



Haringey Council

Agenda item:

[No.]

General Purposes Committee

on

11 September 2007

Report Title: **Tenth London Local Authorities Bill**

Forward Plan reference number (if applicable): **N/A**

Report of: **The Director of Corporate Resources**

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose (That is, the decision required)

1.1 To consider participation by this Council in the promotion of a new London Local Authorities Bill and to recommend to full Council on 15 October 2007 that Members pass the necessary statutory resolution for this purpose.

2. Recommendations

2.1 That the Committee recommends full Council to pass the statutory resolution set out in Appendix 1 to this report.

Report Authorised by:

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3. Director of Finance Comments

3.1 The cost of the financial contribution from each Borough to promote the Bill is estimated by London Councils at £6,000 to £9,000 depending on the number of items that are successfully included in the eventual Statute and the extent of the objections to the Bill in Parliament. Any eventual cost will need to be met by the relevant Directorate promoting the extra legislative measures.

4. Head of Legal Services Comments

4.1 The legal and constitutional implications are incorporated into the main report.

5. Local Government (Access to Information) Act 1985

The background documents listed below can be inspected by arrangement with the contact officer shown above:

5.1 Circulars and correspondence from London Councils on the proposed Bill.

6. Background

- 6.1 There have been nine London Local Authorities Acts so far, starting in 1990. Most of their provisions have been concerned with improving and extending the Boroughs' enforcement powers in the fields of licensing, street trading, public health, waste disposal, environmental controls, traffic and parking. From the viewpoint of the relevant Council Services, these extra legislative powers have been found very useful and well worth the cost and effort of promoting the Bills.
- 6.2 At its meeting on 10 July 2007 the Leaders' Committee of London Councils agreed in principle to proceed with a 10th London Local Authorities Bill. The items for inclusion in the Bill are set out in Appendix 2 to this report. On the last two pages of Appendix 2 there is a list of matters deleted from the draft Bill in June 2007 following legal advice and decisions made by the Executive of London Councils.
- 6.3 There has already been consultation on the contents of the Bill with the Government Office for London (GOL), all London Boroughs and the City Corporation, Transport for London (TfL), the Parliamentary Agents and a variety of external stakeholders.
- 6.4 GOL has expressed opposition to the following proposed items: environmental fixed penalties (ENV1), chewing gum levy (ENV3), and notices in default of works at houses in multiple occupation (HSE2). GOL has express concern about: the plastic bag levy or ban (ENV2), pigeon control areas (ENV5), scores on the doors (PPR1), amending sex establishment legislation (PPR4), management of street markets (STT1) and cyclists on the footway (TRN14). Despite this opposition, London Councils propose to keep these items in the first draft and to press the Government for action on the issues raised.
- 6.5 Some of the transport measures in Appendix 2 (items TRN1 to TRN14) were proposed by the Boroughs and others by TfL. It is likely that most of these measures will need to be progressed by way of a separate joint Bill between the Boroughs and TfL as the legislation would affect both Borough and TfL controlled roads. This will be the subject of further discussion with TfL over August and a final decision on a joint Bill with TfL will be made by the Executive of London Councils in September.

6.6 As with the previous LLA Bills, London Councils will be co-ordinating much of the work but the lead Borough will be Westminster City Council and the Parliamentary Agents will be Sharpe Pritchard.

7. Registration of Social Clubs

- 7.1 The item promoted by Haringey's officers is PPR3 in Appendix 2 which is the control of social clubs. This has been a issue in Haringey for several years because of concerns that unregulated social clubs were being used for unlawful purposes and as a resort for criminals and prostitutes. Social clubs that do not sell/supply alcohol or provide public entertainment do not require a licence under the Licensing Act 2003.
- 7.2 The proposed item of legislation would require all social clubs in the Borough to be registered by the Borough. If not registered, anyone concerned in the ownership or management of a social club would be guilty of a criminal offence and liable to a maximum fine of £1,000.
- 7.3 Before deciding whether to register a social club the Council would consult local residents and businesses, as well as the Police, Fire Service and other public protection agencies. The Council could impose conditions relating to opening hours, numbers permitted on the premises, access, safety and keeping a register of club members. A refusal to register by the Council would be subject to a right of appeal to the Magistrates Court.
- 7.4 The proposed legislation would give the Council adequate information about club proprietors who could be held accountable for events on their premises.
- 7.5 The inclusion of these controls over social clubs in the 10th London Local Authorities' Bill was discussed and approved by the Cabinet Member for Enforcement and Safer Communities before the 10 July meeting of the Leaders' Committee of London Councils. There is an officer within the Heavy Enforcement Team who has the experience and ability to give evidence in support of the social club item when the matter is considered in Parliamentary Committee.

