

Appendix A

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**SCHEDULE OF NEW/FORTHCOMING/PROPOSED LEGISLATION
SIGNIFICANTLY AFFECTING THE COUNCIL'S ACTIVITY**

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on GLA and London Mayoral Powers</p>	<p>On 30th November 2005, the government issued a consultation paper entitled <i>'The Government's proposals for additional powers and responsibilities for the Mayor and Assembly'</i>. Londoners are being asked to give their views by 22 February 2006 on a package of changes and options giving the Mayor greater freedom of choice and more influence over delivery of key services like housing, skills, planning and waste, while p[re]serving a balance of power between the Mayor, Assembly and the boroughs. The paper also offers the London Assembly the chance to play a bigger role in policy development and scrutiny – a move aimed at maintaining the balance of power between the two parts of the Greater London Authority.</p> <p>The consultation paper asks for views on options and proposals in four key areas:</p> <p>Housing Should the Mayor decide the allocation of the affordable housing portion of the Regional Housing Pot in London? This proposal is in addition to the transfer of responsibilities of the London Housing Board to the Mayor.</p> <p><i>For further information please contact John Suddaby, Deputy Head of Legal Services, Extn. 5937 or Davina Fiore, Head of Legal Services, Extn. 3974</i></p>	<p>30th November 2005 to 22nd February 2006</p>	<p>Environmental, Planning, Children's Service, Housing</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on GLA and London Mayoral Powers (Continued)</p>	<p>Learning and Skills Consultation on options for giving the Mayor a greater say over learning and skills in London.</p> <p>Planning Options for change range from significant additional powers allowing the Mayor to direct boroughs on local plans and become the development control authority for defined classes of strategic planning and defined strategic sites, through more limited new powers allowing the Mayor to direct strategic sites, through more limited new powers allowing the Mayor to direct boroughs' local plans in relation to defined strategic issues to minimal change.</p> <p>Waste Management/Planning Options include making establishment single waste authority for London, accountable to the Mayor as a functional body of the GLA and making the Mayor responsible for waste planning in London, there are also alternative options of central delegated bodies or extending the existing sub-regional arrangements that already operate.</p> <p><i>For further information please contact John Suddaby, Deputy Head of Legal Services, Extn. 5937 or Davina Fiore, Head of Legal Services, Extn. 3974</i></p>		

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Government Consultation on Three-Year Revenue and Capital Settlements</p>	<p>Government's proposals for consultation issued December 2004 aimed at giving greater certainty about future local government finance settlements, to significantly improve medium-term financial and service planning, and support the delivery of high quality local services. Included in proposals are consideration of a system involving a basic ("floor") increase for each type of authority and variable top up depending upon the characteristics of each authority.</p> <p>The ALG's response is to be found at: http://www.alg.gov.uk/upload/p[ublic/attachments/416/Three-year%20Settlements%20Response.pdf</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>Deadline for responses was 11th March 2005</p>	<p>All Services</p>
<p>Local Government Finance Settlement 2005/06</p>	<p>Following consultation, The Minister of State for Local Government on 2nd December announced the proposed local government finance settlement for 2005/06. The key features are:</p> <p>(a) A £3.5 billion increase (over 2004/05) in Councils' total of Government grants – a 6.2% increase in cash terms. The increase in Formula Grant is 5.4%.</p>		<p>All Services</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
	<p>(b) An extra £637m beyond the figures in the 2004 Comprehensive Spending Review. This includes an extra £358m in Revenue Support Grant. There is new money of £100m for safeguarding children and £100m for access and systems capacity (for 2005/06 only). There is £28m extra for Fire to enable authorities not to repay transitional funding.</p> <p>Ministers have made clear they expect to see a national average increase in council tax of less than 5%. They have said they are “prepared to take even tougher capping action next year” to ensure that tax increases are in line with their expectations.</p> <p>ALG response can be found on their website at www.alg.gov.uk</p> <p>Ministers have decided not to meet individual authorities this year. They will be meeting the major groups representing local authorities and be receiving written representations in the usual way.</p> <p>The Government expects all authorities to pass their schools’ FSS increase on to their schools budget, other than in wholly exceptional circumstances.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>		

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>Review of the Members Code of Conduct</p>	<p>The Standards Board for England has completed its review of the Code of Conduct and has presented the Local Government Minister with its proposals. The proposals for change can be accessed at www.standardsboard.co.uk. They include:</p> <ul style="list-style-type: none"> • Giving greater support for the councillor's role as an advocate for their community • Reducing the number of personal interests • Having a specific provision on bullying • Allowing members to disclose information in the public interest • Proposing that the regulation of behaviour outside official duties should be limited to unlawful activities • Abolition of the duty to report breaches <p>The Government's response to the Standards Board's proposals is expected imminently.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>		<p>All Elected Members and voting co-opted members</p>
<p>Violent Crime Reduction Bill 2005</p>	<p>The Bill includes provisions for reducing and dealing with the abuse of alcohol and alcohol disorder and also addressing real and imitation firearms, ammunition, knives, and other weapons.</p> <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>At Committee stage</p>	<p>Environmental Services, Children's Service</p>

