

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

LOCAL GOVERNMENT (REVIEW OF DECISIONS) BILL

Wednesday 21 January 2015

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CLAUSES 1 to 4 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:*Chair:* SANDRA OSBORNE

Field, Mr Frank (*Birkenhead*) (Lab)
 Fitzpatrick, Jim (*Poplar and Limehouse*) (Lab)
 Glen, John (*Salisbury*) (Con)
 † Glindon, Mrs Mary (*North Tyneside*) (Lab)
 † Heaton-Harris, Chris (*Daventry*) (Con)
 Hoey, Kate (*Vauxhall*) (Lab)
 † Hopkins, Kris (*Parliamentary Under-Secretary of
 State for Communities and Local Government*)
 Kirby, Simon (*Brighton, Kemptown*) (Con)
 † McPartland, Stephen (*Stevenage*) (Con)

Mitchell, Austin (*Great Grimsby*) (Lab)
 † Sawford, Andy (*Corby*) (Lab/Co-op)
 Simpson, David (*Upper Bann*) (DUP)
 † Spencer, Mr Mark (*Sherwood*) (Con)
 † Stevenson, John (*Carlisle*) (Con)
 † Stunell, Sir Andrew (*Hazel Grove*) (LD)
 † Wheeler, Heather (*South Derbyshire*) (Con)

Kate Emms, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Wednesday 21 January 2015

[SANDRA OSBORNE *in the Chair*]

Local Government (Review of Decisions) Bill

4.30 pm

The Chair: Welcome to this afternoon's Committee. We will begin with the clause 1 stand part debate. I suggest that during that debate members of the Committee make any remarks they may have about clauses 2 to 4. If the Committee is content with that suggestion, I will put the question formally that clauses 2 to 4 stand part of the Bill at an appropriate point, on the basis that all parts of the Bill will already have been debated. Is that agreeable?

Hon. Members: Aye.

Clause 1

DECISION INVOKING HEALTH OR SAFETY: NOTIFICATION, REASONS AND REVIEW

Question proposed, That the clause stand part of the Bill.

Mr Mark Spencer (Sherwood) (Con): I am delighted to promote this Bill. May I put on record my thanks for the support from colleagues on both sides of the House, as well as from the Department for Communities and Local Government and the Public Bill Office?

The Bill is very simple. It seeks to assist those who are charitably minded, who are community champions and who want to raise money and hold social functions in their communities by protecting them from over-enthusiastic members of local authorities who might want to stop that activity, using health and safety as a reason for doing so. The Bill does that in a simple way. It basically requires anyone in the local authority who says that someone cannot hold a function for reasons of health and safety to put those reasons in writing and justify why they are stopping the event. It also allows for rapid recourse to get that decision overturned either directly by the local council or through the local government ombudsman.

The Bill is very simple in its aims and its operation. If it works in the way that I envisage, it should not have a great impact on what happens in the big wide world because it will all run super-smoothly and those who are minded to be over-enthusiastic in applying health and safety legislation will be deterred from doing so. A number of examples were given on Second Reading of where that has gone wrong; I do not propose to go through those.

I want to be clear about how the Bill will work. It will not have an impact on costs for local authorities. If they get this right, there could be a simple mechanism to put things right at an early stage. How the appeals process is run is entirely down to the local council. The only real impact is on the local government ombudsman, who will have to consider cases in a rapid time frame.

That explains the Bill in a nutshell. I do not intend to detain the Committee for hours on what I hope is an uncontroversial and simple Bill designed to make people's lives better. It is designed to protect our community champions who want to hold community events in a safe and friendly manner from over-zealous people who may seek to stop that.

Andy Sawford (Corby) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mrs Osborne. I sincerely congratulate the hon. Gentleman on getting his Bill to this stage. He might be one of the few Members who make the history books as the author of a private Member's Bill. This, of course, is an important part of that process. I also congratulate him on the concise way in which he opened today's proceedings. I hope that I can match his brevity.

As the hon. Gentleman said, the Bill would introduce a rapid right of appeal when a local authority proposes to prevent an event from being held or seeks to impose restrictions on the event on health and safety grounds. We support that principle. The Bill places a requirement on local authorities to provide written justification for such refusal. That seems a sensible proposal that would increase transparency and give the public an opportunity to appeal and see what the reasons are for any refusal. I am also aware that a similar Bill was published last year.

On Second Reading, my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) spoke for the Opposition—she usually speaks on housing issues—and welcomed the Bill. The hon. Gentleman knows some of her views, which I will echo briefly.

It is important to recognise the seriousness of the role of local authorities in preserving the health and safety of their community and in ensuring that people are safe. When an authority decides that it must prevent an event from taking place and imposes restrictions, it does so from genuine and serious concern. In my experience locally, that is how things operate. We all have examples, some of which were discussed on Second Reading, of the local authority role sometimes being performed over-zealously and with risk aversion clouding common sense. In such cases the right of appeal could be exercised and might be successful.

