

Briefing notes on Issues included in the Forward Plan Issue 4 2004/05

SERVICE AREA: Environment and Corporate (Legal Services)

Report ref	Report title
	Ninth London Local Authorities Bill
<p>Summary:</p> <p>The report that will be going to the Executive on the 11th of October 2004 concerns the promotion of a further general powers bill on behalf of the London Local Authority in the next parliamentary session. In general the proposals are made to strengthen the Council's ability to manage or regulate problems, and particularly environmental problems. It is felt that the creation, adoption and use of such powers (as with past London Local Authority Bills) will generally yield an environmental benefit within each borough.</p> <p>For the purposes of this briefing, I thought it would be useful to attach all proposals submitted by each borough. These are attached at Appendix A to this briefing (the underlined proposals are those of specifically Brent). It is important to emphasise that Full Council will need to pass a first resolution on the 25th October 2004 to participate in the bill even after approval by the Executive. There will then be further opportunity for Full Council to discuss the bill as a second resolution needs to be passed after the bill has been deposited at Parliament (29th November 2004). At that stage, the proposals will be in statutory form and Full Council will have the opportunity to consider the provisions in more detail.</p> <p>I note that members of this committee have asked for specific information on two proposals, namely "providing for the control or prohibition of smoking in public places or the work place" and a proposal dealing with the provisions of the Licensing Act 2003.</p> <p>In respect of the latter proposal, the ALG advises that this proposal was put forward by Westminster so that they can deal with waste and litter and, inter alia, license applications for hostess bars in Soho more efficiently. In terms of the smoking ban issue, this proposal was put forward by Enfield and has (as anticipated) been a contentious issue. This particular proposal was the subject of a separate report to the Leaders Committee on the 14th of September 2004. The Leaders Committee discussed the pros and cons of a smoking ban but full agreement on taking the proposal forward in the next bill was not reached.</p>	

It was decided at that meeting that the matter would instead be referred to the elected officers of the ALG for further discussion to see if agreement could be reached, with a further paper being brought to the next meeting of Leaders Committee on 12th of October 2004.

Nature of Decision to be taken/Intended Outcome

As above. Participation in the bill will enable Brent to make use of the provisions in the bill.

Timescale for decision:

- 11th October 2004: Executive is asked to approve participation in the bill;
- 25th October 2004: Full Council is asked to pass a first resolution in favour of participation in the bill;
- In the new year (exact date unknown): After the bill is deposited at Parliament (29th November 2004) , Full Council need to pass a second resolution.

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APPENDIX A

The proposals sets out below seek to include provisions in a new bill which will effect all or some of the purposes as hereinafter 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; and
- ◆ seek to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.