

Meeting:	COUNCIL
Date:	18 <sup>th</sup> October 2007
Subject:	10 <sup>th</sup> London Local Authorities Bill
Responsible Officer:	Hugh Peart
Portfolio Holder:	Chris Mote
Exempt:	No
Enclosures:	Appendix 1 – First Resolution

## **Section 1 – Summary and Recommendations**

This report sets out the agreement reached on 10<sup>th</sup> July 2007 by the Leaders' Committee of London Councils that a 10<sup>th</sup> London Local Authorities Bill should be promoted.

### **Recommendations**

That the Council participates in the promotion of the 10<sup>th</sup> London Local Authorities Bill and adopts the Resolution attached as Appendix 1 to this report.

### **Reason (For Recommendation)**

Failure to participate will mean that the Council is unable to avail itself of any legislative changes which are brought about by the Bill.

## Section 2 – Report

1. It has been established practice for London Councils and its predecessor bodies to coordinate the promotion of local legislation for London Local Authorities.
2. In accordance with usual practice Harrow has been invited to participate in the promotion of the Tenth London Local Authorities Bill, which must be laid in Parliament on or before 27 November 2007, in order that it can be considered in the current session.
3. In order to progress the Bill an advert was placed in the Evening Standard on 10 August 2007 giving details of the forthcoming Council Meetings of the participating London Boroughs (including Harrow), at which their approval to the promotion of the Bill will be sought. A decision on the Bill must be made at the present meeting of the Council in order to meet the timetable for the deposit of Bill.
4. Although the draft Bill is not yet available, details of the proposed provisions are set out in the wording of the resolution contained in Appendix 1 to this report. The provisions cover a wide range of the Council's functions.
5. The main provisions of the Bill which are relevant to Harrow, are as follows:
  - The decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime;
  - The introduction of a local levy, to be administered by councils, on the provision of disposable shopping bags or the power to prohibit the provision of disposable shopping bags;
  - The introduction of a local levy administered by the councils on the sale of chewing gum;
  - An extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises;
  - Powers to better control the feeding of wild birds;
  - Powers to make charges for the use of urinals;
  - Further provisions about the control of the placing of items on the highway;
  - Altering councils' powers to fix signs and apparatus to buildings;
  - Amending councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980;
  - Controlling the placing of household waste in street litter bins;

- Enabling councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements;
- Enabling councils, to take enforcement action and recover costs where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation;
- Imposing a requirement in respect of food premises which are subject to inspection by councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises;
- To impose a new licensing regime for social clubs;
- To enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments;
- To enable councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets;
- To control the distribution of free refreshments on the highway and in other public open places;
- To enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events;
- To enable the highway authority to provide charging points for electric vehicles in the highway;
- To enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development;
- To enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation;
- To enable councils to better control pedicabs;
- To enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away;
- To allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights;
- To allow decriminalised enforcement in respect of the use of mobile phones whilst driving;
- To enable councils to vary fixed penalty levels for cycling on the footway;
- To enable the better control of the depositing of builders' skips on the highway; and
- To provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

Participation in the Bill is a matter for the Council. However, failure to participate will mean that the Council is unable to avail itself of any legislative changes, which are brought about by the Bill.

### **Legal Advice**

Section 239 of the Local Government Act 1972 and section 87 of the Local Government Act 1985 provides that where a local authority is satisfied that it is expedient to promote any local Bill in Parliament, it may promote the Bill and may bear the expenses incurred in so doing. In deciding to promote a Bill the Council must follow the prescribed procedure. This requires the passing of two resolutions by the full Council by a majority of the whole number of the members of the Council at a meeting for which special notice has been passed in advance in one or more local newspapers. The notice was placed in the Evening Standard on 10 August 2007.

The first Council resolution must be passed before the Bill is lodged in Parliament and the second as soon as possible after the expiry of 14 days after the lodging of the Bill.

### **Financial Implications**

The costs of participating in the promoting of the Bill are difficult to quantify. However, experience of previous promotions, and the estimates provided by London Councils suggests that the cost to Harrow is likely to be approximately £12,000 (if all 33 boroughs supported the promotion). This figure would be spread across a number of years and will depend upon the actual time taken to promote the Bill. If the Bill is enacted, many of the proposals would generate income whilst others may have service implications. It is therefore difficult to assess the full implications of the Bill at this stage.

## **Section 3 - Statutory Officer Clearance**

On behalf of the Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Barry Evans
		Date: 2 October 2007
Monitoring Officer	<input checked="" type="checkbox"/>	Name: Hugh Peart
		Date: 1 October 2007

## **Section 4 - Contact Details And Background Papers**

**Contact:** Elaine McEachron, Assistant Lawyer, Corporate Governance  
Telephone: 020 8420 9414 Ext 5414

### **Background Papers:**

First Notice published in the Evening Standard dated 10 August 2007  
Recommendation from the Leaders' Committee dated 10 July 2007

## APPENDIX 1

October 2007

### FIRST RESOLUTION OF COUNCIL

#### HARROW LONDON BOROUGH COUNCIL

RESOLVED -

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court

order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

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