8. Recommended Action

- 8.1 The intention of London Councils has been to keep all the proposed items for legislation as shown in Appendix 2 at this stage. As explained below, many of these items could be dropped from the Bill as it progresses. If all the Boroughs pass the standard resolution, as set out in Appendix 1 to this report, this will create the greatest flexibility for further consultation and discussions on the ultimate content of the Bill but without a definite commitment now to any specific item.
- 8.2 In order for a Borough to participate fully in the Bill, the recommended resolution must be passed without amendment by a majority of all serving Members at the meeting of the full Council on 15 October. This is the advertised date for Haringey as given in a statutory advertisement placed in the Evening Standard on 10 August on behalf of all

the Boroughs. It is therefore not possible to defer a decision. If Members do not pass the resolution exactly as it stands, Haringey will not participate in the Bill and none of the proposed legislation will apply in Haringey.

- 8.3 It is within the terms of reference of the General Purposes Committee to make recommendations to full Council on promoting local legislation. The final decision will rest with the full Council. The Cabinet will be consulted but this is not an “executive” function within the Cabinet’s remit.
- 8.4 If Members do have concerns over specific items they should note that more information should be available from London Councils when progress is reported again after the deposit of the Bill in Parliament. At this time there is likely to be an opportunity for a fuller debate on the detailed contents of the Bill.

9. Future Progress

- 9.1 Before the Bill is drafted and deposited, the items for inclusion will have to be tested against the criteria below in order to determine whether they are appropriate for a private Bill: -
- (i) there must be evidence that the problem addressed is serious and affects a significant number of Boroughs or London as a whole
 - (ii) it must be possible to show that there is no existing legislation to address the problem or that existing legislation has proved ineffective
 - (iii) a case must be made for London Authorities to have new powers, even though these powers will not be available to Councils nationally
 - (iv) the proposals must have the support of other London Authorities
 - (v) provisions should not directly conflict with Central Government policies
- 9.2 Further consultation will be necessary before the Bill is deposited. This will include not only the Boroughs and the Central Government Departments responsible for matters covered by the Bill but also all those bodies and persons likely to be affected by the changes in the law.
- 9.3 The Boroughs are all being asked to pass resolutions in exactly the same form, as set out in Appendix 1, at meetings of their full Councils held between mid-September and mid-November. In the meantime the Bill will be drafted and circulated for comments. On the assumption that most Boroughs will have indicated a wish to proceed, a meeting of the Executive of London Councils in early November will give its approval to the final draft of the Bill. The Bill will be deposited in Parliament late in November 2007.
- 9.4 The participating Boroughs will be asked to pass a second resolution to confirm their participation in the Bill at full Council meetings in January, February or March 2008. At

this second meeting there should be a fuller details of the legislative proposals for Members to consider.

10. Financial Implications

10.1 The cost of the financial contribution from each Borough to promote the Bill is estimated by London Councils at £6,000 to £9,000 depending on the number of items that are successfully included in the eventual Statute and the extent of the objections to the Bill in Parliament. Any eventual cost will need to be met by the relevant Directorate promoting the extra legislative measures.

11. Legal Implications

11.1 The legal and constitutional implications are incorporated into the main report.

12. Equalities Implications

12.1 There are no specific equalities implications.

13. Use of Appendices / Tables / Photographs

13.1 Appendix 1 is the statutory first resolution in standard form for all London Local Authorities to pass without amendment.

13.2 Appendix 2 is the list of items proposed for the 10th London Local Authorities Bill but including on pages 4 and 5 those items originally proposed but now deleted.

FIRST RESOLUTION OF COUNCIL

HARINGEY LONDON BOROUGH COUNCIL

RESOLVED -

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 of 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 1996, 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 advanced 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.