New Legislation	Legal Services Team - Head of Legal Services' Office	Date in force	Service Affected
<p>The Civil Contingencies Act (2004)</p>	<p>The Civil Contingencies Act (2004) comes into force on 15 November 2005, and places a number of statutory responsibilities on Local Authorities (and other key agencies) in relation to Emergency Planning. There are six key statutory duties applying to Local Authorities:</p> <ul style="list-style-type: none"> • To co-operate and share information with other agencies. • To assess the risk of an emergency occurring. • To maintain plans to ensure that essential services can continue to be provided in the event of an emergency, as far as is reasonably practicable. • To communicate with the public to (a) advise of risks before an emergency: and (b) warning and keeping the public informed in the event of an emergency. • To provide advice and assistance to businesses and voluntary organisations. <p><i>For further information please contact Davina Fiore, Head of Legal Services Extn. 3974 or John Suddaby, Deputy Head of Legal Services Extn. 5937</i></p>	<p>15th November 2005</p>	

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
Compulsory Purchase Act 2004	<p>The development control provisions of the Planning and Compulsory Purchase Act 2004 came into effect from 24 August 2005 - see the Planning and Compulsory Purchase Act 2004 (Commencement No.5 and Savings) Order 2005.</p> <ul style="list-style-type: none"> • Major Infrastructure Projects - this new measure will seek to speed up the inquiry process by enabling concurrent inquiry sessions to be held. In addition, the measure provides that an economic impact report should accompany an application for a major development of national or regional importance. This is intended to provide better and earlier information - with the expected benefit of a reduction in inquiry time on such schemes. • Duration of Permission and Consent - amends the default period for the life of a planning permission and consent from five to three years and removes the current ability to extend that time limit. Extensions on existing planning permissions will be permitted for a further 12 months after commencement. • Power to Decline to Determine Applications - extends the existing power for local planning authorities to decline to determine repeat applications where they are submitted with the intention of wearing down opposition to undesirable developments. 	24 th August 2005	<p>Planning & Housing</p> <p>Planning</p> <p>Planning</p> <p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
	<p>See also:</p> <ul style="list-style-type: none"> • The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2005 which amends the Town and Country Planning (General Development Procedure) Order 1995 ("the 1995 Order") in consequence of provisions in the Planning and Compulsory Purchase Act 2004 and also makes certain other minor amendments, and • The Town and Country Planning (Major Infrastructure Project Inquiries Procedure) (England) Rules 2005 which prescribe the procedure to be followed in connection with local inquiries relating to applications for planning permission or for the approval of a local planning authority required under a development order held by the Secretary of State in England, where he thinks that the development to which the application relates is of national or regional importance. <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town & Country Planning (Use Classes) (Amendment) (England) Order 2005</p>	<p>The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 makes a number of significant changes to the subdivision of uses currently falling within Use Class A3 (food and drink) with the creation of two additional Use Classes, A4 (drinking establishments) and A5 (hot food takeaways). In addition the amended Order confirms that nightclubs do not fall specifically into any use class and are, as a result <i>sui generis</i> (i.e. a development which requires specific permission and is not covered by any Use Class). The ODPM expects this move will provide an element of certainty over use as a nightclub. Up to now such establishments were not referred to within the UCO. Nightclubs can have significant environmental impacts and are now subject to the full range of planning considerations before development can take place.</p> <p>In another move reflecting the realities of current town centre "life", internet cafes, where the primary purpose of the premises is to "provide facilities for enabling, members of the public to access the internet" are now to be included within Class A1 (Shops).</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>21st April 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town and Country Planning (Blight Provisions) (England) Order 2005</p>	<p>The blight notice provisions in sections 149 to 171 of the Town and Country Planning Act 1990 enable persons holding certain interests in categories of land, specified in Schedule 13 to that Act (including land affected by certain planning and highway proposals), to require the appropriate authority to acquire their interest in the land.</p> <p>This Order increases the annual value limit from £24,600 to £29,200 to take account of the rating revaluation in the year 2005. The Town and Country Planning (Blight Provisions) (England) Order 2000 (S.I. 2000/539) is revoked.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st April 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005</p>	<p>Part I of the Local Government Act 1999 (Best Value) places requirements on local authorities and other authorities ("best value authorities") relating to economy, efficiency and effectiveness in the exercise of their functions. Section 4(1) of that Act provides the Secretary of State with a power to specify by Order best value performance indicators and standards.</p> <p>This Order specifies performance indicators by reference to which a best value authority's performance in exercising functions can be measured. The Order also specifies standards in respect of particular functions and particular best value authorities. The Order applies to best value authorities in England except police authorities. The Order revokes and replaces The Local Government (Best Value) Performance Indicators and Performance Standards Order 2003. It also makes consequential revocations of orders amending that Order.</p> <p>The Order specifies indicators and standards in relation to the best value authorities waste, cleanliness, transport, environment, environmental health and planning functions.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st April 2005</p>	<p>Waste management, Transportation, Environment, Environmental Health, Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The High Hedges (Appeals) (England) Regulations 2005</p>	<p>Part 8 of the Anti-social Behaviour Act 2003 ("the Act") gives local authorities power to deal with complaints about high hedges which are having an adverse effect on a neighbour's enjoyment of his or her domestic property.</p> <p>Section 71 of the Act sets out the rights of appeal against a local authority's decisions under section 68 (procedure for dealing with complaints) and section 70 (withdrawal, waiver or relaxation of remedial notices issued by the local authority under section 69. Any appeals in relation to hedges in England must be made to the Secretary of State. The Secretary of State may appoint under section 72 a person to hear and determine the appeal on his behalf. This appointment may also be revoked under regulation 6.</p> <p>These regulations deal with the procedure for appeals under section 71 of the Act.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st June 2005</p>	<p>Housing, Legal, Recreation</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations</p>	<p>These Regulations amend the 2000 Regulations so as to specify as functions that are not to be the sole responsibility of the authority's executive including certain functions conferred on authorities under Part 2 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and under section 171E ("the Town and Country Planning Act 1990 ("the 1990 Act"), which was inserted by the 2004 Act.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>22nd April 2005</p>	<p>Planning</p>
<p>The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2005</p>	<p>These Regulations amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990, (as amended). Regulation 3 amends Schedule 4 to the 1990 Regulations to reflect the fact that the Secretary of State for Culture, Media and Sport is responsible for the compilation of list of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It also amends the note of the prescribed form notifying the inclusion of a building in one of the lists and inserts a note to the prescribed form notifying the exclusion of a building.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st May 2005</p>	<p>Planning</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Re-use of Public Sector Information Regulations 2005</p>	<p>These Regulations implement Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information.</p> <p>The regulations provide among other things that a public sector body has a discretion as to whether to permit re-use of a document in response to a request. Where a public sector body permits re-use it must act in accordance with the regulations. The regulations set out how a public sector body should respond, and the timescales for responding, to a request for re-use. Where a public sector body refuses a request for re-use it must notify the applicant, give reasons for the refusal and inform the applicant of its internal complaints process and other means of redress. Where possible and appropriate, a public sector body must ensure that the processing of requests for re-use can be carried out by electronic means.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st July 2005</p>	<p>All Services</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No.3) Regulations 2005</p>	<p>These Regulations revoke (before coming into force) and remake with minor amendments the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) Regulations 2005 and also amend the Waste Management Licensing Regulations 1994 ("the 1994 Regulations"). These Regulations extend to England and Wales, but regulation 6 applies only to England.</p> <p>Regulation 6 amends regulations 10 and 12 of the 1994 Regulations. Regulation 10 is amended so that each waste regulation authority must enter details of any risk appraisal undertaken for a site to which a waste management licence relates in the public register which the authority maintains under section 64(1) of the Environmental Protection Act 1990.</p> <p>The amendment to regulation 12 varies the descriptions of plant that are to be treated as being mobile plant for the purposes of Part 2 of the 1990 Act. The remainder of the Regulations concern activities, which are exempt from the requirement for a waste management licence under the 1990 Act.</p> <p>Registration authorities charge for administering these notifications. Penalties for failure to register are increased.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>30th June 2005 and 1st July 2005</p>	<p>Waste management</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Home Loss Payments (Prescribed Amounts) (England) Regulations 2005</p>	<p>These Regulations increase the amount of home loss payments payable under section 30 of the Land Compensation Act 1973 and formerly prescribed in the Home Loss Payments (Prescribed Amounts)(England) Regulations 2004. A person is entitled to a home loss payment when he is displaced from a dwelling by compulsory purchase or in the other circumstances specified in the Act as last amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of the interest, subject to a maximum and minimum amount. The amount of the home loss payment in any other case is also specified.</p> <p>The amount payable under section 30(1) is increased from £34,000 to £38,000 and regulation 2(2)(b) increases the minimum amount from £3,400 to £3,800. Regulation 2(3) increases the home loss payment under section 30(2) in any other case from £3,400 to £3,800. These increases have been calculated by reference to the ODPM's house price index and reflect an increase in line with house price inflation. The revised amounts apply where the displacement occurs on or after 1st September 2005.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>1st September 2005</p>	<p>Housing, Property Services and Planning</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods - DEFRA</p>	<p>Local authorities have gained greater powers to tackle fly-tipping and litter, as the first raft of measures in the Clean Neighbourhoods and Environment Act comes into force from the 7th June. The full provisions will be implemented in stages in 2006.</p> <p>Fly-tipping will become an arrestable offence, with the most serious cases resulting in a maximum £50,000 fine or five years imprisonment. Those caught illegally dumping waste will also no longer be able to use the defence of 'acting under employer's instructions'. The Act also reminds people that chewing gum and cigarette butts are litter, with penalties accordingly. Littering offences have also been extended to include all open spaces – rivers, lakes, ponds and private property – in the past it was not an offence to drop litter on other people's property. Local Authorities have extra powers to deal with the sale or repair of vehicles on the road as part of a business and fly-posting.</p>	<p>VARIOUS STAGES</p>	<p>Neighbourhoods, Waste Management, Enforcement, Environmental Health, Parking</p>

