

Item No. 8.2	Classification: Open	Date: 20/10/2004	Meeting Name: Council Assembly
Report title:		Ninth London Local Authorities Bill – First Resolution	
Ward(s) or groups affected:		All wards	
From:		Chief Executive (Borough Solicitor)	

RECOMMENDATION(S)

1. That council assembly pass a resolution in the form set out in Appendix B of its intention to participate in the promotion of the current London Local Authorities Bill.
2. That the Borough Solicitor is authorised to take all necessary steps and enter such necessary arrangements in order for the council to participate in the legislation.

BACKGROUND INFORMATION

3. All Local Authorities have power to promote local legislation in respect of their areas pursuant to Section 239 of the Local Government Act 1972. Until 1985 it was the custom for the Greater London Council (GLC), in consultation with London Boroughs, to promote an annual GLC (General Powers) Bill, but the abolition of the GLC meant the loss of this strategic function. The Local Government Act 1985 made provision for any one London Borough to promote legislation on behalf of any others who requested it. Westminster Council have acted as promoters of the first eight London Local Authorities Acts.
4. Although Westminster will continue to act as Lead Borough in the promotion of the Bill the Association of London Government is responsible for the administrative arrangements.
5. The matters currently suggested for inclusion in the first draft of the Bill are as follows:
 - control of portable advertisements;
 - providing better powers to deal with fly posting and graffiti including powers of seizure, stronger penalties;
 - dealing with construction noise from underground stations;
 - dealing with control of noise nuisance from street works;
 - strengthening councils' powers as regards the control of waste and the use of street litter control notices;
 - prescribing how recyclable waste should be separated, enabling the making of standard regulations about the use of waste receptacles;
 - charging for additional household waste collections;
 - dealing with littering from vehicles; controlling the use of civic amenity sites;
 - dealing with waste transfer notes and licences;
 - strengthening enforcement against fly-tipping; extending Councils' powers to serve fixed penalty notices to include offences not currently covered;
 - updating the law on intruder alarms;
 - to provide for telephone call barring for numbers mentioned in unauthorised advertisements including those placed in telephone kiosks;
 - strengthening powers to deal with abandoned vehicles and providing powers to remove and dispose of nuisance and other vehicles;

- dealing with bicycle rickshaws or pedicabs;
- strengthening enforcement against illegal "near beer" premises;
- dealing with the display or possession for supply of R18 videos in unlicensed sex shops;
- allowing conditions relating to waste and litter to be attached to premises licences under the Licensing Act 2003;
- dealing with fees for premises and personal licences in London under that Act;
- increasing the number of members who can sit on licensing committees under that Act;
- dealing with charitable collections on the highway and public places;
- amending the law relating to street trading including dealing with shop forecourts, bridges over the Thames and the South Bank;
- introducing the licensing of proprietary clubs;
- amending and extending the law relating to parking and parking enforcement including dealing with repeat offenders;
- dealing with abandoned bicycles and other bicycles left in public places;
- enabling councils to provide "wi-fi" technology;
- dealing with filming on the highway and in open spaces and making further provision about filming in London;
- dealing with cycling on the pavement;
- dealing with chairs and tables placed on the highway;
- altering the law relating to overhanging vegetation on the highway;
- providing exemptions from traffic restrictions for waste collection and road sweeping vehicles; removal of articles attached to street furniture and other objects on or abutting the highway;
- removal of disused telephone kiosks and other disused apparatus and street furniture;
- the decriminalisation of low emission zone enforcement;
- providing for the registration of second-hand dealers; the provision of consumer advice;
- altering the concessionary fares scheme; the registration of businesses who provide mail forwarding services;
- enabling Councils to obtain the names and addresses of people whose telephone numbers are publicised in connection with unlawful activity, including unlawful street trading of vehicles;
- further decriminalisation of offences prosecuted by local authorities and the introduction of a penalty charge notice regime akin to parking;
- sharing of information to combat benefit fraud and for other purposes;
- co-operation on pension fund management;
- altering the London Boroughs Grant Scheme;
- altering the planning cycle on schools admission;
- amending the law relating to pipe subways;
- extending councils' powers to charge for services;
- enabling zoning powers within which higher fines can be imposed in relation to certain offences;
- delegating the issuing of fixed penalty notices and further flexibility in relation to fixed penalty notices procedures, including provision for early payment and service of notices on those aged 16 and above;
- the change of use of residential property under Town and Country Planning law;
- enabling schemes of information to be provided;
- authorising the disturbance of human remains to enable existing graves to be used for further interments;
- implementing security arrangements in housing estates;
- strengthening the law relating to short-term letting;

