

City of Westminster

Committee General Purposes Urgency Sub- Committee	Date 20 February 2002	Title of Report 8th London Local Authorities Bill and London Local Authorities and Transport for London Bill
Classification FOR GENERAL RELEASE		Report of Director of Legal and Administrative Services
Wards involved	All	
Policy context	To acquire additional powers of enforcement	
Financial summary	The cost of these Bills to the Council is approximately £7500 which can be met from existing budgets	
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1. Summary

- 1.1 On 14th November 2001 the Council passed a resolution agreeing to promote a Private Bill in Parliament on behalf of itself, all other London local authorities and Transport for London. That Bill was deposited in Parliament on 27th November 2001. It is now necessary for the Council and other London local authorities to pass a resolution confirming their wish to proceed with the promotion of this Bill.

2. Recommendation

- 2.1 That the Sub-Committee recommends to the Council that it resolves:-

" **That** the Resolution of this Council passed at a Meeting of the Council held on 14th November 2001 to promote a Bill in the present Session of Parliament, pursuant to which the Bills intituled "A Bill to confer further powers upon local authorities in London; and for related purposes" and "A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes" have been deposited in Parliament, be and the same is hereby confirmed.

3. Background

- 3.1 At the meeting of the General Purposes Committee on 19th September 2001 it was agreed to recommend to Council that it should resolve to promote a General Powers Bill on behalf of the London boroughs. At that meeting some Members indicated that they would wish that certain provisions of the Bill should be made adoptive so that separate consideration could be made at a later date as to whether those provisions should apply within the Westminster area. The Committee is asked to note that the provisions deposited in Parliament relating to multiple dog walking, and the supply of spray paints to persons under the age of 18, are now adoptive provisions.
- 3.2 At the Council meeting on 14th November 2001 it was resolved to promote a Bill to make further provision for the improvement and development of local government services in London boroughs and cities including provisions relating to:
- (a) abandoned vehicles, including provisions relating to entry into them, and their removal, storage and disposal; and to the licensing, registration and taxation of vehicles, including new and increased powers of investigation and enforcement, and increased penalties for non-registration or incorrect registration;
 - (b) the roosting of birds on structures adjoining the highway where this causes nuisance to pedestrians;
 - (c) the further regulation of controlled waste on the highway and other open areas;
 - (d) the amendment of existing legislation relating to dangerous structures and the demolition of buildings;
 - (e) the re-inspection of food premises and the provision of training in relation to food safety;
 - (f) the evidential burden of proof relating to the offence of repairing vehicles on the highway as part of a trade or business;
 - (g) urinating or defecating in any public place;
 - (h) the control multiple dog walking;
 - (i) the supply, in the course of a business, of aerosol paints and indelible marker pens to persons under 18;

- (j) the power of Councils to charge for the removal of graffiti;
- (k) the registration of premises left unoccupied for more than 6 months;
- (l) rights of entry into entertainment and special treatment premises;
- (m) the exemption enjoyed by certain premises in respect of the need to have registered door supervisors;
- (n) the soliciting of members of the public to visit certain unlicensed premises;
- (o) the extension of the offences for which a Council may issue fixed penalty notices, including provisions to enable fines in respect of various offences to be paid into Council funds;
- (p) the setting of fixed penalties for offences;
- (q) the contributions to be made to the funding of the Greater London Magistrates' Courts Authority;
- (r) the insurance required by hotel proprietors in respect of guests' property;
- (s) the powers of parks constables;
- (t) the prosecution of unauthorised advertisements and posters ;
- (u) the enforcement by the Council and Transport for London of certain traffic offences by the issue of penalty charge notices enforceable under civil jurisdiction: such offences to include offences relating to yellow box junctions, prohibited vehicles and types of vehicles, vehicles turning in direction of arrow on road signs, giving priority to other vehicles, pedestrian zones, maximum vehicle weights, one way traffic, waiting at bus stops, stationary vehicles, and zig zag line prohibitions;
- (v) bus lanes;
- (w) the decriminalisation of offences relating to the London wide night time and weekend lorry ban;
- (x) the disclosure by Councils of information relating to vehicle ownership;
- (y) the use of parking reserve accounts for highways maintenance;
- (z) the extension of the time limit for offences relating to false applications for parking permits
- (aa) vehicle crossovers;
- (bb) the reinstatement of streets where road works carried out by a statutory undertaker;
- (cc) the service of fixed penalty notices for certain highway offences and the fixing of those penalties;
- (dd) the enhancement of the powers of highway authorities to remove things unlawfully deposited on the highway.

3.2 Following discussions between the City Council's parliamentary agents and Counsel to the Lord Chairman in the House of Lords the Council was advised that the provisions in the original draft Bill should be taken forward in two separate Bills. The first Bill being restricted to provisions solely for the benefit of the London boroughs and the second Bill containing powers sought by Transport for London as well as the London Boroughs. The London Local Authorities Bill and the London Local Authorities and Transport for London Bill were, therefore, deposited in Parliament on 27th November 2001. Copies of

both Bills are attached hereto as **Appendix 1**. Both Bills received their First Reading in the House of Lords on 28th January 2002.

- 3.4 By virtue of Section 239 of the Local Government Act 1972 it is necessary for the City Council to pass a Second Resolution following deposit of the Bills to confirm that the Council wishes to proceed with the promotion of the provisions contained in the Bills. This further report is therefore to ensure that the necessary legal formalities are complied with.

4. Financial Implications

- 4.1 The total contribution of the City Council to the cost of promoting the previous London Local Authorities Bills was in the region of £7500. It is likely that the current Bills will have a similar cost.
- 4.2 The sum of £7500 can be met from existing budgetary provision.

If you have any queries about this report or wish to inspect any of the background papers please contact Donal Kerrigan on 020 7641-2729 (Fax 020 7641 3325/ e-mail address: dkerrigan@westminster.gov.uk)

Background Papers

There are no background papers to this report.