

MUNICIPAL YEAR 2007/2008 REPORT NO. 126

MEETING TITLE AND DATE:

Cabinet: 31 October 2007

Council: 7 November 2007

REPORT OF:

Director of Finance and Corporate Resources

Agenda – Part:

Item: 13

Subject: 10th London Local Authorities Bills, 3rd Joint London Local Authorities and Transport for London Bill

Wards: All

Cabinet Member consulted:

Councillor Michael Rye

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1. EXECUTIVE SUMMARY

It is necessary for the Council to pass the following resolution in order for it to participate in the promotion of another general powers bill, namely the Tenth London Local Authority Bill giving additional powers to London Boroughs and of a Joint London Local Authorities and Transport for London Bill. There may also be a separate bill dealing with shopping bags. This is the first of two resolutions the Council is required to pass is to comply with the statutory procedure concerning private bills. A second confirming resolution will be required to be passed after the bills have been deposited.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Council in order to participate in the promotion of the bills pass a resolution in the form provided by the parliamentary agents and attached hereto as **Appendix 1**.

3. BACKGROUND

- 3.1.1 The Association of London Government has requested Westminster City Council to promote another General Powers Bill, the 10th London Local Authorities Bill on behalf of member boroughs and a Joint London Local Authorities and Transport for London Bill.
- 3.1.2 The Council has participated in other London Local Authorities Bills, the most recent being the 9th London Local Authorities Bill which received Royal Assent on the 19th July 2007.

- 3.1.3 The Executive of the London Councils agreed in November 2006 to a consultation exercise with boroughs to identify which possible new powers could be promoted in a future 10th London Local Authority Bill.
- 3.1.4 The Executive canvassed the views of London's 33 councils and the Boroughs submitted 39 proposals which have been subsequently considered by the Executive with some being deleted by the Executive following legal advice.
- 3.1.5 The bills now proposed includes provisions relating to a range of powers for environmental protection, housing, public protection, street trading and transport. There is likely to be a separate bill promoted with TfL on matters in which interests are shared and there may also be a separate bill dealing with shopping bags. A schedule of the proposed powers together with an accompanying report to the Leaders' Committee is attached at Appendix 1 for the information of Members.
- 3.1.6 The Executive resolved on 10th July 2007 to deposit the bills in parliament in November 2007.
- 3.1.7 As part of the statutory procedure it is a requirement that, in order to participate, each member borough is required to pass a Resolution of its intention to participate in the promotion of the bills. To comply with the Parliamentary timetable a Resolution must be passed by full Council on the 7 November 2007.
- 3.1.8 A second confirming resolution will need to be passed when the bills have been deposited before parliament.
- 3.1.9 Consultation between the London Boroughs on the provisions is ongoing and not all of the proposals may be proceeded with.

4. ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options but a failure to pass the resolution would prevent the Council from participating in the promotion of the bill.

5. REASONS FOR RECOMMENDATIONS

To enable the Council to participate in the promotion of the Bills. The Council will have an opportunity to pass further comment on the draft bills if it resolves to participate in the promotion of the bills.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

The costs are difficult to quantify in advance. The promotion of a 10th London Local Authorities Bill will require each supporting borough to contribute to the bill's promotion. In the past this has been estimated at £12,000 per borough if all 33 boroughs support the promotion, but the figure is spread across a number of years and will depend upon the

number of proposals contained in the bill, how contentious they are and the actual length of actual time it takes to promote the bill.

It is estimated that the cost of promoting the 10th London Local Authorities Bill, deposited in November 2007 would be £216,000 to £266,000 which is £6,500 to £8,000 per borough.

There is likely to be additional costs by separating the transport provisions into a separate bill. The overall costs of promoting the 2 bills is estimated at £9,000.00 per borough.

The Council's approved revenue budget includes provision of £6,160 per annum to cover costs associated with the promotion of London Local Authorities Bills. Given that the associated costs will be spread over several financial years, this is considered sufficient to meet the expenditure in respect of the proposals described in the report.

6.2 Legal Implications

In accordance with s.87 of the Local Government Act 1985, the resolution must be passed by a majority of the whole of the members of the council if it is to have any effect.

Failure to pass the resolution will result in the council not being able to participate in the promotion of the bills.

6.3 Property Implications

None identifiable.

7. PERFORMANCE MANAGEMENT IMPLICATIONS

None identifiable.

8. COMMUNITY IMPLICATIONS

None identifiable.

9. PUTTING ENFIELD FIRST

The bills contain a number of environmental provisions which would help the Council promote a cleaner, greener Enfield.

Background Papers

1. Schedule of Provisions
2. Report to the London Councils Leaders' Committee 10 July 2007
3. Summary of comments on consultation

Appendix 1

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes –

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range or non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1966, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a Court Order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic

management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advance stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.