- providing for the registration of persons able to accept service of notices on behalf of landlords;
- (in the case of the London Borough of Camden) removing restrictions on the placing of temporary structures in Lincoln's Inn Fields;
- the regulation of bonfires;
- the further regulation of use of fireworks;
- the control of storage or use of acetylene cylinders;
- further powers to deal with abandoned shopping trolleys and luggage trolleys;
- allowing charging for discretionary services;
- relaxing VAT partial exemption restrictions on Councils;
- removing certain existing capital finance restrictions on Councils;
- enabling Councils to provide services to a wider market;
- relaxing requirements relating to tramlines in the road;
- providing for the control or prohibition of smoking in public places or the work place;
- dealing with overgrown vegetation on private premises;
- strengthening the law relating to spitting in public places;
- further regulating the location of telecommunications masts and base stations to ensure telecommunications operators share sites;
- strengthen planning law relating to the siting of masts;
- stopping vehicles for emissions testing;
- mandatory consultation by water companies with councils about mains water pressure;
- altering the law relating to the licensing of special treatment premises, to include dealing with nail art, mobile premises, and premises under the Registered Homes Act;
- making further provision about vehicle crossovers and driving off the carriageway;
- strengthening and extending the law relating to litter;
- providing stronger powers to deal with noise nuisance;
- enabling charging for the reinspection of premises under certain statutory regimes;
- enabling the provision of cleaning up conditions at licensed special events;
- making minor amendments to the London Local Authorities and Transport for London Act 2003 and other local legislation;
- providing further powers to deal with waste on private land;
- removing the requirement to provide signs indicating the overnight parking ban for commercial vehicles;
- extending Councils powers to make byelaws;
- enabling Councils to impose a local levy on plastic bags, takeaway food packaging, chewing gum and cigarette packet wrappers;
- to alter powers of entry of Council officers, particularly those of trading standards officers;
- to enable Courts to make orders to disqualify persons from holding company directorships if repeatedly found guilty of certain offences relating to the degradation of the amenity of an area or the unlawful sale of products to underage persons.

6. The suggested provisions are almost all of relevance to the work of the Environment and Leisure Department of the Council.

7. The criteria used for deciding which of the various proposals should be included in the final version of the draft bill are as follows:-

- There must be evidence that the problem addressed is serious and affects a significant number of boroughs, or London as a whole;
- It must be possible to show that there is no existing legislation to address the problem, or that existing legislation has proved to be ineffective;

- It must be possible to make the case that London authorities should be given new powers, even though these powers will not be available to authorities nationally;
 - The proposals must have the support of other London authorities; and
 - Provisions that directly contradict Government Policy are likely to fall.
8. The procedure governing the promotion of private bills gives substantial powers to objectors to block or delay the progress of a bill, so wide consultation is vital before the Bill is deposited. The ALG propose that this includes the government departments responsible for the area that the bill covers and the bodies likely to be affected by the bill's provisions. ALG officers and Sharpe Pritchard will be meeting with government officials during September to gauge the likely view of the government on the proposals. Substantial representative bodies of groups potentially affected by the provisions of the bill will also be consulted by the ALG.
 9. Members should note that the list of proposals set out in the draft Resolution at Appendix B is a 'long list' of proposals submitted to the ALG by the London boroughs. The process of consultation mentioned in the previous paragraph is likely to lead to some proposals being dropped because there is a lack of consensus or because the proposal is considered to be inappropriate for the private bill procedure. Passing the resolution does not mean that the Council is committed to each and every proposal.
 10. Members should note that the procedure governing the promotion of private bills requires all promoters of a bill to pass a first resolution in the same terms. The motion at Appendix A must therefore be passed as set out and cannot be amended.

