



Communities and Local Government Consultation on statutory duties

Response from UNISON

UNISON is the UK's biggest public service union, with 1.4 million members delivering vital services to the public. We have 850,000 working members in our Local Government Service Group, many of who are also elected public representatives and all of whom use public services. This gives us a unique perspective and insight into public services.

We are pleased to respond to this consultation on the statutory duties on local authorities.

As workers, service users, and elected representatives our members are keenly aware of the devastating impact of the current cuts in public spending on vulnerable individuals, fragile communities, and the low paid public service workers who form the thin red line protecting them.

Not only do public services benefit society as a whole by providing a strong platform on which active citizens can build through activity in the local community, but they ensure that we live in a decent society where those who are unable to look after themselves have a guaranteed safety net.

Legislation and statutory duties which apply to local authorities set out what this safety net is, and we believe that the collation of these duties by CLG and other departments has done the public a service by highlighting the vital work that public authorities carry out behind the scenes on a daily basis. The media often fall into the misconception of regarding council staff as 'blank-faced bureaucrats', pushing paper in stuffy offices. In fact all local authority workers are on the front-line, or providing essential support without which those on the front-line could not do their jobs. In face of tight public spending, retaining these duties gives the public a limited reassurance that local authorities will not cut services to an unacceptably low level.

This consultation turns the spotlight on the services provided by local authorities, and will raise in the public's minds what the impact of removing these duties and services would be. In almost no case are these duties unnecessary burdens, instead they are vital for public protection and community well-being. Below we highlight some examples:

Reference	Duty	UNISON comment
BIS_023	Gas Appliances (Safety) Regulations 1995 (SI 1995/1629)	Local Authorities are responsible for enforcing gas safety standards. How many will be put at risk of carbon monoxide poisoning if this is abolished?
DCLG_070	Local Government Act 2000 Section 21B	Council have to respond to reports of their Overview and Scrutiny Committees. Will democracy (and the public purse) be put at risk if they simply ignore councillors' warnings?

DCLG_075	Local Government and Public Involvement in Health Act 2007 Section 106 (2-3)	Local authorities have a duty to consult and cooperate with local public sector bodies. What happens to joined-up quality services if this goes?
DCLG_194	Fire and Rescue Service Act 2004 Section 7	Make provision for the purpose of extinguishing fires and protecting life and property. Would this be left to charities?
DCLG_195	Fire and Rescue Service Act 2004 Section 8	Make provision for the purpose of rescuing people in the event of road traffic accidents. How would the Big Society cope without public sector backup?
DCLG_196	Fire and Rescue Services (Emergencies) (England) (Order) 2007 (SI 2007/735) made under s. 9 FRSA 2004	Make provision for chemical, biological, radiological or nuclear emergency and urban search and rescue. Who will the public turn to if this duty is removed?
DCLG_022	Housing Grants, Construction and Regeneration Act 1996 Section 1	Councils have to provide grants to disabled persons (subject to means testing and up to a prescribed maximum) to allow them to adapt their homes to meet their needs. Adapting homes is cost effective, enables choice and retention of family and support networks. How will homes be made suitable without grant assistance?
DCLG_206	Building Act 1984 s72	600 people die and another 18,000 are injured by fire each year in the UK. Of these around 200 die and 6,500 are injured in Houses of Multiple Occupation (HMOs). Removing the duty placed on local authorities to serve a notice requiring provision for adequate means of escape from fire, on the owner of a property let in flats or tenement dwellings or used as an inn, hotel, boarding-house, hospital, nursing home, boarding-school, children's home or similar institution, or where people live above a restaurant, shop, store or warehouse will lead to more lives being lost.
DCLG_026	Housing Act 1996 Part 7	The Inquiry into the death of Kimberly Carlisle found that one potential cause of her death was the failure of one council to notify another council that it had housed a child who was at risk in that other council's area. Removing this duty would increase the risks to children.
DCMS_027	Public Libraries and Museums Act 1964 Section 7	Local Authorities have a duty to provide a library service. Will libraries be cut to extinction if this is abolished?
DCMS_030	Gambling Act 2005 Section 159	Council have to licence premises for gambling activities. How would corrupt operators be stopped if this was abolished?
DCMS_045	Licensing Act 2003 Section 18	Requires local authorities to have a system for regulating premises licenses by requiring such premises to be approved by the local authority. Who would want a strip club set up next-door if