APPENDIX 2

LIST OF ITEMS PROPOSED FOR THE 10TH LONDON LOCAL AUTHORITIES'
BILL INCLUDING ON PAGES 4 & 5 THE ITEMS ORIGINALLY PROPOSED BUT
DELETED FROM THE BILL IN JUNE 2007

No.	Item	Possible provision	Initiating borough	Comments / detail
ENVIRONMENT				
ENV 1	Environmental Fixed penalties	Provide a decriminalised regime (with appeals to an adjudicator) or allow borough to keep fines handed down by courts	London Councils	Currently there is little incentive for local authorities to pursue unpaid environmental fixed penalties through the courts. The costs of taking such cases to court is not met by costs and boroughs do not get to keep the fine.
ENV 2	Plastic bag levy or outright ban	Introduce a (10p?) levy on any plastic bag, possibly based on the Irish system. Income to be used to help pay for new waste facilities	Lambeth, Sutton and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. A ban has just been proposed in San Francisco and others.
ENV 3	Chewing gum levy	Introduce a levy on chewing gum which would be used to pay for cleaning discarded gum off the street	Westminster and London Councils	May not be possible to introduce on a London basis but promoting a provision may force the Government to move on this policy. 9th Bill tried to impose regulations on sale of chewing gum.
ENV 4	Smoking related litter	Extend range of premises where a street litter control notice can be issued.	Chartered Institute of Wastes management and ENCAM	This will address smoking related litter by amending section 94 of the Environmental Protection Act 1990 to allow street litter control notices to be issued in respect of any premises if there is smoking related litter in the vicinity of the premises and this is due to customers or users of the premises Smoking related litter outside buildings is expected to be a major issue when the indoor smoking ban takes effect in 2007
ENV 5	Pigeon Control Areas	The Clean Neighbourhood and Environment Act 2005 contains Dog Control Areas and consents for the distribution of free printed material. Either of these mechanisms could be applied to pigeon feeding, but it needs to be linked into Fixed Penalty Notices	Westminster and H & F	DCLG has recently stated in a discussion paper that bye laws for feeding pigeons are unacceptable and will not be agreed as they are considered "relatively trivial nuisances". This seems to go against current government agenda about improve local environmental quality and any programme of treatment against pigeons relies upon removal of food sources.
ENV 7	Charges for public toilets	Create a power to charge for the urinals (currently precluded). Local authorities are currently precluded from charging for the use of men's urinals (although not closets) by virtue of the Public Health Act 1936. The Public Lavatories (Turnstiles) Act 1963 also prohibits the installing of turnstiles in the vicinity of local authority conveniences.	City of London	The introduction of charges for male and female closets (possibly by means of a coin slot mechanism), but not for urinals, would raise issues of sex discrimination. Whilst the City has been advised that a claim on sex discrimination grounds may be successfully resisted, it would clearly be more satisfactory to seek a change in the law so as to enable London boroughs to charge for the use of its urinals as well as closets. In practice charging is most likely to be effectively implemented through the use of turnstiles so changes would need to be effected to both pieces of legislation.
ENV 8	Control of items placed on the highway, including advertising 'A' boards.	Control of 'A' shaped advertising boards and other items placed on the highway.	Westminster & RB Kingston	To allow powers to remove and dispose of, as well as the recovery of admin costs, enforcement costs and FPNs for contravention. This would address issues included in current legislation but which ineffective enforcement procedures
ENV 9	Tackling street clutter in London	Extending powers enjoyed by the City of London to remove street clutter	English Heritage	This includes signs, lights traffic signs etc that could be fixed to buildings, as in the City.
ENV 10	Regulating tables and chairs on the highway	Amending regulations relating to tables and chairs licensing on the highway. Currently authorities, when charging, cannot take into account the amount of highway to be used	RBK&C	Licences granted under S115E of the Highways Act 1980 regulate tables and chairs on the highway. The fee that can be charged for the licence cannot take account of the area of highway that is to be used. A clause is therefore proposed, whether by amendment of the Highways Act 1980 or otherwise, to allow London Boroughs to take account of the area of highway that is used when setting charges for licences for tables and chairs on the highway.
ENV 11	Powers to issue fixed penalty fines for depositing refuse containers on the highway and/or within litter bins	Powers to issue PCN fines for depositing refuse containers on the highway and/or within litter bins	RB Kingston	We are seeking to confirm the need for this legislation. It seems that the powers LB Kingston want are already contained within the Clean Neighbourhoods and Environment Act 2005 (CNEA). However, this clause was proposed after the CNEA received Royal assent, and we are checking back with RB Kingston on this, and getting clarification of what powers they are actually seeking.

