

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> January 30 2008	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Tenth London Local Authorities Bill - Second Resolution	
<b>Ward(s) or groups affected:</b>		All Wards	
<b>From:</b>		Strategic Director of Legal & Democratic Services	

## RECOMMENDATION

1. That a second resolution in the form set out in **Appendix A** be passed by council assembly to promote the tenth London Local Authorities Bills.
2. That the Strategic Director of Legal and Democratic Services be authorised to take such steps as are necessary to enable the council to fully participate in the legislation.

## BACKGROUND INFORMATION

3. At its meeting on the 21 November 2007 the Council passed a first resolution to promote the tenth London Local Authorities Bill jointly with other London Authorities.
4. The Bill has now been split into 3 separate bills- 10<sup>th</sup> London Local Authorities Bill, London Local Authorities (Shopping Bags) Bill, London Local Authorities and Transport for London (No. 2) Bill. The split of the original single Bill into 3 Bills was necessary because existing legislation require any measures affecting Transport for London to be dealt with separately. The shopping bag bill is separated because of the need to ensure there is no delay with the promotion of the main Bill.
5. The three Bills were deposited in Parliament on the 27 November 2007. Following this, all promoting authorities are required to pass a second resolution confirming their initial resolution to promote the Bill. This must be passed by majority of the whole members, which means that in Southwark at least 32 members must vote in favour of the second resolution.
6. The proposal in the Bills will when enacted, enable the council to use a civil penalty charge procedure for the enforcement of a number of environmental offences which are partially decriminalised. The council's ability to use the Fixed Penalty Notice and criminal procedure to enforce breaches of certain environmental offences will not be affected by the provisions of the Bill.
7. Members should note that following the process of consultation some of the proposals in the Bills have been dropped. The list of proposals set out in the draft Resolution at **Appendix A** is a 'revised list' of proposals submitted to the London Councils by the London Boroughs.

## KEY ISSUES FOR CONSIDERATION

8. Members should note that the Bill will not have automatic application once it has been enacted. Further resolution(s) would have to be passed by the council to bring particular provisions into force.

9. The procedure governing the promotion of private bills requires all promoters to pass a second resolution in the same terms as proposed in **appendix A**. Members could either agree in principle to the range of measures included in the Bill or disagree with the Bill going forward. By passing the second resolution, the council agrees to promote all the three bills.
10. Section 239 of the Local Government Act 1972, section 87 of the Local Government Act 1985 and Parliamentary Standing Orders require a resolution to be passed by a majority of the whole number of members of the council at a meeting which must be held at least 30 clear days notice has been given. There is also a requirement for the purpose of the meeting to be advertised in a local paper. London Councils placed this advertisement in the Evening Standard on 14 December 2007 on behalf of all London boroughs. In addition to the above the council has to comply with its notice requirement for convening an ordinary meeting of the council, which has been complied with.

### **Policy Implications**

11. Many of the proposals in the Bills will support the Council's cleaner, greener, safer Southwark agenda and are likely to contribute towards improving the environment for residents, businesses and those who visit the borough. The proposals will also be consistent with the Community Strategy and other Councils Strategies and priorities.

### **Resource Implications**

12. The costs of the London Councils and their Parliamentary Agents in promoting the Bills will be shared between all participating Councils. Based on past experience it is estimated that the cost to the council of supporting this Bills will be in the order of £12,000 to £15,000, but these costs will be spread over more than one financial year. It is proposed that these costs should be borne by the service department affected.
13. Should the Bill be enacted the provisions may have financial implications for enforcement purposes. The costs will involve expenditure on enforcement measures to implement the power including training and mechanism of enforcement using fixed penalty charges. These will be reported to the appropriate decision making body when detailed consideration of local adoption takes place.

### **Community Impact Statement**

14. This is a technical report simply requiring the necessary statutory resolution to be passed by the Council and as such has no equalities implications. The equalities implications of the substantive provisions should be reported by service departments to the appropriate body when reporting on the provisions of the Bill.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Environment and Housing**

15. Southwark supports the Tenth London Local Authorities Bill as it lends to the achievement of the cleaner, greener, safer priority and supports council's approach to enforcement activity, including our pioneering approach to deliver 24 hours, seven day a week rapid response anti social behaviour and environmental crime unit. The bill provides for the issuing of fixed penalty notices (FPNs) in new areas such as littering from a vehicle. The bill also provides more clarity on street trading and fills particular legislative gaps in relation to specific issues, including provision about food hygiene certificates and houses in multiple occupations.

The proposal in the Bills will when enacted, enable the council to use a civil penalty charge procedure for the enforcement of a number of environmental offences which are partially decriminalised. The council's ability to use the fixed penalty notice and criminal procedure to enforce breaches of certain environmental offences will not be affected by the provisions of the Bill.

### Consultation

16. Members will note that consultation will take place both formally and informally as part of the Parliamentary process.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence with Association of London Councils – Copy of Draft Bills	Town Hall, London, SE5 8PU	Gafar Gbadamosi - Tel 0207-525-7678

### LIST OF APPENDICES:

No.	Title
Appendix A	Draft confirming council Resolution

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Director of Legal and Democratic Services	
<b>Report Author</b>	Gafar Gbadamosi, Senior Lawyer, Southwark Legal Services	
<b>Version</b>	Final	
<b>Dated</b>	17 January 2008	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes
Strategic Director of Environment and Housing	Yes	Yes
Finance Director	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	17 January, 2008	

## APPENDIX A

CONFIRMING RESOLUTION OF LONDON BOROUGH COUNCIL**[SOUTHWARK COUNCIL]**

**R E S O L V E D** that the resolution of this Council passed at a meeting of the Council held on 21 November 2007 to promote a Bill or Bills in the last session of Parliament, pursuant to which the Bills intituled "A Bill to confer further powers upon local authorities in London; and for related purposes"; "A Bill to introduce in London a prohibition on the supply of certain bags by retailers, to confer powers upon the local authorities in London to enforce the prohibition; and for related purposes" and "A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes" have been deposited in Parliament, be and the same is hereby confirmed.

**I HEREBY CERTIFY THAT -**

- (1) the above Resolution is a true copy of a Resolution passed by the Council of the  
London Borough of Southwark on the [ ] day of [ ] 2008;
- (2) the said Resolution was passed by a majority of the whole number of the  
members of the Council; and
- (3) the meeting at which the said Resolution was passed was held after thirty clear  
days' notice of the meeting and of the purposes thereof had been given by  
advertisement in a local newspaper circulating in the borough such notice being  
given in addition to the ordinary notice required to be given for the convening of a  
meeting of the Council.

Dated this [ ] day of [ ] 2008.

[Chief Executive]  
[or other appropriate officer]