

## THE EXECUTIVE

19 OCTOBER 2004

### REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

NINTH LONDON LOCAL AUTHORITIES BILL		FOR DECISION
<p><i>This report concerns the 9<sup>th</sup> London Local Authorities Bill which is of significance for all London Boroughs.</i></p> <p><b><u>Summary</u></b></p> <p>This report set out the proposed details of a new London Local Authorities Bill. It is designed to specifically address issues of concern for London Boroughs. The Association of London Government Leaders Committee on 13 July 2004 agreed in principle to proceed with the 9th London Local Authorities Bill. As with previous legislation this Bill is thematically directed to environmental issues facing urban Boroughs. Traditionally this Borough has always supported such measures and been a keen participant.</p> <p>The London Borough of Westminster will act as the Lead Borough.</p> <p>The cost of the work for each Borough is estimated to be around £15,000.</p> <p><b><u>Recommendations</u></b></p> <p>The Executive is asked to recommend the Assembly to support, in principle, the proposals as set out in this report and agree the draft resolution as attached as Appendix 1. The relevant Services will pay towards the costs.</p> <p><b><u>Reasons</u></b></p> <p>By being actively involved at an early stage the Council is afforded an opportunity to shape legislation which will be beneficial to the community and London as a whole. This work gives the Council an opportunity to play a constructive part in addressing the issues which face London Boroughs.</p>		
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#### 1. **Background**

- 1.1 The Chief Executive of the Association of London Government ("ALG") wrote to Borough Chief Executives on 29 April 2004, seeking views on whether to proceed with an 9th London Local Authorities Bill, and if so, what provisions should be included in the Bill. Following consultation with Chief Officers a response was sent expressing interest in hearing of any further developments.

- 1.2 A number of suggestions were made, some specialist in nature and others of direct interest to this borough. The proposal was made by officers of the ALG to the London Leaders Committee that they should support in principle a Ninth London Local Authorities Bill. The Committee on 13 July 2004 agreed in principle to support a bill.
- 1.3 At present a number of other Boroughs have made a commitment to the Bill namely Bexley, Brent, Corporation of London, Croydon, Havering, Haringey, Kensington and Chelsea, Westminster, Sutton and Wandsworth.
- 1.4 The ALG has asked officers to inform Members that no decisions have yet been made. These are purely ideas that are being consulted on and will almost certainly be whittled down before the Bill is deposited in Parliament in November.
- 1.5 It is also very important to stress that a council does not formally become part of the Bill until it has passed the Second Resolution in the New Year. At that point it would be possible for a borough to "opt out" of any particular provision it didn't like.

## **2. Promoters Criteria for assessing suggestions for inclusion in the Bill**

- 2.1 The majority of the suggestions, including those from this Authority, have been on environmental or transport-related issues. The criteria used by the promoters will be the following:
  - 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.
  - Provisions that directly contradict Government policy are likely to fall.
- 2.2 A summary of the suggestions that have come forward are categorised as follows:
  - **Abandoned vehicles** - further powers to deal with abandoned vehicles.
  - **Traffic measures** - powers for enforcement of the lorry ban, and of box junction violations.
  - **Regulation of the sex industry** - further powers to curb the proliferation of the sex industry.
  - **Travellers** – appropriate powers to ensure that local authorities can deal with problems incurred as result of travellers.
  - **Litter Wardens** - to allow Boroughs to employ litter wardens with powers to impose spot fines for litter; the income from fines must be retained by the borough and can be used by them to finance the wardens.
  - **Dog Walker** - powers to curb professional dog walkers.
  - **Parks Constabularies** - extensions of powers.

- **Graffiti** - additional powers to restrict the sale of spray paints and marker pens.
- **Technical amendments** to existing local legislation.

### **3. Process of Promoting the Bill**

- 3.1 Parliamentary procedure and Standing Orders requires any organisation wishing to promote a Private Bill to appoint Parliamentary Agents; place an appropriate advertisement and where the organisation is a Council to make an appropriate resolution by full Council.
- 3.2 Westminster has, with the ALG, appointed Messers Sharpe Pritchard Solicitors to be the Parliamentary Agents.
- 3.3 The statutory advertisement was placed by the ALG in the London Evening Standard and published on 13 August 2004.
- 3.4 A model resolution has been provided by the ALG which is to be adopted by all the Boroughs promoting this Bill. This is set out as Appendix I.

### **4. Costs**

- 4.1 As a guide at this stage the cost of the 8th London Local Authorities Act was approximately £10,000 per borough over three financial years. This cost will of course vary depending upon how many Boroughs participate. It may be wise to set aside a provision of £5,000 per year for next three years, as the progress of Local Authority Bills has to fit in with Parliamentary time. Making a total maximum cost of £15,000.

### **5. Next Steps for the Council**

- 5.1 The provisional timetable for an 9th London Local Authorities Bill is set out in Appendix II.
- 5.2 There is a degree of uncertainty as to what the final form of the Bill will take and so historically some Boroughs have had a sense of ambivalence as to whether to support the initiative. A few Boroughs offer their support at a later date as the details emerge. However, their absence during the formation and finalisation stage of the Bill removes their ability to have a voice and highlight their approach to new legislation. There is therefore something to be said to be involved in the beginning as the Council can take part in the shaping of the proposed legislation. The final decision as to whether the final legislation is formally adopted can be taken later.
- 5.3 For the above reasons it is suggested that the Council does actively support the proposed Bill.
- 5.4 It is necessary with Parliamentary Bills relating to Local Authorities for there to be a full resolution of the Council. Members are therefore asked to support the wording for onward submission and approval by the Assembly on 3 November 2004.

**Background papers used in the preparation of this report:**  
 Association of London Government Leader's Committee Report

**RESOLUTION OF COUNCIL**

**9<sup>TH</sup> LONDON LOCAL AUTHORITIES BILL  
[FIRST RESOLUTION OF COUNCIL]**

**LONDON BOROUGH OF BARKING AND DAGENHAM 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.

I HEREBY CERTIFY THAT -

- (1) the above Resolution is a true copy of a Resolution passed by the London Borough of Barking and Dagenham Council on the [ ] day of [ ] 2004;
- (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 [ ] 2004.

..... **Chief Executive**

## **9<sup>th</sup> London Local Authorities Bill 2004 Consultation Timetable**

The timetable is as follows:

**August** – further consultation and clarification with ALG authorities on the proposed provisions

**August – November** – consultation with Government departments and other interested bodies

**13 August** - publication of an advert in the Evening Standard giving notice of the date of the council meetings at which participation in the Bill will be discussed

**14 September** - ALG Leader's Committee considers finalising the proposed provisions to go in the Bill

**September November** – ALG authorities consider resolutions in full council to agree to participate in promoting the Bill

**October/November** – the draft Bill is circulated to ALG authorities for comments

**9 November 2004** - Leaders' Committee gives final approval to the Bill's contents

**27 November 2004** – the Bill is deposited in Parliament

**DTBA** – ALG authorities consider the second resolution to confirm participation in the Bill