

LOCAL GOVERNMENT (REVIEW OF DECISIONS) ACT 2015

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

Background

3. Lord Young of Graffham's October 2010 report 'Common Sense, Common Safety' followed a cross-Whitehall review of the operation of health and safety laws and the growth of the compensation culture.
4. The report made a number of recommendations, about the compensation culture, low hazard workplaces, raising standards, insurance, education, health and safety legislation and local authorities.
5. Lord Young's recommendations with regard to local authorities and health and safety, were as follows:
 - Officials who ban events on health and safety grounds should put their reasons in writing.
 - Enable citizens to have a route for redress where they want to challenge local officials' decisions. Local authorities will conduct an internal review of all refusals on the grounds of health and safety.
 - Citizens should be able to refer unfair decisions to the Ombudsman, and a fast track process should be implemented to ensure that decisions can be overturned within two weeks. If appropriate, the Ombudsman may award damages where it is not possible to reinstate an event. If the Ombudsman's role requires further strengthening, then legislation should be considered.
6. The Government accepted the recommendations of the report. The Department of Communities and Local Government's Business Plan stated that the Department would introduce legislation to allow the public to hold councils to account for cancellation or banning of events on health and safety grounds so that local authorities conduct an internal review of all refusals on the grounds of health and safety, and officials who ban events on health and safety grounds should put their reasons in writing.
7. The Act makes provision for this commitment.

Summary

8. The Act is intended to ensure councils think carefully about any refusals issued on the grounds of Health & Safety, by requiring them to put their decision in writing, and carry out a review where requested following their decision (and then put the outcome of that review in writing), and to allow the Local Government Ombudsman to 'fast-track' complaints related to such decisions.

*These notes refer to the Local Government (Review of Decisions)
Act 2015 (c.22) which received Royal Assent on 26 March 2015*

9. The Act will insert new provisions into the Local Government Act 1974 requiring local authorities to provide the event organiser, or person applying for a decision, with written notification of a decision when the authority stops an event or imposes conditions or restrictions upon the event on the grounds of health and safety. The provisions enable the applicant or event organiser to request a review of that decision, which the authority is required to carry out as soon as reasonably practicable and in any event within 15 days. The provisions also put it beyond doubt that the Local Government Ombudsman may identify categories of cases (for example, complaints about local authorities' decisions about events) that are to be investigated faster than other cases.