KEY ISSUES FOR CONSIDERATION

11. The provisions of such legislation are normally adoptive, i.e. the Council will need to pass further resolutions bringing particular provisions into force once the Bill is enacted. It will thus be for the Executive or individual decision makers to consider the implications of the particular provisions once the bill has become law, and to take any necessary decisions as to whether and when to bring them into force in respect of this Borough.
12. Section 87 of the Local Government Act 1985 allows a local Bill promoted in Parliament by a London Borough to include provisions requested by the Council of another London Borough. The Council making the request must pass a resolution approving the provisions in question and such a resolution must be passed by a majority of the whole number of Council Members.
13. Thirty clear days notice of the meeting and of its purpose must be given by advertisement in one or more local newspapers circulating in the area of the Council. Such a notice must be given in addition to the ordinary notice required to be given for the convening of the meeting of the Authority. Notice of the Council's intention to consider this resolution has already been given in an advertisement placed in the Evening Standard by the ALG.
14. The Resolution approving the provisions must be confirmed by a further resolution as soon as may be after the expiration of 14 days after the Bill has been deposited in Parliament. A second resolution will therefore be necessary in due course.

Policy implications

15. Many of the proposals for inclusion in the bill will support the Council's Cleaner, Greener, Safer Southwark agenda and should 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 council strategies and priorities.

Effect of proposed changes on those affected

16. The proposals in the bill should have the effect of reducing anti-social behaviour and will thus benefit large numbers of those who live or work in the borough or who visit it. A number of proposals suggest the decriminalisation of certain activities in a similar way to the decriminalisation of parking and some other traffic offences. This should assist in enforcement by reducing the need to pursue offenders through the courts and expediting matters.

Resource implications

17. The costs of the ALG and their Parliamentary Agents in promoting the legislation will be shared between all participating Councils. Based on past experience it is estimated that the cost to the Council of supporting the proposed bill will be in the order of £10,000 to £12,000, 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.

Consultation

18. 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
None		

APPENDIX A

Audit Trail

Lead Officer	Deborah Holmes, Borough Solicitor	
Report Author	Lyn Meadows, Assistant Borough Solicitor	
Version	Final	
Dated	7 October 2004	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor	Yes	Yes
Chief Finance Officer	No	No
Executive Member	No	No
Date final report sent to Constitutional Support Services	7 Oct 2004	

APPENDIX B

October 2004

FIRST RESOLUTION OF COUNCIL

SOUTHWARK LONDON BOROUGH COUNCIL

RESOLVED -

That the Council approves the inclusion in the Bill being promoted by Westminster City under the name or short title of "London Local Authorities" of provisions effecting all or some of the following purposes -

