

	General Purposes Urgency
Date:	9th January 2007
Subject:	(1) London Local Authorities and Transport for London (No. 2) Bill (2) London Local Authorities Bill (3) London Local Authorities (Shopping Bags) Bill

Summary

On 7th November 2007 the City Council resolved to promote London Local Authorities Bills on behalf of the London Boroughs.

The three Bills referred to above were deposited in Parliament on 27th November 2007.

In accordance with the Local Government Act 1972, the City Council is now required to take into consideration and determine upon the expediency of confirming the resolution of the Council passed on 7th November 2007.

Recommendations

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

that the resolution of this Council passed at a meeting of the Council held on 7th November 2007 to promote a Bill or Bills, pursuant to which the Bills intituled "A Bill to confer further powers upon local authorities in London; and for related purposes"; "A Bill to introduce in London a prohibition on the supply of certain bags by retailers, to confer powers upon local authorities in London to enforce the prohibition; 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.



City of Westminster

General Purposes Urgency Committee

Item No:

X

Date:

9th January 2007

Classification:

For General Release

Title of Report:

- (1) London Local Authorities and Transport for London (No 2) Bill
- (2) London Local Authorities Bill
- (3) London Local Authorities (Shopping Bags) Bill

Report of:

The Director of Legal and Administrative Services

Wards involved:

All

Policy context:

To acquire additional legislative powers to assist in the furtherance of the Council's One City programme

Financial summary:

The cost of the Bill to the Council is approximately £15,000 which can be met from existing budgets

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1 Background to this Report

- 1.1 On 24th October 2007 General Purposes Committee resolved to recommend to Council that it should resolve to promote London Local Authorities Bills on behalf of the London boroughs.
- 1.2 On 27th November 2007 the London Local Authorities and Transport for London Bill, the London Local Authorities Bill and the London Local Authorities (Shopping Bags) Bill were deposited in Parliament.
- 1.3 General Purposes Committee of 24th October 2007 requested that officers should consider making all the provisions contained in the Bills subject to an adoptive provision. Officers have considered this and discussed the matter with the Chairman of the Committee, but have concluded that it would be impracticable and unnecessary to do so.
- 1.4 Making a clause subject to an adoptive provision can be useful where the subject matter does not give rise to a problem in each of the London Boroughs; or where the provision is controversial; or introduces a new regulatory regime which needs time to establish and consult on. However, adopting such an approach is not without its consequences.
- 1.5 Adoption would require advertisements being placed in a newspaper circulating in the borough, detailing the intention to adopt and preparing reports to Council recommending adoption. Where a provision gives rise to an offence, the City Council would be required to prove adoption in each and every prosecution. This could require photocopying, collating and serving on the Defendant, the Defendant's solicitors and the Court copies of the relevant advertisements, reports, and minutes in large numbers of prosecutions.
- 1.6 Officers are of the opinion that because of the time and cost involved in taking the steps required to adopt and prove adoption, only those provisions which are particularly controversial, or that require us to do something upon the provisions coming into force, i.e. preparing certain documentation and putting place certain procedures, (as required by clause 10 of the LLA Bill: "scores on the doors"), should be made subject to an adoptive provision.
- 1.7 Moreover, in a number of respects it would simply not be sensible to require adoption, i.e. -
 - amending a typographical error in the City of Westminster Act 1996 (clause 24 LLA Bill)
 - the offence of obstructing an officer (clause 35 LLA Bill)

- the method of proving adoption in legal proceedings (clause 3 LLA & TFL (No. 2) Bill)
 - the City Council's own proposals (as indicated in the schedules contained in the attached report)
- 1.8 The Appendix to this report provides summaries of the contents of the Bills and indicates which provisions would require adoption in order to bring them into force.
- 1.9 It should be noted that there will be no duties imposed by the Bills, simply powers. Therefore, the City Council would not be obliged to make use of any of the provisions, whether they were adoptive or not. The Council would have complete discretion and could decide not to utilise the powers until such time as they were deemed useful.
- 1.10 There are two proposed amendments with regard to two clauses that are currently subject to an adoptive provision. It is proposed to remove the requirement to adopt these provisions. These provisions are –
- LLA & TFL (No.2) Bill, clauses 4 to 14. These clauses were proposed by the City Council and concern powers to remove things deposited on the highway for the good management of the highway. Adoption would simply be an unnecessary administrative burden.
 - LLA Bill, clause 9. This provision was proposed by K&C who use the Highways Act 1980 to control tables and chairs on the highway. The provisions would permit a local authority to consider the amount of highway utilised when assessing the appropriate fee to levy. As above, adoption would simply be an unnecessary administrative burden.
- 1.11 In accordance with the Local Government Act 1972, the Council now has to consider the expediency of confirming its resolution to promote the three Bills referred to in the title of this report.
- 1.12 The Bills themselves can be viewed and downloaded from Parliament's website at – <http://www.publications.parliament.uk/pa/privbill.htm>.

2 Legal Implications

- 2.1 Some of the provisions currently contained in the Bills are quite controversial, and the private Bill procedure gives the Government and other interests significant power to block provisions that they are opposed to. There is, therefore, no guarantee that all the provisions to be contained in the Bill will succeed. Members, therefore, need to be aware that there is a risk that a number of the provisions included in the Bill could be lost during its Parliamentary passage.

- 2.2 In accordance with the Local Government Act 1972, the Council now has to consider the expediency of confirming its resolution to promote the three Bills referred to in the title of this report.
- 2.3 Notice of the proposal to confirm the Council's resolution to promote the Bills is required to be given by way of advertisement at least 30 clear days before the meeting of the Council. Such Notice has been given by way of advertisement.
- 2.4 The proposed Council resolution is required to be passed by a majority of the whole Council.

3 Staffing Implications

- 3.1 There are no staffing implications

4 Human Rights Act 1998

- 4.1 In accordance with Parliamentary procedures, Counsel's advice confirming that its provisions are compatible with the Human Rights Act 1998 will be deposited in Parliament and a Government Minister will be required to provide parliament with a statement on such in due course.

5 Financial Implications

- 5.1 The costs of promotion are difficult to quantify in advance as much depends on how quickly the legislation passes through Parliament and the extent of any opposition. However, experience of previous promotions indicates that costs are likely to be in the region of £15,000 per borough. This cost is likely to be spread over financial years 2007/8 and 2008/9. This sum can be met from existing budgetary provision.

6 Reasons for Decision

- 6.1 To provide additional and improved powers to assist in the furtherance of the Council's One City programme, and the objectives of other London Boroughs.

If you have any queries about this report or wish to inspect any of the background papers please contact Gary Blackwell on 0207 641 2718 (Fax 0207 641 2251) e-mail address: gblackwell@westminster.gov.uk or Peter Large on 0207 641 2711 (Fax 020 7641 3325) e-mail address: plarge@westminster.gov.uk

Background Papers

The documents referred to in compiling the report is:

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

London Local Authorities Bill

London Local Authorities (Shopping Bags) Bill

Report to General Purposes Committee, dated 24th October 2007.

Report to General Purposes Urgency Committee, dated 25th October 2007.