



Rt Hon Eric Pickles MP
Secretary of State
Department of Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

21 April 2011

Dear Rt Hon Eric Pickles MP,

We are writing to you in respect of the informal consultation exercise to review the statutory duties placed on local governments, published on 7 March 2011.

We welcome the assertion made by your department that the aim of the consultation is as much about ensuring vital duties are retained as it is about removing unnecessary burdens. However, we have concerns about the way that this consultation has been undertaken, and that respondents have been given just six weeks to consider over 1,294 statutory duties that central government currently places on local authorities. We are also concerned that the consultation document does not provide adequate information or context to those whose views are being sought.

Whilst we agree that some duties could be consolidated in order to improve local government efficiency, we are keen to stress that such a review must be undertaken through meaningful engagement with statutory and voluntary sector organisations that have the expertise in each area of local government activity.

We write on behalf of organisations which represent some of the most vulnerable and disadvantaged women in society. We work to empower women, through the provision of legal advice, information, counselling and support. We know that without many of the statutory duties incumbent on local authorities, the most vulnerable and disadvantaged in society would be further marginalised and disadvantaged, and in the worst cases, subject to violence and death. Many of the statutory duties subject to scrutiny provide an essential safety net to protect individuals from harm and social exclusion.

Our work focuses predominantly on supporting and advocating for the rights of women and their children who have experienced different forms of violence and abuse. Violence against women and girls is intricately connected to discrimination and other causes of inequality and disadvantage such as economic and social marginalisation. This means that we are most concerned with those duties incumbent on local authorities that aim to support the most vulnerable and disadvantaged and protect them from harm.

This government has clearly set out in its Call to End Violence Against Women and Girls its commitment to eradicate this violence, with a strong focus on prevention mechanisms. Whilst just two of the duties are explicitly identified as relating to violence against women and girls in the consultation spreadsheet (HO 013-4, for which we fully support the retention), many of the duties are either directly relevant, or otherwise relevant to the extent that their removal could have a knock-on effect on the effective prevention and provision of services in respect of violence against women and girls.

Because of the wide-ranging nature of the duties on local authorities under consultation, as well as the potentially damaging and knock-on impact that the removal of many of the duties could have on the ability of individuals to participate in society on a basis of equality with others, we do not intend to comment at this stage in any detail on individual duties. Rather, we consider that a staged, formal consultation, concerning each of the statutory duties placed on local authorities according to individual government departments must be undertaken, with meaningful input from those departments concerning the costs and benefits of retaining or removing each duty. It is only through such a mechanism that the voluntary and community sector can meaningfully engage.

Owing to the concerns set out above, we restrict our comments to suggesting the following principles which we consider should guide decision making, and any future consultation in this area:

- All duties concerning the safeguarding of children, especially those flowing from the Children Act 1989, Children Act 2004, the Adoption of Children Act 2002 and the Children and Adoption Act 2006 must be retained (for example, DFE 001-017, 065-067, 101-106, and 187-200).
- All duties concerning the safeguarding and protecting the interests of vulnerable adults must be retained, and all those related to adult social care (Department of Health) carefully considered.
- All duties that flow from legislation concerning human rights, equality, and non-discrimination must be retained, in order to guarantee that the rights, needs and interests of the most disadvantaged in society are secured. This includes all

duties related to the Human Rights Act 1998, Equality Act 2010, and other relevant legislation.¹

- Flowing from our concerns regarding protection of the most vulnerable in society, we stress that any duties related to the Housing Act 1996 and the Homelessness Act 2002 in respect of the allocation of social housing and homelessness provision must be retained. This includes DCLG 023-037.
- Owing to concerns we have about the low participation of women and in particular women representing minority women's concerns in local decision making, we consider that certain duties related to ensuring the democratic accountability of local authorities must be retained, such as DCLG 058 and DCLG 067.
- Given the clear links between the commercial exploitation of women as sex objects and the perpetuation of sexist attitudes that fuel violence against women and girls,² all duties concerning licensing for entertainment should be retained to guarantee the effective monitoring and regulation at the local level of premises related to the sex industry (including DCMS 042-052).
- A number of other duties, related to crime and disorder and criminal justice that flow from the Home Office and Ministry of Justice are also directly or indirectly related to the effective functioning of systems at the local level for the prevention and provision of services related to violence against women and girls and must be considered very carefully (e.g. MOJ 043 and 045 related to multi-agency public protection arrangements and HO 015-026 related to the role of Local Authorities regarding the composition and functioning of police and crime and disorder partnerships).

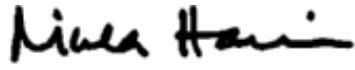
Whilst we call for the retention of duties in these key areas, we recognise that the duties incumbent on local authorities have accumulated over the years in a piecemeal manner, resulting in some areas in an unnecessarily complex and overlapping array of duties. We therefore agree that the duties would benefit from review, with the view to consolidation and streamlining. However, we stress that such an exercise should not weaken the statutory duties in the areas listed above, but rather improve local government adherence to them.

We look forward to further engagement with you as government proceeds to a more structured consultation on this issue and await your response to our concerns.

Yours sincerely,

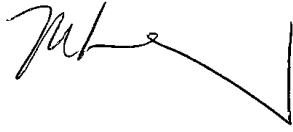
¹ We understand that the specific duties incumbent on local authorities are likely to change following the adoption of regulations imposing specific duties to support the performance of the public sector Equality Duty under the Equality Act 2010.

² The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its General Recommendation No. 19 (Violence against Women) has underscored these links and the obligations of States in this respect under Articles 2(f), 5 and 10(c) of the UN Convention on the Elimination of all Forms of Discrimination against Women.



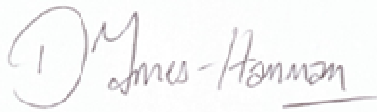
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