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<p>The various measures in the 2005 Act in force and commencing on 7th June 2005 are as follows:</p> <ul style="list-style-type: none"> • Nuisance parking – creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle on the road as part of a business; • Litter – makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes; confirms that cigarette butts and discarded chewing gum are litter; • Advertisements – strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution; • Waste – amends provisions for dealing with fly-tipping by: - removing the defence of acting under employer's instructions and increasing the penalties; introduces an enabling power to develop new regulations to require site waste management plans for construction and demolition projects; increasing the maximum penalty for fly-tipping to £50,000 or 5 years imprisonment on indictment; Noise – gives local authorities greater flexibility in dealing with noise nuisance; <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<ul style="list-style-type: none"> • Miscellaneous – increases the penalty for various offences relating to pollution. <p>Measures not yet in force are as follows:</p> <ul style="list-style-type: none"> • Crime and Disorder - requires local Crime and Disorder Reduction Partnerships to take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies; gives local authorities new powers to deal with alleyways affected by anti-social behaviour. • Fixed Penalty Notices (Fines) - makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates; gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences; • Nuisance and Abandoned Vehicles - gives local authorities the power to remove abandoned cars from the streets immediately; • Litter - gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land; strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices); enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter; <p>Graffiti and fly-posting - extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting; improves local authorities powers to tackle the sale of spray paints to children; enables local authorities to recover the costs of removing illegal posters.</p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>New Measures to clean up our Neighbourhoods – DEFRA (Continued)</p>	<ul style="list-style-type: none"> • Waste - amends provisions for dealing with fly-tipping by: <ul style="list-style-type: none"> - enabling local authorities and the Environment Agency to recover their investigation and clear-up costs; extending provisions on clear up to the landowner in the absence of the occupier; • Dogs - replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person; gives local authorities sole responsibility for stray dogs. • Noise - gives local authorities new powers to: deal with burglar alarms and impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels; • Architecture and the Built Environment - puts the Commission for Architecture and the Built Environment (CABE) on a statutory basis: <p>Miscellaneous - enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners; extends the list of statutory nuisances to include light pollution and nuisance from insects; amends the contaminated land appeals process.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
The Commons Bill	<p>Common land in England and Wales would be better protected from development and the ancient rights of commoners safeguarded and enhanced under legislation introduced in the House of Lords in June.</p> <p>Commons are land usually owned by a person (or a number of persons) over which others have certain rights: typically rights to graze sheep and cattle, but other rights exist, like rights to cut bracken for livestock bedding (estover), rights to graze pigs on beech mast or acorns (pannage), or rights to fish (piscary). The landowner is usually a private individual and the people who use the land are common right-holders or "commoners".</p> <p>The Commons Bill would protect commons from development, allow them to be managed more sustainably, improve protection from neglect and abuse, and modernise the registration of commons to ensure all commons enjoy the same protection. The Bill would also enable commoners to voluntarily form statutory Commons Associations, allowing them to manage their commons locally with the power to make decisions by majority.</p> <p>The Bill would ban the "severance" of common rights, preventing commoners from selling, leasing or letting their rights away from the property to which rights are attached. Subject to Royal Assent, the ban on severance will come into force retrospectively from the date of the Bill's publication (28 June 2005).</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Before House of Lords 12 th October 2005	Environmental Services

New Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Licensing Act 2003 (Various Procedure Regulations)</p>	<p>Regulations have been made providing detailed procedures for handling applications for premises licences, club premises certificates and personal licences. Regulations also prescribe fees for applications and many of the requirements for hearing cases subject to objection. The 6 months transitional period for “converting” and varying existing licences ended on 6 August 2005. A Commencement Order has fixed 24 November 2005 as the “second appointed day” when the new licences under the Act will come into effect and Councils fully take over licensing functions from the Magistrates. Recent Regulations also make detailed provision for the variation and transfer of licences and for changing the designated premises supervisor.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>VARIOUS STAGES</p>	<p>Enforcement</p>
Forthcoming Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006</p>	<p>This ensures the effective application of the planning acts to the Crown including development control and enforcement.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion in progress</p>	<p>Planning and Enforcement</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006</p>	<p>This sets out the publicity arrangements for applications made under the new urgency provisions of the Listed Buildings Act as amended.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion in progress</p>	<p>Planning</p>
<p>The Draft Town and Country Planning (Environmental Impact Assessment) (England) (Amendment) Regulations 2005</p>	<p>This consultation paper sets out proposals for small changes in the UK planning regulations in order to implement article three of the European directive 2003/35/EC on environmental impact assessment.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	<p>Consulta- tion ended 6th June 2005</p>	<p>Planning</p>

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
<p>Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - DH</p>	<p>Detailed proposals have been announced on how legislation on smoke-free enclosed public places and workplaces will work in practice. The consultation document is designed to allow key stakeholders the opportunity to put forward their views on the detail of a smoking ban, which will lead to a Bill being introduced in the autumn.</p> <p>This consultation paper puts forward proposed detail on the policy outlined in the Choosing Health: Making Healthy Choices Easier White Paper. This document has great significance for Local Authority services. The timetable of implementation of the new legislation will be one of the details that will be open to discussion during the course of the consultation. Other areas covered in the document include:</p> <ul style="list-style-type: none"> • the definition of "enclosed" public place/workplace; • the definition of "prepare and serve food"; • exemptions in general (this would include the matter of "wet led" pubs); • the offences, penalties and defences • enforcement; and • timetable. <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>		

Forthcoming/ Proposed Legislation	Legal Services Team – Planning & Regeneration Team	Date in force	Service Affected
Use Classes Order: Casinos – Consultation Paper - ODPM	<p>The Town and Country (Use Classes) Order 1987 sets out classes of uses, changes that do not require planning permission due to the similarity in their impact on local amenity, for example: traffic generation, noise, and visual appearance. This consultation seeks views on the classification of casinos within the Use Classes Order.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Government gives no timetable in the consultation paper	Planning
The Gambling Act 2005	<p>The Gambling Act 2005 is the most important shake-up of gambling law for half a century. The responsibility for the administration of gambling passes to local authorities. This will be overseen by the Gambling Commission.</p> <p>The Act is intended to bring about a major deregulation of the industry, including betting offices, casinos and amusement arcades. It abolishes many restrictions on operations, including permitted hours, subject to the safeguards of the licensing objectives to protect children and the vulnerable, prevent crime and disorder, and keep gambling fair.</p> <p><i>For further information please contact Yinka Owa, Principal Lawyer, Extn. 5929</i></p>	Target for full implementation of the Act is 1 September 2007	Enforcement

