

COUNCIL 15 OCTOBER 2007

Chair:
Councillor Eddie Griffith

Deputy Chair:
Councillor Gmmh
Rahman Khan

INTRODUCTION

1.1 This report to full Council arises from a report considered by the General Purposes Committee at our meeting on 11 September 2007. The report comes to full Council because the legislation on promoting new legislation requires a standard form resolution to be passed by a majority of all serving Haringey Councillors. This resolution is set out at Appendix 1 to this report. If Haringey is to participate at all in the proposed new legislation, the resolution must be passed as it stands without any amendment. Since this meeting of the full Council has been officially advertised as the date for this resolution, the decision on participation cannot be deferred.

**ITEM FOR DECISION FROM THE MEETING OF THE
COMMITTEE ON 11 SEPTEMBER 2007**

**2. PARTICIPATION IN THE TENTH LONDON LOCAL AUTHORITIES
BILL AND A JOINT BILL WITH TRANSPORT FOR LONDON**

- 2.1 We received a report recommending Haringey's participation in the promotion of a proposed tenth London Local Authorities Bill. The Leaders' Committee of London Councils at its meeting on 10 July 2007 agreed in principle to proceed with a new Bill. As was the case with previous Bills, London Councils would co-ordinate much of the work. The lead Borough would be Westminster and the parliamentary agents would be Sharpe Pritchard.
- 2.2 We noted that the transport measures were likely to be progressed by way of a separate joint Bill between the Boroughs and Transport for London (TfL) because the proposals would affect both roads controlled by the Boroughs and those controlled by TfL. Since the meeting of General Purposes Committee (GPC) on 11 September, agreement has been reached between London Councils and TfL that a joint Bill will be promoted at the same time as the London Local Authorities Bill.
- 2.3 The items for the joint Bill with TfL are set out in Appendix 2 to this report. These are the transport measures and two other items which

are controls over advertisements on the highway (ENV 8) and powers to remove signs fixed to buildings (ENV 9). Members will note that four of the transport items reported to GPC have now been dropped because they appear to be impracticable. These are: issuing Penalty Charge Notices by post (TRN 8), decriminalised enforcement of cycle lanes (TRN 9), local authority powers to take action against uninsured vehicles (TRN 12) and vehicles without MOT (TRN 13). However, two new items have been added to the Bill: improved enforcement powers relating to builders' skips on the highway (TRN 15) and decriminalised enforcement of contraventions arising from the movement of abnormal loads.

- 2.4 The remaining items for the tenth London Local Authorities Bill, which only deals with the powers of the Boroughs, are set out in Appendix 3 to this report. Two of the items for this Bill previously reported to GPC have been dropped. These are: amendments to the law on special treatments premises (PPR 2) and amendments only affecting street trading in Westminster (STT 5).
- 2.5 We were advised that there had been consultation on the measures for the Bills with the Government Office for London (GOL), Transport for London, all London Boroughs and several other stakeholders. GOL is opposed to the following items: environmental fixed penalties (ENV 1), chewing gum levy (ENV 3) and notices in default of works being done at houses in multiple occupation. GOL has expressed concern about other items: the plastic bag levy or ban (ENV 2), pigeon control areas (ENV 5), scores on the doors of food premises (PPR 1) amending sex establishments legislation (PPR 4), power to contract out the management of street markets (STT 1) and power to vary the fixed penalties for cycling on the footway (TRN 14). London Councils wishes to keep all these items in the first draft of the Bills in order to press Central Government for action on the issues raised.
- 2.6 We noted that the item of greatest interest to Haringey is the new controls over social clubs (PPR 3 in Appendix 3). There is evidence that unregulated social clubs in the Borough, including "member-only" clubs, are being used for unlawful purposes or as a resort for criminals and prostitutes. Social clubs that do not sell or supply alcohol or provide public entertainment or night café facilities do not require a licence under the Licensing Act 2003.
- 2.7 The proposal is that all social clubs with limited exemptions must be registered with the Council. Anyone concerned in the ownership or management of an unregistered club would be guilty of a criminal offence and liable to a £1,000 maximum fine. Before deciding whether to register, the Council would consult local residents and businesses and the Police, Fire Service and other public protection agencies. The

Council could impose conditions relating to opening hours, numbers on the premises, access, safety and keeping a register of club members.

- 2.8 We discussed the effectiveness of the proposed new controls given the temporary nature of many social clubs. We accepted advice that the proposed legislation would assist law enforcement by giving the Council more information than at present about club proprietors and managers in the Borough.
- 2.9 We expressed concerns about the extension of powers to issue fixed penalty notices and the degree of influence Haringey would have over the fixing of the level of penalties. Because of these concerns we have recommended that there should be a debate on this report at full Council.
- 2.10 We were advised that at this stage each Borough must pass the standard resolution in Appendix 1 without amendment or cease to participate in the Bill and the new powers it would make available. The advice since received from London Councils is that in the event of any Borough having serious concerns or reservations about an item in the Bills, then London Councils would make every effort to provide for that item to be adoptive. Each Council could then decide for itself whether to bring that item into force in its own area.
- 2.11 If Members pass the first resolution in Appendix 1, there would be a second report seeking a confirmatory resolution at some time in the first three months of 2008. At that time, there should be more information about the items that have been dropped from the Bills because it is impracticable to pursue them in the face of objections and about those items that remain in the Bills.
- 2.12 We noted that the estimated cost of Haringey's participation in the promotion of the Bills was between £6,000 and £9,000 over 2 or 3 years and that this money could be found from the existing budget of the Urban Environment Directorate.

WE RECOMMEND

That Council passes the resolution set out in Appendix 1 to this report after a debate on the matter.