



London Local Authorities Act 2012

2012 CHAPTER ii

An Act to confer further powers upon local authorities in London; and for related purposes. [27 March 2012]

WHEREAS—

- (1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils and the Common Council of the City of London (hereinafter referred to as "London borough councils") should be extended and amended as provided in this Act:
- (2) It is expedient that further provision be made in London about the use of penalty charges in the enforcement of certain legislation:
- (3) It is expedient that the range of premises in London in respect of which street litter control notices can be served should be extended:
- (4) It is expedient that London borough councils should be able to install turnstiles in public conveniences:
- (5) It is expedient that London borough councils should be able to make increased charges when giving permissions for the execution of works and use of objects on the highway, if the execution of works and use of objects produces income:
- (6) It is expedient that the law relating to street trading in London should be altered to clarify that internet sales of vehicles that are kept on the street fall within its scope:
- (7) It is expedient that the law relating to street trading in the City of Westminster and the London Borough of Camden should be altered in relation to the seizure and disposal of receptacles used or about to be used for unlawful street trading:
- (8) It is expedient that the other provisions contained in this Act should be enacted:
- (9) The objects of this Act cannot be attained without the authority of Parliament:
- (10) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 and the other participating London borough councils have complied with the requirements of section 87 of the Local Government Act 1985:
- (11) In relation to the promotion of the Bill the London borough councils have acted through their representation in London Councils, a statutory joint committee whose membership is made up from members of all the London borough councils.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities Act 2012.
- (2) This Act and the London Local Authorities Acts 1990 to 2007 may be cited together as the London Local Authorities Acts 1990 to 2012.
- (3) This Act shall come into operation at the end of the period of two months beginning with the date on which it is passed but sections 11 (minor and consequential amendments) and 12 (Keeling Schedule) and Schedules 1 and 2 shall be deemed to have come into operation immediately after the other provisions of this Act.

2 General interpretation

In this Act—

”the Act of 2007” means the London Local Authorities Act 2007;

”authorised officer”, in relation to a borough council, means—

- (a) any employee of the council;
- (b) any other person by whom, in pursuance of arrangements made with the council, any functions under this Act fall to be discharged; or
- (c) any employee of any such person,

who is authorised in writing by the council to act in relation to the relevant provision of this Act;

”borough council” means London borough council and includes the Common Council of the City of London in its capacity as a local authority and ”borough” and ”council” shall be construed accordingly.

PART 2

PENALTY CHARGES

3 Powers exercisable by police civilians and accredited persons

- (1) Where a designation under section 38 of the Police Reform Act 2002 applies paragraph 1 of Schedule 4 to that Act (community support officers' powers to issue fixed penalty notices) to any person, that person shall have the power of a borough council to serve a penalty charge notice under section 61(2) of the Act of 2007 (penalty charges) where he has reason to believe that a penalty charge is payable by the person being served

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to the borough council by virtue of a penalty charge provision within the meaning of section 61(7) of that Act.

- (2) An accredited person within the meaning of section 47 of the Police Reform Act 2002 whose accreditation specifies that this subsection applies to him shall have the power of a borough council to serve a penalty charge notice under section 61(2) of the Act of 2007 (penalty charges) where he has reason to believe that a penalty charge is payable by the person being served to the borough council by virtue of a penalty charge provision within the meaning of section 61(7) of that Act.
- (3) An accreditation may only specify that subsection (2) applies to an accredited person if that person's accreditation also specifies that paragraph 1 of Schedule 5 to the Police Reform Act 2002 (accredited person's powers to issue fixed penalty notices) applies to him.

4 Power to require name and address

- (1) If a borough council or a community support officer proposes to serve on a person a penalty charge notice under section 61(2) of the Act of 2007 (penalty charges), the council or community support officer may require the person to give him his name and address.
- (2) Where a requirement of the borough council under subsection (1) is made in person then—
 - (a) it must be made by an authorised officer of the council; and
 - (b) the authorised officer must, if required to do so, show proof of his authorisation.
- (3) A person commits an offence if—
 - (a) he fails to give his name and address when required to do so under subsection (1); or
 - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART 3

PUBLIC HEALTH, ENVIRONMENTAL PROTECTION AND HIGHWAYS

5 Street litter control notices

Section 94(1)(a) of the Environmental Protection Act 1990 (street litter: supplementary provisions) shall apply in Greater London as though for "commercial or retail premises" there were substituted "premises other than dwellings".

