



London Local Authorities Act 2007

2007 CHAPTER ii

An Act to confer further powers upon local authorities in London; and for related purposes. [19th July 2007]

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 in relation to advertising, graffiti, waste, litter, abandoned and nuisance vehicles and other matters related to public health and the environment:
- (3) It is expedient that provision be made in London for the licensing of hostess bars:
- (4) It is expedient that the law relating to street trading be amended in London:
- (5) It is expedient that further provision be made in London about penalty charges and fixed penalties for certain offences:
- (6) It is expedient that provision be made in London about the display of certain video recordings:
- (7) It is expedient that provision be made in London about the disturbance of human remains to enable further interments:
- (8) It is expedient that provision be made in London about the registration of mail forwarding businesses:
- (9) It is expedient that further provision be made in London about temporary sleeping accommodation, the control of soliciting for custom, the making of charges for the use of pipe subways, and crime prevention measures on council housing estates:
- (10) It is expedient that the other provisions contained in this Act should be enacted:
- (11) The objects of this Act cannot be attained without the authority of Parliament:
- (12) 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 (c. 70) and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985 (c. 51):

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- (13) In relation to the promotion of the Bill the London borough councils have acted through their representation in London Councils (formerly the Association of London Government), a statutory joint committee whose membership is made up from members of all the London borough councils:

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 2007.
- (2) This Act and the London Local Authorities Acts 1990 to 2004 may be cited together as the London Local Authorities Acts 1990 to 2007.
- (3) This Act, except—
 - (a) subsections (2) to (7) of section 33 (hostess bars) (as it applies otherwise than as regards the City of Westminster),
 - (b) section 73 (charges for pipe subways), and
 - (c) section 75 (mail forwarding businesses),
 shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (4) Subsections (2) to (7) of the said section 33 shall come into operation in accordance with subsection (1) of that section.
- (5) Section 73 and section 75 of this Act shall come into operation on the appointed day.

2 General interpretation

In this Act, except where the context otherwise requires—

“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.

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3 Appointed day

- (1) For the purposes of subsections (4) and (5) of section 1 (citation and commencement) of this Act, including the purposes of subsection (1) of section 33 (hostess bars) of this Act, “the appointed day” means such day as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.
- (3) The borough council shall cause to be published in a local newspaper circulating in the borough and in the London Gazette notice—
 - (a) of the passing of any such resolution and of a day fixed by them; and
 - (b) of the general effect of the provisions of this Act coming into operation on that day,and the day so fixed shall not be earlier than the expiration of one month from the publication of the notice in the London Gazette.
- (4) A photostatic or any other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper or London Gazette—
 - (a) bearing the date of its publication; and
 - (b) containing any such notice,shall be evidence of the publication of the notice and of the date of publication.

PART 2

PUBLIC HEALTH AND THE ENVIRONMENT

Interpretation

4 Interpretation of Part 2

In this Part of this Act—

“the 1978 Act” means the Refuse Disposal (Amenity) Act 1978 (c. 3);

“the 1990 Act” means the Environmental Protection Act 1990 (c. 43);

“an advertising offence” means an offence—

- (a) under section 132 of the Highways Act 1980 (c. 66) (unauthorised marks on highways);
- (b) under section 224(3) of the Planning Act (enforcement of control as to advertisements);
- (c) under subsection (4) of section 5 (portable advertisements, etc.) of this Act; or
- (d) of aiding, abetting, counselling or procuring the commission of an offence mentioned in paragraphs (a) to (c) above,

committed after the day on which section 13 (advertising: seizure) of this Act comes into effect;

“fly posting offence” means an offence—

- (a) under section 224(3) of the Planning Act;

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(b) committed in Greater London by a person who is deemed to display an advertisement for the purposes of that subsection by virtue of section 224(4)(b) of the Planning Act; and

(c) which relates to an advertisement affixed to any surface without the authorisation of the owner of that surface;

“the Planning Act” means the Town and Country Planning Act 1990 (c. 8);

“the Police Commissioner” means the Commissioner of Police of the Metropolis or, in the City of London, the Commissioner of Police for the City of London;

“relevant object” means—

(a) any advertisement (whether displayed or not);

(b) any vehicle (including its fuel); or

(c) any equipment or materials which may be used for the purpose of fixing advertisements to surfaces or placing advertisements on surfaces;

“shroud advertisement” means an advertisement—

(a) which is made of a flexible material;

(b) which is not affixed to any hoarding or similar structure used, or designed or adapted for use, for the display of advertisements; and

(c) which is attached to a building or to scaffolding;

“shroud advertisement offence” means an offence—

(a) under section 224(3) of the Planning Act;

(b) committed in Greater London by a person who is deemed to display an advertisement for the purposes of that subsection by virtue of section 224(3)(b) of the Planning Act; and

(c) which is committed in respect of the display of a shroud advertisement.

Advertising

5 Portable advertisements, etc.

(1) No portable advertisement may be displayed within a designated area, except in accordance with subsection (2) below.

(2) The display of an advertisement—

(a) for which express consent has been given; or

(b) for which deemed consent has been given,

is in accordance with this subsection.(3)

(3) Subsection (1) above is without prejudice to any prohibition or restriction on the display of a portable advertisement contained in advertising regulations or any other enactment or rule of law relating to the display of advertisements.

(4) Any person who—

(a) displays a portable advertisement in contravention of subsection (1) above; or

(b) causes or permits any person so to do,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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- (5) Without prejudice to the generality of subsection (4) above, a person shall be deemed to display a portable advertisement for the purposes of that subsection if the advertisement gives publicity to his goods, trade, business or other concerns.
- (6) A person shall not be guilty of an offence under subsection (4) above by reason only of his goods, trade, business or other concerns being given publicity by the portable advertisement if he proves any of the matters specified in subsection (7) below.
- (7) The matters are—
- (a) that the portable advertisement was displayed without his knowledge; or
 - (b) that he took all reasonable steps and exercised all due diligence to prevent the display; or
 - (c) that the advertisement was displayed on an item used wholly or mainly for purposes other than advertising.
- (8) The reference in subsection (4) above to a person who displays a portable advertisement in contravention of subsection (1) above shall be deemed to include a reference to a person who displays a portable advertisement on or from land within 7 metres of any street or way designated under subsection (1)(c) of section 6 (advertisements: designation of areas) of this Act and who is not—
- (a) the owner of that land;
 - (b) the person liable to be assessed to the uniform business rate in respect of that land; or
 - (c) on that land with the consent in writing of either of the persons mentioned in paragraphs (a) and (b) above.
- (9) In any proceedings for an offence under this section, it shall be presumed, unless the contrary is shown, that the area in which the alleged offence took place was designated in accordance with the said section 6.
- (10) In this section—
- “advertising regulations” means regulations made under section 220 of the Planning Act (regulations controlling display of advertisements);
 - “designated area” means an area designated in accordance with the said section 6; the
 - “display” of an advertisement means (subject to subsection (11) below) the display of the advertisement in the course of a business by means of an individual or individuals holding or carrying it or otherwise having control of it in person at the place where it is located;
 - “express consent” and “deemed consent” mean express consent and deemed consent for the purposes of any advertising regulations;
 - “portable advertisement” means any thing which is capable of being held or carried and which is an advertisement as defined in section 336(1) of the Planning Act but as if for “wholly or partly” there were substituted “wholly or mainly”.
- (11) A portable advertisement shall, for the purposes of this section, be deemed to be displayed as a portable advertisement notwithstanding that it is placed upon, leant against or attached to apparatus, street furniture or any other structure or object situated—
- (a) in a designated area; or