported by mobile operators to be sufficient. Given this, the Government must ensure good mobile coverage nationwide, particularly in hard to reach areas. The LGA has called on the Government to work with Ofcom to launch a rural mobile roaming scheme allowing customers to roam onto any available network should 4G coverage not reach 95 per cent by 2022.

## **Trade Bill**

*My Ministers will work to implement new regimes for fisheries, agriculture and trade, seizing the opportunities that arise from leaving the European Union.*

The purpose of the Bill is to:

Make the most of new opportunities that come from having an independent trade policy after Brexit, delivering for UK businesses and consumers by:



- Rolling over trade agreements with third parties;
- Ensuring access to procurement opportunities under the Government;
- Procurement Agreement; and
- Protecting them from unfair trade practices or unforeseen surges in imports.

#### **LGA view**

- As a result of LGA evidence, the International Trade Select Committee has recommended that local government should have a voice in new trade policy. The LGA will be seeking to work with Government to develop this policy.

#### **Immigration and Social Security Coordination (EU Withdrawal) Bill**

*The Bill will bring to an end free movement in preparation for a points based immigration system from 2021. EU citizens moving to the UK will be able to apply for temporary immigration status in the run up to the new skills-based system. It confirms the deadline for applications under the EU Settlement Scheme and the right to appeal.*

#### **LGA view:**

- Councils in England and Wales rely heavily on EU nationals to provide vital public services. For example, nationally, 7 per cent of existing adult social care staff are from other EU nations and this is substantially higher in some parts of the country. There is already a lack of skilled workers in this area.
- Public services need stability in this time and the LGA will be monitoring the Immigration Bill to assess its impact and ensure it guarantees their stability. Councils can help assess demand for skills locally to inform the delivery of any new immigration system.
- More broadly there needs to be a reformed and devolved skills and employment system to better match skills supply with the employer demand and the LGA has set out in its Work Local proposals how that can be achieved.
- The LGA and councils are working with their communities and the Home Office to ensure that residents and workers are able to apply for settlement within deadlines, with funding sought for specific roles in supporting looked after children and adults receiving care and support.

#### **Other announcements:**

#### **EU funding / UK Shared Prosperity Fund**

*Our English devolution White Paper will also set out our commitment to the UK Shared Prosperity Fund.*

By its completion in March 2021 the Local Growth Fund will have invested £12 billion in projects to boost jobs and growth across England. EU structural funds

stop in December 2020, but this will give us an opportunity to spend the same tax money more effectively, and in a more devolved way. We want to ensure investment is specifically targeted where it is most needed and will have the biggest impact.

The UK Shared Prosperity Fund will operate across the UK.

### **LGA view**

- The LGA has continually called on the Government to ensure that the UKSPF is locally driven and democratically accountable. This should mean granting elected mayors and local leaders who have a democratic mandate to represent their communities the opportunity to co-design UKSPF and ensure that other future growth funding is more accessible, based on local need and distributed over the longer-term.
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- EU funding has, and continues to be critical for local authorities, Local Enterprise Partnerships, businesses and the community and voluntary sector to create jobs, support small and medium enterprises, deliver skills, build infrastructure and boost local growth in all types of areas across the country.
- We welcome the Government's indication that the UKSPF will be spent in a more devolved way. The Government should publish the UKSPF consultation immediately and start a process of co-design with local areas to remove levels of uncertainty, and bridge any gap between the end of current EU funding and the commencement of the UK Shared Prosperity Fund.

### **Armed Forces Covenant**

*The Government will continue to invest in our gallant Armed Forces. It will honour the Armed Forces Covenant and the NATO commitment to spend at least two per cent of national income on defence.*

### **LGA view**

- Armed Forces serving personnel, veterans and their families are valued members of our communities which is why all councils are committed to supporting them and have signed the voluntary Armed Forces Covenant.
- The Office for Veterans' Affairs is a positive step and marks a turning point in the support that Armed Forces personnel will receive. The Government now needs to ensure that the Office is given powers and funding, including additional funding for councils to replace capacity that is being lost as a result of the ending of valuable local government projects funded by the Armed Forces Covenant Fund Trust.

