



#### **4. ENVIRONMENTAL IMPLICATIONS**

- 4.1 In general the proposals are made to strengthen Councils' ability to manage or regulate problems, and particularly environmental problems. The creation, adoption and use of such powers will generally yield an environmental benefit but it is not possible to be specific until details are available of the proposals eventually agreed to be included in the Bill.

#### **5. DIVERSITY IMPLICATIONS**

- 5.1 It will not be possible to screen the issues addressed by the Bill and determine whether an Equalities Impact Assessment is needed until the next stage of promotion of the Bill is reached and its detailed scope is agreed.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Participation in the Bill will enable the London Borough of Brent to make use of the provisions proposed by the Bill.
- 6.2 Section 239 of the Local Government Act 1972 empowers local authorities to promote a local bill and sets out the procedure that should be followed. We are required to advertise the time and place of the meeting to consider promoting the bill in a newspaper circulating the area, giving 30 days notice. A proposal to promote a bill must be passed by a majority of the whole number of members of the authority whether present and voting at a meeting of Full Council or not.
- 6.3 If Full Council passes the first resolution promoting the bill, it is required to pass a second resolution after the Bill has been deposited in Parliament. If this resolution is not confirmed, we would need to take all necessary steps to withdraw from the bill.
- 6.4 While the function of approving the promotion of a bill lies with Full Council, it is the ALG's firm recommendation that a report should go to each Executive regarding the current arrangements. This may also be because there may be certain proposals regarding functions which may be exercisable by the Executive.
- 6.5 In accordance with the above requirements, the council meeting for consideration of the bill was advertised on 13<sup>th</sup> August 2004 in the 'Evening Standard'. Subject to comments and considerations by the Executive, a report will go to Full Council recommending the passing of a resolution in favour of participation in the bill.

#### **7. DETAIL**

- 7.1 The latest (eighth) London Local Authorities Act received Royal Assent on 13 May 2004 and came into force two months following that. It is intended that the provisions detailed below will form part of a bill planned for the next parliamentary session promoted by the City of Westminster on behalf of the London Boroughs. The Bill will be deposited in Parliament on 27<sup>th</sup> November 2004.
- 7.2 The proposals set out below seek to include provisions in a new bill which will effect all or some of the purposes hereafter mentioned:
- ◆ 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;
- ◆ any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

7.3 The provisions underlined above are those specifically put forward by Brent officers after consultation with each service area on issues that would benefit from inclusion in the new bill. All recommendations fall within Environment and are not particularly controversial but are needed to regulate an area that Brent officers do not feel is adequately covered by legislation.

7.4 In respect of proposals made by other boroughs two items stand out, notably, the banning of smoking in public and work places (proposed by Enfield) and amendments to the Licensing Act 2003 (proposed by Westminster). A report was taken to the ALG Leader's Committee at their meeting on 14<sup>th</sup> September 2004 on the former proposal. Full agreement was not reached at this meeting. Instead the matter was referred to the Elected Officers of the ALG for further discussion and to see if an agreement could be reached. The ALG have advised that a further paper will be brought to the next meeting of the Leaders' Committee on 12<sup>th</sup> October 2004.

7.5 Following an agreement reached by the ALG Leaders Committee in July 2003 to defer consideration of a ninth London local authorities bill until the following year, a consultation exercise with London boroughs was carried by the ALG in May, June and July 2004. A decision was then taken by the ALG Leaders Committee in July 2004 to proceed with a 9<sup>th</sup> London Local Authorities Bill including some of the provisions put forward.

7.6 To this end, the Association of London Government have appointed Sharpe Pritchard as parliamentary agents and Westminster City Council has agreed (as it has for the last eight bills) to be the lead borough.

7.7 Parliamentary standing orders governing private bills require the authorities promoting a Bill to pass a resolution in favour by a majority in Full Council both before and after the Bill has been deposited in Parliament.

7.8 Furthermore, authorities are required to advertise the time and place of the meetings that will consider promoting the Bill in a newspaper circulating in their area, giving 30 days' clear notice. The Association of London Government arranged for a composite advertisement giving details for the meetings for each participating authority and the list of proposals to be considered to be published in "The Evening Standard" on 13 August 2004.

7.9 The ALG are currently consulting on these provisions which means some will inevitably be dropped either because sufficient consensus could not be

reached between boroughs or because the proposal is otherwise inappropriate for the private bill procedure (this may be the case in respect to the smoking ban proposal).

- 7.10 We have been advised that the ALG Leaders Committee will be taking a decision on what should and should not be included on 12 October 2004 or 9 November 2004 and it can be expected that we will be formally consulted.
- 7.11 Once the Executive has approved the draft set of proposals, Full Council must pass a resolution at its meeting on 25<sup>th</sup> October 2004 (as specified in the Evening Standard advertisement). This resolution will be an indication of Brent's acceptance of the provisions and no other action is required to facilitate the promotion of two Bills.
- 7.12 Members should note that passing the resolution recommended at the 25<sup>th</sup> October 2004 meeting does not mean that the Council will be committed to each and every proposal. The Council will have the opportunity to discuss a second resolution after the Bill has been deposited with Parliament. At that stage the proposals will be in statutory form and the Council will have the opportunity to consider the provisions in more detail.

## **8. BACKGROUND INFORMATION**

Chief Executive's Circular (Promotion of ninth LLAB) 17 May 2004

ALG Leader's Committee Report: *London Local Authorities Act 2004; and Promotion of a Ninth Bill*, Item No. 5, 13 July 2004

ALG Leader's Committee Report: *Ninth London Local Authorities Bill*, Item no. 10, 14 September 2004

Correspondence with Association of London Government

Any person wishing to inspect the above or seeking further information concerning this report should contact Helen Keep, Legal Services at the Town Hall, Wembley. Telephone 020 8937 1368

Email [helen.keep@brent.gov.uk](mailto:helen.keep@brent.gov.uk)

**Richard Saunders**  
**Director of Environment**