		the council wasn't there to restrict their operation?
DEFRA_032	Highways Act, Section 27(2)	Council should ensure rights of way are repaired and fit for purpose. Will our network of footpaths fall into disrepair without this?
DEFRA_046	Zoo Licensing Act 1981	Councils should ensure zoos are safe for the public to visit and have a high standard of welfare for animals. What cruel and bad practices would come into place with unregulated zoos?
DEFRA_069	Environmental Protection Act 1990, Section 45 A	Councils have to arrange for the collection of recyclable materials. Is our care for the planet going to be dumped?
DEFRA_111	Environmental Protection Act 1990, Section 89	Councils currently have to keep land and highways clear of litter. Without this duty would our streets start to look like an open rubbish tip?
DEFRA_122	Food Labelling Regulations 1996 (S.I. 1996/1499)	Councils are responsible for ensuring food labelling is accurate and out of date food is not being sold. Do we want to eat old sausages or have ingredients missed off the label?
DEFRA_180	Public Health Act 1936	Councils have to provide mortuaries. What would happen to public health if these were to go?
DFE_003	Children Act 1989 Section 33	Councils are the ones who take vulnerable children into care and look after them. Who else would do this if this duty was abolished?
DFT_022	Local Government (Misc. Provisions) Act 1976 Section 54	Councils licence taxi drivers. If they stopped doing this, how dangerous would it be to get into a cab?
DFT_034	Highways Act 1980 Section 41(1A)	Local Authorities are responsible for ensuring safe passage on highways is not endangered by snow and ice. Who would do this if not the council?
DFT_132	New Roads and Street Works Act 1991 Section 81	Councils have to tell other bodies when they (or a utility company) are digging up the road. Without this, would we see rival bulldozers from the gas and water companies fight it out to dig up the same road?
FSA_004	Transmissible Spongiform Encephalopathies (England) Regulations 2010	Councils have to stop the sale or supply of specified risk material for human consumption. Do we really want mad cow disease coming back?
HO_002	Crime and Disorder Act 1998 (as amended) Section 5 (1)	Makes local authorities one of the authorities responsible for formulating and implementing strategies to tackle crime and disorder. Who else can create a joined-up approach?
HO_014	Domestic Violence, Crime and Victims Act (2004) Section 9	Requires local authorities to participate in domestic homicide reviews with a view to improving policies and practice and preventing further violence and homicide. Tackling domestic violence requires a multi-agency approach – should this be optional?

MOJ_001	Coroners Act 1988 Section 1	Gives local authorities the power to appoint coroners. Who else would do this?
MOJ_012	Juries Act 1974 Section 3	Requires electoral registration officers to provide the Lord Chancellor with copies of the electoral register from which potential jurors can be summoned. A vital cog in the wheel of justice.
MOJ_029	Crime and Disorder Act 1989 Section 39 (5)	Establishes the multi-agency, multi-disciplinary ethos behind the Youth Offending Teams. Putting into practice decades of experience.
MOJ_032	Criminal Justice Act 2003 Section 325	Requires agencies to work together to manage the risks posed by offenders following their release from custody, for example to ensure that paedophiles aren't inadvertently housed by the local authority near a school, or in an estate with many families. It is necessary to have one body – the locally accountable one – ensuring that this coordination happens. This cannot be optional.
MOJ_049	Freedom of Information Act 2000	Councils have to disclose information to the public on request. Do we want a culture of secrecy from the people we elect?

UNISON has members working in all the services described above, and we would be delighted to facilitate direct involvement of these front-line workers with CLG to help in understanding the vital nature of the services they deliver.

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