No.	Item	Possible provision	Initiating borough	Comments / detail
ENY 12	S225 Town and County Planning Act 1990, as amended. Removal of placards and posters.	S225 Town and County Planning Act 1990, as amended. Removal of placards and posters.	Richmond, Chris Warner, Legal Services	S225 enables a local planning authority to serve a Notice where fly posting has taken place and if the posters are not removed then the lpa may do so themselves and recover "the costs they may reasonably incur in exercising their power... S225(9) provides that if any damage is caused to land or chattels in exercise of the power then the person suffering damage may recover compensation from the lpa. We have a situation where posters were removed from telecommunications boxes. Strong glue was used and we had to re-paint the boxes at an additional cost of £100. If we had not done so we could have been faced with a compensation claim from the owner of the telecommunications box. It is felt that this money should be recoverable from the person who was served with the Notice. It is questionable however whether removal costs extend to re-painting. We would suggest an amendment to include any re-installment/repair costs as a result of the removal/bilateral.

HOUSING

HSE 2	Serving notice in houses of Multiple Occupation (HMO)	Provides power to a borough where a landlord of a House of Multiple Occupation fails to comply with a management regulation, that the borough can serve notice specifying that the works are done, and if not undertake the works in default.	RBK&C	The Government made the Management of Houses in Multiple Occupation (England) Regulations 2006 which imposed duties in respect of the repair, maintenance, cleanliness and good repair of facilities and equipment. In HMOs the 2006 regulations also provide for proceedings against a person for an offence under section 234(3). But, there is no provision however to allow the Council to serve notice and to undertake works in default, if those arrangements are not in place. The Housing Act or the regulations should provide that, where the HMO fails to comply with one of the management regulations the authority may serve notice specifying the works which are required to make good the neglect. If this notice (with associated timescales) is not complied with, the authority may then undertake works in default. This would reinstate the power which authorities previously had under the Housing Act 1985.
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PUBLIC PROTECTION

PPR 1	Scores on the doors	Provide a requirement for food premises to display food hygiene information and an offence of forging or altering the displayed information.	Lambeth	Would underpin voluntary schemes and could act as a trial for a national scheme. Note the FSA has a pilot project covering all LBs.
PPR 2	Amend special treatments premises legislation	This would help in a number of areas as follows. To clarify exemptions relating to care homes etc. control special treatments provided at home addresses, remove certain exemptions, and catch new treatments.	Westminster, Brent	Require new treatments to be licensed. Amend Part II of the LTA Act 1991, so as to remove some of the statutory exemptions, and require new treatments to be licensed.
PPR 3	Social club control	Control of social clubs	Haringey	There have been concerns that boroughs have insufficient control over the number of 'member only' clubs that are established, especially in premises formerly used as retail premises. While not necessarily seeking to restrict their number or interfere with the town planning requirements, it is desirable to ensure that there are proper management controls, self regulation and as a consequence less enforcement agency involvement.
PPR 4	Amend sex establishment legislation	To allow boroughs to serve notices and summonses on sex establishments by ordinary post (currently requires recorded delivery post). Also proposed to amend a typographical error in the legislation following a court case.	Westminster	Changing the legislation regarding post would bring it into line with more recent national legislation. A recent court case also showed up an error in the legislation and this should be corrected, by amending the error in the City of Westminster Act 1996 (sex establishment legislation).
PPR 5	Amending planning powers relating to sex establishments	Powers are sought that would allow boroughs to object/restrain if sex establishments (lap-dancing clubs) are proposed too close to residential areas.	Tower Hamlets	It has a 'serious issue' with current legislation regarding the licensing of sex establishments, particularly where there are lap-dancing clubs in residential areas which cause part of the community distress.

No.	Item	Possible provision	Initiating borough	Comments / detail
STREET TRADING				
STT 1	Management of Street Markets	Powers to authorise a third party to manage street markets within an agreed local framework. This could allow a borough to hand management over to a BID, for instance.	H & F	Currently only councils have the ability to manage and enforce street markets. In many instances this is a low priority.
STT 3	Disposal of seized goods and equipment	Disposal of seized goods after a payment of a PCN requiring confirmation of the owner's name and address	Westminster	Amend the street trading provisions of the London Local Authority Act 1990 and the City of Westminster Act 1999 so as to permit disposal of seized goods and equipment after payment of a fixed penalty or failure to comply with a notice served in conjunction with a fixed penalty requiring confirmation of the owner's name and address in writing within 14 days.
STT 4	Require consent to provide free food in the street	Powers relating to the provision of on-street free food.	Westminster	Requirement to obtain consent to provide free food in the street (soup runs), with the power to attach conditions to the consent. Also prohibition of soup kitchens in designated areas.
STT 5	Amendments to City of Westminster Act 1999	Affects street trading in Westminster. More details to come	Westminster	These ideas may also be attractive to other boroughs, and should also be applied using the LLA 1990
STT 6	Street trading under Local Authority Act 1990	Detailed aspects of Street Trading legislation	Richmond, Chris Warner, Legal Services	(a) deals with succession to a relative is deleted. (b) Clarification in the Act on how internet sales should be dealt with under street trading eg is an offer of a vehicle for sale on the internet covered by street trading where the vehicle is parked on the street but with no For Sale signs displayed? (c) More generally is it time for a consolidation of the street trading provisions in light of the various amendments since 1990?