New Legislation	Legal Services Team - Property Team	Date in force	Service affected
Housing Act 2004	<p>The Act received Royal Assent 19 November 2004 currently in print. Available 26 November 2004.</p> <p>Various amendments to include:</p> <ul style="list-style-type: none"> • Changes to Right to Buy qualifying period and statutory charge period to be extended to 5 years. • Abolition of Rent to Mortgage Scheme. • Council to have right of first refusal on onward sale by tenant/purchaser. • Powers to disapply right to buy where there is a clear intention that the Local Authority wish to demolish. • Enhances Authorities responsibility to advise tenants on implications of RTB and ownership. • Powers to refuse mutual exchange applications and preventing tenant completing a RTB purchase on anti-social behaviour grounds. • Empty homes – will enable Councils to bring back into use long-term private sector homes with the use of empty dwelling management orders. (For other provisions see Housing Litigation Team entry). <p><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	VARIOUS STAGES	<p>Housing Service</p> <p>Housing to decide whether there is funding to buy back properties and procedures put in place to deal with time limits to succeed with first refusal.</p> <p>Regeneration Housing</p>

New Legislation	Legal Services Team - Property Team	Date in force	Service Affected
	<ul style="list-style-type: none"> <li data-bbox="504 236 1366 331">• Sellers packs for disposals will be required early 2007. At present right to buys are not affected but this is under consultation <p data-bbox="504 400 1366 472"><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>		<p data-bbox="1579 248 2004 464">Property Services will need to put procedures in place to gather all the information for the sellers packs to be included with their instruction to sell</p>
<p data-bbox="174 571 465 738">The Information and Consultation of Employees Regulations 2004</p>	<p data-bbox="504 596 1366 703">Establish a requirement to set up information and consultation regimes, which involve all employees in the workforce.</p> <p data-bbox="504 778 1366 850"><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	<p data-bbox="1413 608 1532 679">6th April 2005</p>	<p data-bbox="1624 603 1962 635">All Council Directorates</p>
<p data-bbox="174 948 465 1163">Education (Review of Staffing Structure) (England) Regulations 2005</p>	<p data-bbox="504 1027 1366 1101">Requires the governing body of every maintained school to conduct a full scale staffing review by 31 December 2005.</p> <p data-bbox="504 1176 1366 1248"><i>For further information please contact Tracy Duguid, Senior Lawyer, Extn. 3849</i></p>	<p data-bbox="1413 1027 1532 1099">6th May 2005</p>	<p data-bbox="1659 1027 1921 1059">Children's Service</p>

New Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service Affected
School Governance (Contract) (England) Regulations 2005	<p>Obliges school governing bodies to have regard to the Code of Practice on Workforce Matters in Public Sector Service Contracts (published March 2005).</p> <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>	30 th June 2005	Children's Service
Education (Pupil Information) (England) Regulations 2005	Re-enacts and amends the statutory framework governing the keeping and disclosure of a pupil's educational record.	8 th July 2005	Children's Service
Education Act 2005	The Act provides amendments to the statutory regime regarding changes in school organisation. It reduces the number of categories of failing schools. It gives priority to looked after children in admissions arrangements. It removes the requirement for school governors to hold annual parents meetings and an annual report.	1 September 2005 (some aspects in Oct/Nov 2005)	Children's Service

New Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service affected
Amended Equal Treatment Directive	Updates certain aspects of the Sex Discrimination Act and Equal Pay Act. Includes a statutory definition of sexual harassment that incorporates both sexual harassment and sex-based harassment.	1 October 2005	All Council Directorates
The Employment Relations Act 2004	<p>Much of this Act has been in force since April 2005. However, new provisions concerning the information to be contained in industrial action notices take effect from this later date.</p> <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>	1 October 2005	All Council Directorates
Disability Discrimination Act 2005	The Act includes provisions for a duty on all public authorities to promote equality of opportunity between disabled persons and others by improving opportunities for disabled persons. The Act also extends the statutory definition of disability to include HIV, multiple sclerosis and cancer. New rules are also proposed to prevent local authorities discriminating against disabled councillors.	December 2005 (New public sector duty December 2006)	All Council Directorates

Forthcoming/ Proposed Legislation	Legal Services Team – Corporate, Education, Employment Team	Date in force	Service Affected
TUPE Regulations	Substantially revised regulations regarding transfers of undertakings and staff. The new regulations are designed to provide more clarity concerning particular contracting out or analogous situations.	1 st April 2006	All Council Directorates
Consultation on maternity leave and flexible working	<p>Proposals to:-</p> <ul style="list-style-type: none"> • Extend SMP and adoption pay to 9 months in 2007. • Allow mothers to transfer leave and pay to fathers. • Extension of flexible working arrangements. <p><i>For further information please contact Dave Burn, Senior Lawyer, Extn. 3844</i></p>		
Age Discrimination	<p>New Regulations prohibiting discrimination by reason of age. Consultation currently on proposals that introduce a default retirement age and the right to request working beyond that age. The age 65-year cut off to be removed from unfair dismissal and redundancy pay rights.</p> <p><i>For further information please contact Dave Burn. Senior Lawyer, Extn. 3844</i></p>		