I was not present on the night that a large Catherine wheel came free from its post and rolled 180 yards towards the crowd at Wicksteed park, but many of my constituents were there—I have been there in many other years—and so there are occasions when it is important to do what we can to protect public safety. Lessons were learned from that event and will be applied in future. It is proper for local authorities to check that suitable precautions and a concern for safety exist when events are being planned. We support the right of appeal, however, as I said.

The hon. Gentleman referred to the role of the local government ombudsman in fast-tracking appeals. Have he or the Government undertaken any discussions with the ombudsman about the capacity to undertake such a role or whether any additional funds will be required? I have contacted the ombudsman, whose response was reasonable but understandable—the expectation was that the funding requirement would not be large. The implication is that there will be some funding requirement, so I wondered what consideration has been given to that. I note that we have a money resolution before us as

well. If the Bill proceeds, an unexpected number of people might make use of the new power. I hope that the hon. Gentleman is right that it will be used not hugely or vexatiously, but properly.

The Local Government Association expressed some concerns about the Bill. Ultimately, I do not share those concerns, but I understand where they come from, which is the potential bureaucratic implications for local authorities. As the hon. Gentleman envisages things, the approach will be a fairly limited, light-touch one and the authority can think about an appropriate way in which to have an appeals process. I hope that the concerns can be addressed. Will the Minister meditate on discussions with the LGA if the Bill is passed?

Finally, it is worth pointing out that councils' health and safety resources have been reduced significantly over the time of this Parliament. We should understand that that is in part the driver of local government concern about its ability to take on the new duty, with its financial implications. Local government has, by far, suffered the largest cuts of any part of the public sector, but that is a debate for another day.

I again congratulate the hon. Member for Sherwood. We are sympathetic to the Bill.

The Parliamentary Under-Secretary of State for Communities and Local Government (Kris Hopkins): I welcome the opportunity to serve under your chairmanship, Mrs Osborne.

I congratulate my hon. Friend the Member for Sherwood on his work on the Bill, the aims of which are wholly supported by the Government. I will not reiterate many of the points that have been made, but it is important to recognise that the Bill is not about weakening the necessary and important health and safety arrangements that exist to protect employees and public health or the safety regime in place nationally. It is about a common-sense approach to supporting volunteers and organisations that want to put on a reasonable event, with a clear appeals process and an opportunity to have a dialogue with the ombudsman as a consequence of any failure in that process.

The purpose of the Bill is simple: it will require authorities to undertake certain actions when they ban or restrict events on the grounds of health and safety. If an authority decides to stop an event or to impose restrictions or conditions on the holding of an event, that authority will be required to put the reasons in writing, be that in electronic form or otherwise. Written notification of a ban or restriction must be sent either to the person who made the application or, if no application has been made, to the organiser of the event. The written notification must be sent on the day that the decision was taken or the first working day thereafter.

The requirement to issue a written notification will apply not only where an event has been prohibited but where an event is restricted in a way that may be judged to be so unreasonable as to amount to a ban. If the person who made the application or the organiser of the event is unhappy with the authority's decision to ban or restrict the event on the grounds of health and

safety, the requester or organiser can request that the authority review the decision. The authority must complete an internal review as soon as possible and reasonably practicable after it receives the request for a review and, in any case, within 15 days of receipt of the request. On completion of the review, the authority must give written notification, in electronic form or otherwise, to the person who requested the review. The possible outcomes of the review are that the decision is confirmed, withdrawn, replaced with another decision, or varied, but varied only so far as a decision that could have been reached in the first instance.

I turn now to the role of the ombudsman. We consider it right that local issues should be resolved at a local level without a member of the public needing recourse to a national body. However, if things cannot be resolved at a local level and the council is at fault, it is of course right that the public have a right to redress through the local government ombudsman. The Bill makes specific provision for the local government ombudsman to treat a particular class of complaints differently from another class. Although the local government ombudsman already has discretion to distinguish the treatment of complaints referred to the ombudsman, the new measure puts that discretion beyond doubt and will help to reduce the risk of a successful challenge from a member of the public who makes a complaint that their own case has not been fast-tracked.

The choice of cases to be dealt with more quickly than the norm and the timing of the fast track are both at the discretion of the ombudsman, although the intention is that complaints about health and safety decisions on events will be fast-tracked to allow the ombudsman to investigate and come to a decision in time for their recommendation to influence whether the event goes ahead.

The hon. Member for Corby asked about local government. I am more than willing to have that conversation if necessary. I have a regular dialogue with members of the LGA, and I am sure that that issue can be put on to the agenda for the next meeting.

We consider that the Bill will perform a valuable function. It is right that if an authority takes a decision to stop or impose restrictions on an event on the grounds of health and safety, it should put its reasons in writing; right that there be an appeal mechanism where the decision is negative; and right that the local government ombudsman should be able to fast-track complaints about such decisions so that they can conclude an investigation before the event is due to go ahead.

The Government support the Bill as a common-sense and proportional measure. I hope that the Committee will agree and support the Bill.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Bill to be reported, without amendment.

4.44 pm

Committee rose.