TRANSPORT

TRN 1	Recovery of traffic management and street cleansing costs, and power to close/manage traffic for 'special events'	Recovery of traffic management and street cleansing costs due to football matches and other large public events. Power to charge venues which attract large numbers of people and result in extra costs for street cleansing and traffic management. This could also cover the power to close/manage roads for 'special events'	Kingston (and Wandsworth or H & F?)	Recovery of costs from some events is likely to be covered by the Licensing Act 2003, the fee for which is meant to cover all aspects of an event. However, this is not the case with the football stadium's safety certificate which only covers activities inside the ground. Nor is it the case with venues/events that do not need a license. On the issue of new powers, the RTA does allow boroughs to do this, but there is a limit on the number of times the powers can be invoked.
TRN 2	Charging points for electric vehicles	Clarification of powers to provide charging points for electric vehicles in the street, and in particular in relation borough liabilities which are at present unlimited	H & F	The powers could relate to both, installing charging points on behalf of residents, and running a charging system.
TRN 3	Recover damages to the highway	Power to require an owner or developer to provide a deposit, prior to commencement of development, which could then be offset against any costs arising from making good damage caused by the owner or developer. There is also a suggestion that where there is damage, fixed penalty fines could be used	Bromley and RB Kingston	It has also been suggested that powers are required to deal immediately where mud and other building material are deposited on the highway to the detriment of free/sale passage. The powers should also allow for the recovery of administrative costs, and fixed penalty fines.
TRN 5	Gated road closures	Powers to fine those who open emergency gates without authorisation under the relevant traffic order	Camden	Fines collected would go towards costs of the surveillance.
TRN 7	Pedicabs	Powers to control pedicabs	London Councils, Westminster and TfL	This item has support from both London Councils, and TfL. In addition Westminster Council is very animated about this issue. This needs to be tried again.
TRN 8	Issuing PCNs by post	Issuing PCNs by post where service prevented by vehicle driving away	TfL	Proposed by TfL. Our opinion is that this is worth a try but will be difficult to get approval for.
TRN 9	Cycle lanes	Allowing decriminalised enforcement of cycle lanes	TfL	Proposed by TfL with no borough opposition.
TRN 10	Advanced stopping areas	Allowing decriminalised enforcement of advanced stopping areas at traffic lights	TfL	Proposed by TfL. Our opinion is that this is fine in principle, but the definition will be tricky to avoid it covering red lights generally.
TRN 11	mobile phones and driving	Allowing decriminalised enforcement of the use of mobile phones while driving	TfL	Proposed by TfL. Our opinion is that this is difficult in practice and principle. This is an endorsable offence and hence driver liability. Previously we have said that endorsable offences should remain criminal.

No.	Item	Possible provision	Initiating borough	Comments / detail
TRN 12	uninsured vehicles	Allowing local authorities to take action in relation to uninsured vehicles	TTL	Proposed by TTL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.
TRN 13	vehicles without an MOT	Allowing local authorities to take action in relation to vehicles without an MOT	TTL	Proposed by TTL. Our opinion is that this will be almost impossible for local authorities as they have no access to the databases on which these issues are listed and I think there will be strong resistance to allowing such access.
TRN 14	Cyclists on the footway	Section 72 of the Highways Act 1835 makes it an offence to cycle on the footway. Section 51 and Schedule 3 of the Road Traffic Act 1988 provide that such an offence is punishable by a fixed penalty of £30.	RB&GC	It is proposed that London local authorities should have the power to vary the fixed penalty according to the area where the offence takes place and the seriousness of the offence. London authorities should have the discretion to impose a far greater penalty than the current £30 fixed penalty. TEP advises that this would bring in differential penalty levels for parking which has already proved difficult and time-consuming to get agreement and implementation.