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
Children Act 2004	<p>This Act will require all local authorities who deliver or commission services for children and young people to take the lead on:</p> <ul style="list-style-type: none"> • reviewing with local agencies and communities the ways in which services are delivered in their area • planning with local agencies and communities how they can better respond to the government's continuing agenda to improve outcomes for children and young people. <p>It makes provision for:</p> <ul style="list-style-type: none"> • the establishment of a Children's Commissioner • services provided to and for children & young people • private fostering • childminding & day care • adoption review panels • defence of reasonable punishment • making of grants in respect of children & families • child safety orders • publication of material relating to children involved in certain legal proceedings 	<p>Royal Assent on 15th November 2004</p> <p>Some provisions have already been implemented. Other provisions are due to be implemented on 1st & 3rd Oct 2005, 1st March 2005</p>	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
	<ul style="list-style-type: none"> disclosure by Inland Revenue of Information relating to children <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>		
The Children Act 2004 (Designation of NHS Direct) Order 2005	This order designates NHS Direct as a Special Health Authority in England for the purposes of section 11 Children Act 2004 which imposes a duty to discharge functions having regard to the need to safeguard & promote the welfare of children.	1 st October 2005	Children's Services
The Child Minding and Day Care (Applications for Registration)(England)(Amendment) Regulations 2005	These regulations make amendments to the Child Minding and Day Care (Applications for Registration) (England) Regulations 2001 which are already in force	3 rd October 2005	Children's Services
The Day Care and Child Minding (Functions of Local Authorities: Information, Advice and Training) (England) (Amendment) Regulations 2005	<p>These regulations amend the Day Care and Child Minding (Functions of Local Authorities: Information, Advice and Training) (England) Regulations 2001 by substituting the existing schedule with a new schedule setting out the new National Standards documents.</p> <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>	3 rd October 2005	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Day Care and Child Minding (Inspection) (England) Regulations 2005	These Regulations revoke the Day Care and Childminding (Inspections) (Prescribed Matters) (England) Regulations 2001 and the Day Care and Childminding (Inspections) (Prescribed Matters) (England) (Amendment) Regulations 2005 and makes provision for the inspection of day care and child minding services.	3 rd October 2005	Children's Services
The Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005	These regulations make amendments to the Day Care and Child Minding (National Standards) (England) Regulations 2003 and in particular make provision in relation to complaints.	3 rd October 2005	Children's Services
The Day Care and Child Minding (Registration Fees) (England) Regulations 2005	These revoke the Child Minding and Day Care (Registration and Annual Fees) Regulations 2001 and make new provisions in relation to registration fees <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	3 rd October 2005	Children's Services
The Day Care and Child Minding (Suitability) (England) Regulations 2005	These regulations empower the Chief Inspector to find a person not suitable to look after children under the age of 8 or not suitable to be in regular contact with them. They also prescribe those types of information relevant for the purposes of s79B(5A) of the Children Act 1989. <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	3 rd October 2005	Children's Services

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Nursery Education (Inspection) (England) Regulations 2005	These regulations revoke the Nursery Education (England) Regulations 2000 and make provision for inspections.	3 rd October 2005	Children's Services
The Family Proceedings (Amendment No. 4) Rules 2005 The Family Proceedings (Miscellaneous Amendments) Rules 2005	Children's Services in particular the Adoption and Permanency Service <i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i>	31 st October 2005	Children's Services
Adoption & Children Act 2002	The Act will make fundamental changes to adoption law and practice, for example sweeping away major areas such as freeing for adoption. It also makes changes to the Children Act 1989. The Act will deal with amongst others: <ul style="list-style-type: none"> • Placement for Adoption and Placement Orders • Adoption by Unmarried Couples • Adoption Support Services 	Royal Assent on 7th November 2002 Due to come into force Spring 2004	Children's Services in particular the Adoption and Permanency Service

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
	<ul style="list-style-type: none"> • The new Adoption Welfare Test • Special Guardianship Orders <p>Duty to appoint Independent Reviewing Officer (IRO) to review each case of every child looked after by local authority.</p> <p><i>For further information please contact Chloe Eaton or Elaine Ginsburg, Principal Lawyers Extn. 4650</i></p>	<p>Some sections already in force, IROs in force from 27/09/04.</p> <p>Act due to come fully into force on 30 December 2005.</p>	
<p>The Adopted Children and Adoption Contact Registers Regulations 2005</p>	<p>These Regulations require the Office of Births, Deaths and Marriages to hold registers in relation to Adoptions and Adoption Contact.</p>	<p>30th December 2005</p>	<p>Children's Services in particular the Adoption and Permanency Service</p>
<p>The Adoption Agencies Regulations 2005</p>	<p>These Regulations set out duties and powers of the Adoption Agency, in particular the establishment of an Adoption Panel, duties in relation to the child, birth parent and prospective adopter where adoption is being considered, placement, reviews and case records.</p>	<p>30th December 2005</p>	<p>Children's Services in particular the Adoption and Permanency Service</p>

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005	These Regulations allow for the provision of “intermediary services” by adoption agencies – that is, services to help people who were adopted before 30 th December 2005 obtain information about their adoption and to facilitate contact between them and their relatives.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Adoption Support Services Regulations 2005	These Regulations prescribe Adoption Support Services and make provision for financial support, assessments, plans and reviews for adoption support.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Adoptions with a Foreign Element Regulations 2005	These Regulations make provision for both bringing children into the UK and taking them out of the UK for the purpose of adoption under the Convention.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Disclosure of Adoption Information (Pre-Commencement Adoptions) Regulations 2005	These Regulations make provision for keeping and disclosing information about adoptions and duties in relation to counselling.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service
The Restriction on the Preparation of Adoption Reports Regulations 2005	These Regulations make provisions about the preparation of reports for adoptions.	30 th December 2005	Children’s Services in particular the Adoption and Permanency Service

