

APPENDIX 3

SCHEDULE OF ITEMS REMAINING IN THE PROPOSED 10TH LONDON LOCAL
AUTHORITIES BILL

No.	Item	Possible provision	Initiating borough	Comments / detail	Consultees
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. These power would be used against individuals and businesses	
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 & Wandsworth	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. Pubs and restaurants are already covered by existing legislation.	
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. THIS MAYBE ALREADY COVERED BY THE LOCAL GOVERNMENT AND INVOLVEMENT IN HEALTH BILL POWERS, SO MAY BE DROPPED. CHECKING	
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 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 - who are now looking iffy about their support for this??	We are seeking to confirm the need for this legislation. It seems that the powers LB Kingston want are already contained with in 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. This is about putting household waste in litter bins, but needs to be defined	

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ENV 12	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters.	S225 Town and Country Planning Act 1990, as amended. Removal of placards and posters. s225 enables a local planning authority to serve a Notice where fly posting has take 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..."	Richmond, Chris Warner, Legal Services	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-instatement/repair costs as a result of the removal/obliteration.	

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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.	
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 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 formally 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 licensing 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 and Westminster now involved	TH 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. CHECKING TO SEE IF, POST 2003 LICENSING ACT WHETHER THIS IS STILL NECESSARY	
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. TO BE DRAFTED - REG HART IN HARINGEY	
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 6	Street trading under Local Authority Act 1990	Detailed aspects of Street Trading legislation	Richmond, Chris Warner, Legal Services	(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? (c) TO BE DROPPED?	