### **Mental Health**

*The Government will continue work to reform the Mental Health Act to improve respect for, and care of, those receiving treatment. A White Paper will be published by the end of this year, which will pave the way for reform to the Mental Health Act.*

### **LGA view**

- We support plans to reform the Mental Health Act which will give people a stronger say in their treatment. Local government plays a key role supporting people detained under the Mental Health Act. Clear links should be made with the related Mental Capacity (Amendment) Act so that people can access the support and independent advocacy they need.
- Legislative reform should be accompanied by a whole system shift in focus to prevention, early intervention and supporting wellbeing in order to reduce the need for more intensive or acute mental health services, including detentions under the Mental Health Act.

## **Electoral integrity**

*My Government will take steps to protect the integrity of democracy and the electoral system in the United Kingdom.*

The main elements of the legislation are:

- Requiring voters to show an approved form of photographic ID in order to vote at a polling station in a UK parliamentary election in Great Britain and local election in England. Any voter who does not have an approved form of ID will be able to apply, free of charge, for a local electoral identity document.
- Allowing a wider range of people (for example, carers who would not be entitled to vote in the election) to be able to assist disabled voters in a 'companion' role.
- Requiring returning officers to provide equipment to support voters with sight loss and other disabilities who find it difficult to vote.

## **LGA view**

- Councils are hugely experienced at running elections, working to support communities participate in the democratic process effectively. Recent elections, called with extremely short notice, have run smoothly is testament to their incredible hard-work and expertise.
- We welcome proposals that support disabled people to cast their vote. New duties on councils should be fully funded to help ensure they work effectively and their intention to increase voter participation is realised.
- Councils will want to understand more about the proposals for voter identification, particularly any new costs.
- The LGA continues to call for the public intimidation of political candidates and those in public office, such as local councillors, to be made a specific offence. In our response to the Government's consultation on 'protecting the debate - intimidation, influence and information', the LGA supported the Government's consultation proposals to develop new electoral legislation to tackle intimidation. Given the scale of abuse of candidates and those in elected office, we are disappointed that Government has not taken the opportunity to introduce this legislation here.
- In the absence of new legislation, as a minimum we need clear and consistent guidance on what is reasonable protest and comment versus

what crosses a line into abuse, intimidation and harassment, and how the latter will be tackled.

## **Infrastructure**

*To ensure that the benefits of a prospering economy reach every corner of the United Kingdom, my Ministers will bring forward a National Infrastructure Strategy. This will set out a long-term vision to improve the nation's digital, transport and energy infrastructure.*

### **LGA view**

- The Government's infrastructure strategy needs to implement the recommendations of the National Infrastructure Commission. Specifically, that councils should have 'stable, devolved infrastructure budgets, as Highways England and Network Rail have', which would mean providing councils with a funding allocation in advance for five years. This is the most effective way for us to deliver infrastructure improvements quickly in a way that complements local growth strategies.

## **Rail Reform**

*Proposals on railway reform will be brought forward.*

### **LGA view**

- The LGA welcomes indications from the Government that there may be a greater role for local government in rail and we await detailed proposals with interest.
- We have argued that there are areas of the country that would benefit from further rail devolution with local authorities having an appetite to take more of a role in rail. There is also evidence that devolution, especially for suburban rail, can bring strong benefits for passengers.

## **Animal welfare**

*Proposals will also be brought forward to promote and protect the welfare of animals.*

### **LGA view**

- The LGA welcomes the announcement of new legislation to increase maximum sentences for animal cruelty from six months to five years. Councils' ability to respond to animal welfare concerns has been impacted by cuts to their funding. Councils will always do what they can, however, to maintain this work and ensure councils can take forward prosecutions, they need proper resources to ensure a consistent, long-term approach to animal welfare.