New Legislation	Legal Services Team - Social Services Team	Date in force	Service Affected
The Special Guardianship Regulations 2005	These Regulations set out the duties and powers to provide support services (including financial support) for special guardians including, assessment, plans and reviews.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service
The Suitability of Adopters Regulations 2005	These Regulations set out the matters to be taken into account when both preparing reports and making decisions about the suitability of a person to adopt a child.	30 th December 2005	Children's Services in particular the Adoption and Permanency Service
Immigration, Nationality and Asylum Bill	Provisions about immigration, nationality and asylum including provisions for sharing information.	Commons 1 st reading 22/06/05 Commons 2 nd reading – 05/07/05 Committed to a Standing Committee	Children's Services & Social Services
Forthcoming/ Proposed Legislation	Legal Services Team - Housing Litigation Team		
Housing Act 2004	Part 1 Housing conditions Part 1 of the Act replaces the existing housing fitness standard contained in the Housing Act 1985 with the Housing Health and Safety Rating System. It also adapts and extends the powers of enforcement currently available to tackle poor housing conditions.	By commence- ment Order	Environmental Health

New Legislation	Legal Services Team - Housing Litigation Team	Date in force	Service Affected
	<p>Part 2 Licensing of HMOs</p> <p>Part 2 of the Act introduces a mandatory scheme to licence HMOs of a description contained in regulations. It is intended initially to apply to higher risk HMOs of 3 or more storeys occupied by 5 or more people. Powers are also given to extend licensing to other categories of HMO, subject to carrying out consultation and with the approval of the appropriate national authority.</p>	<p>By commence -ment Order</p>	<p>Environmental Health</p>
	<p>Part 3 Selective licensing of other residential accommodation.</p> <p>Part 3 of the Act introduces a power to introduce selective licensing to deal with particular problems in an area.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p>By commence -ment Order</p>	<p>Environmental Health</p>
<p>Housing Act 2004 (continued)</p>	<p>The Act also provides a discretionary power, subject to consultation and authority, to licence all private landlords in a designated area with the intention of ensuring that a minimum standard of management is met.</p>		

New Legislation	Legal Services Team - Housing Litigation Team	Date in force	Service Affected
	<p>Part 4 Management Orders and overcrowding</p> <p>Chapter 1 of Part 4 of the Act contains provisions for enforcement action in respect of properties licensable under Parts 2 and 3 of the Act and for individual properties where a residential property tribunal is satisfied that a property, which is not required to be licensed, requires the intervention.</p> <p>Chapter 2 of Part 4 enables Local Housing Authorities to take over the management of long term empty properties and to bring them back into occupation.</p> <p>Chapter 3 contains provisions on overcrowding in non-licensable HMOs.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	Not yet known	Environmental Health/Housing

New Legislation	Legal Services - Housing Litigation Team	Date in force	Service Affected
<p>Housing Act 2004 (continued)</p>	<p>Part 5 Home information packs</p> <p>Right to buy sales are not affected, but market sales of individual housing units will be caught.</p> <p>The provisions require sellers of individual residential property prepare, and to provide to prospective buyers, a “Home Information Pack”, the precise content of which is the subject of regulations to be made by the Secretary of State.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p>By commencement order</p>	<p>Housing – disposing of surplus units.</p> <p>Social Services – selling as Court of Protection appointed Receiver.</p> <p>Other directorates selling under powers of sale by way of enforcement of debt.</p>
<p>Housing Act 2004 (continued)</p>	<p>Part 6 Other provisions about housing</p> <p>(i) Tenancies – introductory</p> <p>Local authorities will be permitted to extend the “probationary period” of individual introductory tenancies by a period of six months by notice.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p>By commencement order</p>	<p>Housing</p>

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(ii) Tenancies – secure</p> <p>New anti-social behaviour ground for refusal of consent of mutual exchange.</p> <p>(iii) Other anti-social behaviour sanctions</p> <p>A Court can make a suspension order suspending an anti-social tenant’s rights to buy; and the authority is not obliged to complete a right to buy sale while an application for an ASBO or a suspension order is pending before a Court.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">By commence -ment order</p>	<p align="center">Housing</p>

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(vii) Mobile Homes</p> <p>Changes have been made to bring the treatment of local authority traveller sites into line with that for privately owned caravan sites with regard to protection from unlawful eviction and harassment.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">18 January 2005</p>	<p align="center">Housing</p>
<p>Housing Act 2004 (continued)</p>	<p>(viii) Tenancy deposit schemes and shorthold tenancies</p> <p>Sets up tenancy deposit schemes to protect deposits paid in connection with the grant of a shorthold tenancy and makes it illegal to take a deposit consisting of anything other than money.</p> <p>Provides for the tenant to apply to Court to enforce the provisions.</p> <p>Prevents the landlord serving notice requiring possession while in breach of the provisions.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	<p align="center">By commence -ment order</p>	<p align="center">Housing, both Tenancy Relations Officers advising private sector tenants, and Homelessness Prevention dealing with the Landlord Accreditation Scheme.</p>