(a) to make provision in respect of the control of portable advertisements; providing better powers to deal with fly posting and graffiti including powers of seizure and stronger penalties; making further provision about unauthorised advertisement hoardings; to provide for telephone call barring for numbers mentioned in unauthorised advertisements including those placed in telephone kiosks; strengthening Councils' powers as regards the control of waste and the use of street litter control notices; prescribing how recyclable waste should be separated, enabling the making of standard regulations about the use of waste receptacles; charging for additional household waste collections; providing further powers to deal with waste on private land; strengthening and extending the law relating to litter including powers to deal with litter and waste in aquatic environments and dealing with littering from vehicles; controlling the use of civic amenity sites; dealing with waste transfer notes and licences; strengthening enforcement against fly-tipping; strengthening powers to deal with abandoned vehicles and providing powers to remove and dispose of nuisance and other vehicles; updating the law on intruder alarms; dealing with construction noise from underground stations; dealing with control of noise nuisance from street works; providing stronger powers to deal with noise nuisance; strengthening enforcement against illegal "near beer" premises; dealing with the display or possession for supply of R18 videos in unlicensed sex shops; allowing conditions relating to waste and litter to be attached to premises licences under the Licensing Act 2003; dealing with fees for premises and personal licences in London under that Act; increasing the number of members who can sit on licensing committees under that Act; enabling the provision of cleaning up conditions at licensed special events; dealing with charitable collections on the highway and public places; amending the law relating to street trading including dealing with shop forecourts, bridges over the Thames and the South Bank; introducing the licensing of proprietary clubs; altering the law relating to the licensing of special treatment premises, to include dealing with nail art, mobile premises, and premises under the Registered Homes Act; dealing with bicycle rickshaws or pedicabs; amending and extending the law relating to parking and parking enforcement including dealing with repeat offenders, and with motorcycles on the footway; dealing with cycling on the pavement; dealing with abandoned bicycles and other bicycles left in public places; dealing with filming on the highway and in open spaces and making further provision about filming in London; dealing with chairs and tables and other things placed on the highway including the making of additional charges; altering the law relating to overhanging vegetation on the highway; providing exemptions from traffic restrictions for waste collection and road sweeping vehicles; making further provision about vehicle crossovers and driving off the carriageway; removal of articles attached to street furniture and other objects on or abutting the highway; removal of disused telephone kiosks and other disused apparatus and street furniture; the decriminalisation of low emission zone enforcement; stopping vehicles for emissions testing; enabling Councils to provide "wi-fi" technology; providing for the registration of second-hand dealers; providing for the control or prohibition of smoking in public places or the work place; the provision of consumer advice; altering the concessionary fares scheme; the registration of businesses who provide mail forwarding services; enabling Councils to obtain the names and addresses of people whose telephone numbers are publicised in connection with unlawful activity, including unlawful street trading of vehicles;

further decriminalisation of offences prosecuted by local authorities and the introduction of a penalty charge notice regime akin to parking; extending Councils' powers to serve fixed penalty notices to include offences not currently covered; delegating the issuing of fixed penalty notices and further flexibility in relation to fixed penalty notices procedures, including provision for early payment and service of notices on those aged 16 and above; sharing of information to combat benefit fraud and for other purposes; co-operation on pension fund management; altering the London Boroughs Grant Scheme; altering the planning cycle on schools admission; amending the law relating to pipe subways; extending Councils' powers to charge for services; enabling zoning powers within which higher fines can be imposed in relation to certain offences; the change of use of residential property under Town and Country Planning law; enabling schemes of information to be provided; authorising the disturbance of human remains to enable existing graves to be used for further interments; implementing security arrangements in housing estates; strengthening the law relating to short-term letting; providing for the registration of persons able to accept service of notices on behalf of landlords; (in the case of the London Borough of Camden) removing restrictions on the placing of temporary structures in Lincoln's Inn Fields; the regulation of bonfires; the further regulation of use of fireworks; the control of storage or use of acetylene cylinders; further powers to deal with abandoned shopping trolleys and luggage trolleys; allowing charging for discretionary services; relaxing VAT partial exemption restrictions on Councils; removing certain existing capital finance restrictions on Councils; enabling Councils to provide services to a wider market; relaxing requirements relating to tramlines in the road; dealing with overgrown vegetation and other unsightly material on private premises; strengthening the law relating to spitting in public places; further regulating the location of telecommunications masts and base stations to ensure telecommunications operators share sites; and to strengthen planning law relating to the siting of masts; mandatory consultation by water companies with Councils about mains water pressure; enabling charging for the reinspection of premises under certain statutory regimes; making minor amendments to the London Local Authorities and Transport for London Act 2003 and other local legislation; removing the requirement to provide signs indicating the overnight parking ban for commercial vehicles; extending Councils' powers to make byelaws; enabling Councils to impose a local levy on plastic bags, takeaway food packaging, chewing gum and cigarette packet wrappers; to alter powers of entry of Council officers, particularly those of trading standards officers; to enable Courts to make orders to disqualify persons from holding company directorships if repeatedly found guilty of certain offences relating to the degradation of the amenity of an area or the unlawful sale of products to underage persons; enabling councils to gate off nuisance alleyways and passages and enabling Councils to collaborate further in the provision of services;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