PROPOSALS DELETED IN JUNE 2007 FOLLOWING LEGAL ADVICE

ENV 6	Waste transfer notes	Powers for boroughs to require those moving waste to have to provide a waste transfer note on demand. Currently they have 7 days, and it causes problems.	Wandsworth	Anyone moving waste is required to have a waste transfer note. The Waste Regulations currently state that the person carrying the waste has 7 days to provide the waste transfer notes. In view of fly-tipping and non-registration problems, this needs to be tightened up.
STT 2	Trading activity at traffic lights	Banning car washing and paper selling at traffic lights etc.	H & F	At present, the only power is obstruction and that is hard to prove with moving objects so the ability to use Fixed Penalty Notices would seem appropriate.
TRN 4	Issuing PCN to bus drivers	Issuing PCNs to bus drivers who fail to turn off their engines whilst the vehicle is stationary	Camden	The new element in this proposal relates to the issuing of the PCN in relation to this offence. It will cover both bus and coaches, and in some areas of London, there is significant coach parking.
TRN 6	Vehicles obstructing the highway	Powers to remove/reposition vehicles that obstruct free/safe passage and/or access to the highway. The powers should allow for a recovery charge similar to current Police procedures.	RB Kingston	This looks to ask for powers similar to those under section 137 of the Highways Act 1980, which states "If a person, without lawful authority or excuse, in any way willfully obstructs the free passage along a highway, he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale." At the moment, a local authority can only remove or reposition a vehicle if it is abandoned, untaxed or in contravention of a traffic management order. This would extend borough powers in this regard.
NP 1A	Street trading under Local Authority Act 1990	Detailed aspects of Street Trading legislation	Richmond. Chris Warner. Legal Services	
NP 2	Environmental Protection Act 1990 and the placing of recycling bins on privately owned land	Household waste, recycling bins and privately owned land	Richmond. Chris Warner. Legal Services	The LA has a duty to collect household waste under s45 of the Act. Section 46 states the LA may serve a Notice requiring the occupier to place the waste for collection in receptacles of a kind and number specified, and separate receptacles may be required for recyclable waste. Section 46 does not however include an express power to enter onto private land to place, collect and empty those receptacles. An issue has arisen where the estate manager/residents in a private block of flats do not agree to the placing of recycling bins on their land and solicitors have threatened action if we do so. Counsel's Advice has been taken and he feels that a power should be implied. Clearly however, an express power would remove any doubt.

PROPOSALS DELETED IN JUNE 2007 FOLLOWING EXECUTIVE MEETING

HSE 1	Enshrining more strategic housing powers for boroughs	A range of regulatory and statutory powers on several aspects related to housing	London Councils	
NP 4	FPN for for cannabis possession	Proposed £80 fine for cannabis possession	Camden, Mark Roe	Camden's suggestion is FPNs/PNDs for cannabis possession. There were some reservations from the borough police colleagues in terms of enforcement (PCSOs not being trained to deal with confrontational situations and FPNs possibly diluting the anti-drug message (i.e., if you can afford to pay there is not much deterrent). However, it is an issue that they would like to have the tools to deal with through FPNs. The police would like to have the power to issue FPNs (£80 fines) to anyone caught with cannabis on the borough. We want to replace existing guidelines which advise police to issue warnings rather than prosecute with a system of on-the-spot fines that carry a criminal record. We do not feel that formal warnings are working and believe a fine would be much more effective in dealing with this our hot spots, particularly Camden Town. This was also a strong recommendation within our recent ASB review and action plan. We would welcome some feedback about this. We hope it is not too late for this to be considered.

No.	Item	Possible provision	Initiating borough	Comments / detail
FIN1	LC to receive grants monies for dispersal to the boroughs	Allowing London Councils to be defined as a 'lead local authority' and receive grants monies for dispersal to the boroughs	London Councils	At present, funding from DCLG for Improvement and Efficiency has to be banked with a lead authority as an 'accountable body'. This is because the legislation/regulations under which the funding is provided only allows monies to go to 'Best Value Authorities' and London Councils are not one of these. H&F is used as our banker, but there is a lot of bureaucracy involved in claims and accounting etc. It would be better if London Councils could receive the monies direct from DCLG (rather other Govt departments) to improve efficiency.