



**Full Council**  
29<sup>th</sup> October 2007

**Report from the Borough Solicitor**

Wards Affected:  
All

**10<sup>th</sup> London Local Authorities Bill**

**1.0 Summary**

- 1.1 London Councils recently conducted a consultation process to establish whether it was necessary to promote a further London Local Authorities Bill. The 10<sup>th</sup> London Local Authorities Bill is the result of that consultation and this report discusses the proposals in the Bill, the procedural requirements to partake in the Bill and recommends that the Council pass a resolution approving the promotion of the Bill.

**2.0 Recommendations**

- 2.1 Agree the resolution attached to this report as **Appendix 1** which will approve the promotion of the 10<sup>th</sup> London Local Authorities Bill by Westminster Council.

**3.0 Detail**

*Background*

- 3.1 The current proposals in the Bill were agreed by the Leaders Committee of London Councils on 10 July 2007. The proposals at this stage include a wide range of matters from small technical improvements to matters that the London Councils are campaigning for such as a chewing gum levy and plastic bag levy or outright ban. All London Borough Councils have been asked to pass resolutions approving the promotion of the Bill.

- 3.2 The 10<sup>th</sup> London Local Authorities Bill is the result of a consultation process that began in November 2006. All 33 London Boroughs were consulted on the proposals contained in the Bill. The original criteria for inclusion in the Bill was:
- There must be evidence that the problem addressed by the new power 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 or are seriously detrimental to commercial interest are unlikely to succeed.

### *The current proposals*

- 3.3 The proposals fall broadly into 5 subject areas – environment, housing, public protection, street trading and transport. More detail on the proposals for the 10<sup>th</sup> London Local Authorities Bill is set out in a document provided by London Councils attached to this report as **Appendix 2**.
- 3.4 Members should note that there is likely to be a separate Bill promoted with Transport for London on matters in which interests are shared. The same approach was followed in the 9<sup>th</sup> Local London Authorities Bill which was recently passed by parliament. The transport provisions from that bill became part of the London Local Authority and Transport for London Bill which is currently before the House of Lords. Further detail on the transport proposals is set out in a document provided by London councils attached to this report as **Appendix 3**.
- 3.5 Officers are supportive of the proposals in the Bills since if they are enacted they will provide a range of new powers to address a number of problems or potential problems. Key new powers that could be of particular value to Brent are;
- ENV 1 on environmental fixed penalties where the costs of court action are considerable and the Council presently sees little or no return.
  - TRN 1 on the recovery of traffic management and street cleansing costs, firstly around the Stadium on event days but also for other locations. The powers would be even more beneficial if they were wide enough to cover other costs around the Stadium which are not recoverable under the Licensing Act such as planning, event monitoring and enforcing against illegal street trading.
  - ENV 4 on smoking related litter.
- 3.6 Other proposed powers which could be useful in addressing current problems in the Borough include those on control of items placed on the highway

including advertising boards, recovering damages to the highway, enforcing against builders skips on the highway, and the proposed power to serve notices where the landlord of an HMO fails to comply with a management regulations and carry out works in default if the works are not done.

- 3.7 Officers understand that there may also be a separate bill dealing with plastic bags. The resolution that members are asked to agree therefore refers to Bills rather than a Bill.

### *Procedure and Timing*

- 3.8 The 10<sup>th</sup> Local London Authorities Bill, like the previous London Local Authority Bills will be promoted by Westminster Council with support from London Councils and their parliamentary agents Sharpe Pritchard.
- 3.9 In order for the Council to be involved in the promotion of the Bill and make use of the provisions when they are passed into law the resolution attached to this report as **Appendix 1** must be passed by a majority of the whole number of members of the Council. Members should refer to paragraph 5.1 of the legal implications for further detail regarding this requirement.
- 3.10 The 10<sup>th</sup> London Local Authorities Bill will be deposited in Parliament on 27 November 2007.
- 3.11 A second resolution of the Council also passed by a majority of the whole number of members of the Council confirming this first resolution must be passed once the Bill has been deposited in Parliament.
- 3.12 Agreeing the resolution in **Appendix 1** allows the Council to be involved in the promotion of Bills but the Council will remain able to remove itself from any provisions of the Bills if they no longer serve the best interests of the Council.
- 3.13 However, a failure to pass this resolution means that the Council cannot be involved in the promotion of the Bills and will not be able to take advantage of the provisions when they become law. The Council cannot join the promotion of the Bills at a later date because the 10<sup>th</sup> Local London Authorities Bill will be deposited in Parliament on 27 November 2007.

## **4.0 Financial Implications**

- 4.1 The cost of supporting the Bill is estimated by London Councils to be around £10,000 and £15,000 per London Borough depending on the size of the Bills that are promoted. This estimate includes the costs of promoting two Bills, the 10<sup>th</sup> London Local Authorities Bill and a combined Bill with Transport for London incorporating transport provisions. The cost of the Bill or Bills would be spread over the time taken to promote the Bill and is in addition to the annual contribution levied by London Councils.

## **5.0 Legal Implications**

- 5.1 Section 87 of the Local Government Act 1985 requires that the resolution of the Council supporting promotion of the Bill must be passed by a majority of the whole number of the members of the council. Members should note that this means a majority of all of the 63 members of the Council rather than a majority of the members present at the Council meeting.
- 5.2 Section 87 of the Local Government Act also requires that a notice of the date of the meeting at which approving promotion of the 10<sup>th</sup> London Local Authorities Bill is to be considered must be made in a newspaper circulated in the local area 30 clear days before the meeting. Accordingly, Sharpe Pritchard published a notice in the Evening Standard on 10 August 2007 stating that the Council would be considering approving the promotion of the 10<sup>th</sup> London Local Authorities Bill on 29 October 2007.

## **6.0 Diversity Implications**

- 6.1 Although there are no diversity issues with passing this resolution or supporting the promotion of the 10<sup>th</sup> London Local Authorities Bill there are may be some diversity implications when implementing the proposals from the Bill. Officers will report on the diversity implications once the proposals in the Bill have been finalised.

## **7.0 Staffing Implications**

- 7.1 There are no staffing issues that arise from passing the resolution or supporting the promotion of the 10<sup>th</sup> London Local Authorities Bill. London Councils and their parliamentary agents Sharpe Pritchard will provide the officer support to take the Bill through Parliament.
- 7.2 Some of the proposals in the Bill may have implications for staffing once enacted and officers will report on staffing implications one the proposals have been finalised.

**Should any person require any further information about the issues addressed in this report, please contact Terry Osborne, Borough Solicitor on telephone number 020 8937 1292.**

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