



Full Council
21st January 2008

Report from the Borough Solicitor

London Local Authorities Bill, London Local Authorities (Shopping Bags) Bill, London Local Authorities and Transport for London (No. 2) Bill

1.0 Summary

- 1.1 On 29 October 2007 the Council passed a resolution stating their support for the promotion of a London Local Authorities Bill or Bills to be promoted by Westminster Council. The Council is now required to confirm their support by passing a further resolution approving the promotion of the Bills.

2.0 Recommendations

- 2.1 Agree the resolution attached to this report as **Appendix 1** which will approve the promotion of the 10th London Local Authorities Bill, the London Local Authorities (Shopping Bags) Bill and the London Local Authorities and Transport for London (No. 2) Bill by Westminster Council.

3.0 Detail

Background

- 3.1 In November 2006 London Councils began consulting on whether there was a need for a further London Local Authorities Bill and if so suitable provisions to go into the Bill. The resulting draft Bill became known as the 10th London Local Authorities Bill and on 29 October 2007 the Council passed a resolution supporting the promotion of the 10th London Local Authorities Bill. The resolution referred to the Councils support for the promotion of a Bill or Bills to cover a series of specific matters which enabled the Bill to be split into separate Bills if that was necessary.

- 3.2 The proposals included in the 10th London Local Authorities Bill were in fact separated into three distinct Bills prior to being deposited at Parliament. There are no new provisions in the Bills but it was considered prudent to put transport matters and the provisions relating to the shopping bag in separate Bills. The provisions that the Council approved the promotion of are now contained in the 10th London Local Authorities Bill, the London Local Authorities (Shopping Bags) Bill and the London Local Authorities and Transport for London (No. 2) Bill.
- 3.3 All three Bills, like previous London Local Authority Bills, are being promoted by Westminster Council with support from London Councils and their parliamentary agents Sharpe Pritchard.
- 3.4 All three Bills were deposited in Parliament on 27 November 2007.

Procedure

- 3.5 The Council passed a resolution on 29 October 2007 supporting the promotion of a Bill or Bills dealing with specific matters. However the Local Government Act 1985 requires a second resolution of the Council to now be passed by a majority of the whole number of members of the Council to confirm the first resolution.
- 3.6 Agreeing the resolution in **Appendix 1** to support the promotion of the three separate Bills ensures that the Council can be involved in the promotion of Bills and take advantage of the provisions once they become law. The Council remains able to remove itself from any provisions of the Bills if they no longer serve the best interests of the Council up until the Bills are passed by Parliament. However, the Council would not then be unable to make use of any provision from which it withdrew.

The current proposals

- 3.7 A copy of each Bill was sent to each of the offices of the political groups in early December 2007 so that members could consider the provisions of the Bills and copies of each of the Bills have been available for inspection by the public at the One Stop Shop in the Town Hall since 4 December 2007.
- 3.8 The proposals in the 10th London Local Authorities Bill fall broadly into 5 subject areas – environment, housing, public protection, street trading and transport. A summary of the Bill is contained in **Appendix 2**.
- 3.9 The London Local Authorities and Transport for London (No. 2) Bill is being promoted with Transport for London on matters in which interests are shared. The same approach was followed in the 9th Local London Authorities Bill which was recently passed by parliament. A summary of the Bill is contained in **Appendix 3**.

- 3.10 The London Local Authorities (Shopping Bags) Bill introduces a prohibition on shopping bags in London. The summary of the provision to which this Bill relates is also contained in **Appendix 2**
- 3.11 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 relate to;
- Environmental fixed penalties, where the costs of court action are considerable and the Council presently sees little or no return.
 - 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.
 - Smoking related litter.
- 3.12 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.

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 included the cost of promoting two Bills, the 10th London Local Authorities Bill and a combined Bill with Transport for London incorporating transport provisions. London Councils have not revised this estimate following splitting the provisions relating to shopping bags into a separate bill.
- 4.2 London Councils has asked the Council to contribute £10,000 towards the promotion of the Bill and arrangements for payment have been made.

5.0 Legal Implications

- 5.1 Section 87 of the Local Government Act 1985 requires that a further resolution of the Council confirming the resolution already passed by the Council on 29 October 2007 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. The appropriate resolution is attached to this report as **Appendix 1**.

5.2 Section 87 of the Local Government Act 1985 also requires that a notice of the date of the meeting at which approving promotion of the London Local Authorities Bill, London Local Authorities (Shopping Bags) Bill, London Local Authorities and Transport for London (No. 2) 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 14 December 2007 stating that the Council would be considering approving the promotion of the Bills on 21 January 2008.

6.0 Diversity Implications

6.1 Although there are no diversity issues with passing this resolution or supporting the promotion of the Bills 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 Bills. 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 Bills may have implications for staffing once enacted and officers will report on staffing implications once the proposals have been finalised.

Background papers

The Borough Solicitor's report to the Council on 29 October 2007 relating to the 10th London Local Authorities Bill.

The 10th London Local Authorities Bill

The London Local Authorities (Shopping Bags) Bill

The London Local Authorities and Transport for London (No. 2) Bill

Should any person require any further information about the issues addressed in this report, please contact Dan Bonifant, Local Government Lawyer on telephone number 020 8937 1368.

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