6 Use of turnstiles at public toilets

Section 1 of the Public Lavatories (Turnstiles) Act 1963 (abolition of turnstiles) shall not apply in respect of a public lavatory or public sanitary convenience controlled or managed by a borough council.

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7 Charges for permitting the use of objects, etc. on the highway

- (1) In relation to a relevant permission, "the standard amount" in section 115F(2) of the 1980 Act (power to impose conditions on permissions for execution of works and use of objects, etc. on the highway) means such amount as may be sufficient in the aggregate taking one year with another to cover the reasonable costs of a borough council, not otherwise recovered, of—
- (a) the cleansing of streets in which permitted activities take place so far as that cleansing is attributable to permitted activities; and
 - (b) any reasonable administrative or other costs incurred in connection with the administration of Part VIIA of the 1980 Act (provision of amenities on certain highways) in relation to relevant permissions; and
 - (c) the cost of enforcing—
 - (i) the provisions of Part VIIA of the 1980 Act so far as it relates to permitted activities;
 - (ii) section 130 of the 1980 Act (protection of public rights) in relation to activities which are capable of being authorised by a relevant permission but are not;
 - (iii) the law in relation to obstruction of the highway in relation to activities which are capable of being authorised by a relevant permission but are not.
- (2) Section 115F(3) of the 1980 Act shall not apply in the area of a borough council in relation to a relevant permission.
- (3) In this section—
- "the 1980 Act" means the Highways Act 1980;
 - "permitted activities" means activities carried out under the authority of a relevant permission;
 - "relevant permission" means a permission granted by a borough council under section 115E(1)(b)(i) of the 1980 Act (permission to use objects, etc. on, in or over the highway resulting in the production of income).

PART 4

LICENSING

Miscellaneous

8 Amendment of City of Westminster Act 1996

- (1) The City of Westminster Act 1996 (which makes provision about the closure of unlawful sex establishments) is amended as follows.
- (2) In section 3(2)(a) for "section 4(5)(a)" substitute "section 4(6)(a)".
- (3) In section 8(1)(c) and (d) for "sending it in a prepaid registered letter, or by the recorded delivery service" substitute respectively "post" and "by post".
- (4) In section 8(2)(b)(i) for "in a prepaid registered letter, or by the recorded delivery service and is not returned to the authority sending it" substitute "by post".

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9 Street trading: vehicles and the internet

- (1) The London Local Authorities Act 1990 is amended as follows.
- (2) In section 21 (interpretation of Part III)—
 - (a) in subsection (1), in the definition of "street trading", for "subsections (1A)" substitute "subsections (1ZA), (1A)";
 - (b) after subsection (1) insert the following subsection—

“(1ZA) In this Part of this Act "street trading" shall also include the selling or exposure or offer for sale of any motor vehicle in the course of a business if the vehicle is—

 - (a) exposed or offered for sale on the internet; and
 - (b) kept on a street during the period when it is so exposed or offered for sale.”.
- (3) In section 32 (fees and charges), after subsection (2) insert—

“(2A) In calculating the levels of fees and charges under subsections (1) and (2) above, the council shall disregard costs incurred by them in relation to street trading of the type described in subsection (1ZA) of section 21 (interpretation of Part III) of this Act.”.

City of Westminster Act 1999

10 Street trading in the City of Westminster

- (1) The City of Westminster Act 1999 is amended as follows.
- (2) In section 2 (interpretation), in the definition of "street trading", for "subsection (2)" substitute "subsections (1A) and (2)".
- (3) After section 2(1) insert the following subsection—

“(1A) In this Act "street trading" shall also include the selling or exposure or offer for sale of any motor vehicle in the course of business if the vehicle is—

 - (a) exposed or offered for sale on the internet; and
 - (b) kept on a street during the period when it is so exposed or offered for sale.”.
 - (4) In subsection (9) of section 9 (street trading licences), after "street trading" insert "(other than street trading of the type described in subsection (1A) of section 2 (interpretation) of this Act)".
 - (5) In section 22 (fees and charges), after subsection (2) insert—

“(2A) In calculating the levels of fees and charges under subsections (1) and (2) above, the council shall disregard costs incurred by them in relation to street trading of the type described in subsection (1A) of section 2 (interpretation) of this Act.”.
 - (6) Renumber subsections (5) and (6) of section 27 (unlicensed street trading) as subsections (1) and (2) of a new section, headed "27A Seizure".
 - (7) After subsection (2) in the new section 27A insert—