	<p align="center">Legal Services Team – Housing Litigation and Anti Social Behaviour Teams</p>	<p align="center">Date in force</p>	<p align="center">Service Affected</p>
	<p>(ix) Abolition of “annual report” duty</p> <p>The local housing authority’s duty to prepare annual reports for its tenants on its discharge of functions as a local housing authority is abolished.</p> <ul style="list-style-type: none"> • This will improve the effectiveness of the law by enabling a wider range of senior management conduct to be taken into account when prosecuting an organisation for manslaughter. • This would not introduce new standards: organisations taking their current health and safety obligations have nothing to fear. The Bill is intended to target corporate liability, as opposed to the responsibility of individual directors or others. But individual prosecutions will continue to be possible for existing offences. • The Bill would apply to Government Departments and other Crown bodies, as well as industry, where both are engaged in similar activities. But it would not apply to certain core public functions or decisions relating to matters of public policy, that are subject to existing lines of public accountability. 	<p align="center">By commence -ment order</p>	<p align="center">Housing</p>

	Legal Services Team – Housing Litigation and Anti Social Behaviour Teams	Date in force	Service Affected
Housing Benefit Bill	<ul style="list-style-type: none"> To provide powers for local authorities to investigate and prosecute fraud against DWP administered benefits alongside benefits they administer. To provide powers for local authorities to investigate and prosecute fraud against DWP administered benefits alongside benefits they administer. <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 5935</i></p>	Queen's speech stage	Finance
Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
Clean Neighbourhoods and Environment Act 2005	<p><u>Emphasis on Local Authorities to communicate the details of the offences within the areas before taking any enforcement action</u></p> <p>New offences of:</p> <ul style="list-style-type: none"> Exposing two or more vehicles for sale within 500m of each other at any time as part of a business. Carrying out restricted works on a motor vehicle as part of a business, with the exception of work carried out within 72 hours of an accident or breakdown. 	Partial measures in force 7 June 2005	Environment Services

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
	<ul style="list-style-type: none"> • Liability on directors, managers or similar officers of a body corporate for offences outline in points 1 & 2 above. • Dropping litter anywhere in the open air; <p>In addition:</p> <ul style="list-style-type: none"> • A loophole in the law against fly posting has been closed by changing the statutory defence that can be used by someone who is responsible for or benefits from fly posting. Instead of having to prove that the fly poster was displayed without his knowledge or consent, he will have to show that the advertisement was displayed without his knowledge or that he took all reasonable steps to prevent its display or to secure its removal; • removal of the defence of acting under an employer's instructions when making an unauthorised or harmful deposit of waste; • an increase in the maximum fine on conviction by magistrates for the illegal disposal of waste from £20,000.00 to £50,000.00. 		

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> • Power for the Secretary of State or, in Wales, the National Assembly, to make regulations requiring developers and contractors or construction and demolition projects to prepare a site waste management plans. These plans must set out the arrangements for managing and disposing of waste created in the course of the project; • Local authorities can now use fixed penalty receipts from noise offences to fund their statutory nuisance work in respect of noise. 	Partial measures in force 7 June 2005	
London Local Authorities Bill	<p>New proposed provisions create offences for:</p> <ul style="list-style-type: none"> • Unlawful displays of adverts outside of designated areas within the Borough. • Placing adverts relating to prostitution on or in the immediate vicinity of public phone boxes/structures. Council will also have the power to require the communication service provider for the number advertised to prevent calls being able to be received by the person advertising the service. 	2005/06 session of Parliament	

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
	<p>In addition:</p> <ul style="list-style-type: none"> • Improved powers for a Council officer to seize/forfeit/dispose of items related to offences of unauthorised advertising and fly tipping. • Councils will have a new power to serve a penalty charge notice on the owner of a vehicle where an officer has reason to believe that a littering offence has been committed by a person inside the vehicle. • Improved powers to deal with abandoned vehicles, for example the ability to require the owner to prove payment of a fixed penalty notice issued for the offence of abandoning the vehicle; production of an insurance policy/MOT certificate, and in the absence of such documents, a power to require the owner to pay a sum of money pending their production. • The creation of enforcement action zones to allow Councils to designate areas of land which in their opinion requires enhanced environmental crime enforcement – i.e. noise nuisance, litter, graffiti, etc. Such action will require the approval of the Secretary of State. 		

Forthcoming/ Proposed Legislation	Legal Services Team – Criminal Litigation Team	Date in force	Service Affected
<p>London Local Authorities Bill (Prohibition of Smoking in Places of Work) Bill</p>	<p>New proposed provisions to create the offence of smoking in a public area – to include a place of work – where smoking is prohibited. In a place of work environment, liability can also attach to a manager or other person in charge of the building. The penalty is a fine of up to £5,000.00 when convicted before magistrates. Alternatively, the offender could choose to pay a fixed penalty notice.</p> <p><i>For further information please contact Raymond Prince, Principal Lawyer, Extn. 3935</i></p>		

New Legislation	Legal Services Team – Births, Marriages and Deaths	Date in force	Service Affected
Civil Partnership Act 2004.	<p>The Register Office is preparing for the implementation of the Civil Partnership Act 2004, which comes into force from the 5th December 2005. From that date forward single sex couples will be able to give notice of their intention to register their partnerships.</p> <p>The process is as follows:</p> <ul style="list-style-type: none"> • They will each give notice of a partnership and this will be recorded in the electronic register. • After a 15 day waiting period, providing that no lawful impediment has been shown to exist, couples will be issued with the authority for the civil partnership to proceed. • Then the couples can sign the civil partnership schedule in the presence of two witnesses and the civil partnership registrar. <p><i>For further information please contact June Cummings, Superintendent Registrar, Extn. 2601</i></p>	5 th December 2005	Registrars