

<p>LONDON BOROUGH OF BRENT</p> <p>Council Meeting - 28th February 2005</p> <p>Report from the Borough Solicitor</p>	
For Action	Wards affected: ALL

Report Title: Ninth London Local Authority Bill

1. SUMMARY

- 1.1 This report concerns the promotion of a further General Powers Bill on behalf of London Local Authorities in this parliamentary session. At the request of the Association of London Government, the City of Westminster has agreed to act as lead borough in the promotion of the bill.

2. RECOMMENDATION

- 2.1 The Council is recommended to pass a second resolution approving the London Borough of Brent's participation in the proposed legislation (and to enact any additional, supplemental and consequential provisions that may appear necessary or convenient) as follows:

RESOLVED:-

that the Resolution of this Council passed at a Meeting of the Council held on 25 October 2004 to promote a Bill in the present Session of Parliament, pursuant to which the Bill intituled "A Bill to confer further powers upon local authorities in London; and for related purposes"; "A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes" and "A Bill to provide for the prohibition of smoking in places of work in Greater London" have been deposited in Parliament, be and the same is hereby confirmed

3. FINANCIAL IMPLICATIONS

- 3.1 We have been advised by the ALG that the cost of promoting the Bill is likely to be between £10,000 and £12,000 per borough. The ALG have emphasised that this is only an estimated given their previous experience in promoting bills. However, that cost is likely to be spread over a number of financial years. The cost will be met from existing resources.

4. ENVIRONMENTAL IMPLICATIONS

4.1 Detailed below.

5. DIVERSITY IMPLICATIONS

5.1 There are no diversity implications.

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. The Council is required to advertise the time and place of the meeting at which the Council will 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 Full Council passed the first resolution promoting the bill on 25 October 2004:

Extract from the minutes

RESOLVED:

that approval be given to the London Borough of Brent's participation in the proposed legislation and approving the inclusion in the bill (being promoted by the Westminster City Council under the name or short title of "London Local Authorities") of provisions effecting all or some of the purposes set out in the detail at paragraph 7.2 of the report; and to enact any additional, supplemental and consequential provisions that may appear necessary or convenient.

6.4 This resolution indicated Brent's initial acceptance of the provisions.

6.5 Full Council is required to pass a second resolution now that 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.

7. DETAIL

7.1 The ninth London Local Authorities Bill was deposited in Parliament on 27th November 2004.

7.2 The provisions in the new bill will effect 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.
- 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 considered needed to regulate an area of activity that Brent officers do not feel is adequately covered by existing legislation.
- 7.4 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.
- 7.5 The Association of London Government has 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. The advertisement specified that this Council would consider the matter at its meeting on 28th February 2005.

8. BACKGROUND INFORMATION

- 8.1 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

London Local Authorities Bill

London Local Authorities and Transport for London Bill

London Local Authorities (Prohibition of Smoking in Places of Work) Bill

Anyone wishing to inspect the above documents should contact Jane Alver, Borough Solicitors Office, Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD. Telephone 0208-937-1368.

Terry Osborne
Borough Solicitor