

Committee(s):	Date(s):
Port Health and Environmental Services Committee	15 July 2014
Planning and Transportation Committee	17 July 2014
Subject:	Public
Deregulation Bill	
Report of:	For Information
Remembrancer	
Summary	
<p>This report summarises those provisions in the Deregulation Bill that are most relevant to your committee's interests.</p> <p>In relation to the Bill, the main points of interest include</p> <ul style="list-style-type: none"> • Imposing an obligation on non-economic regulators to have regard to promoting economic growth • Liberalising arrangements relating to certain road safety measures • Changing investigatory powers regarding marine accidents • Removing requirements on authorities relating to energy, waste and air quality • Abolishing the current criminal offence of not complying with an authority's rules on refuse collection • Liberalising licensing rules • Changing the recording of certain rights of way <p>Recommendation</p> <p>Your committee is invited to note the contents of this report.</p>	

Main Report

Introduction

1. Following the recent legislative trend of publishing legislation in draft, the Government introduced a draft version Deregulation Bill for consideration by a cross-party committee of MPs and peers. The committee considered evidence at the end of 2013. The committee

concluded that the Bill did not go far enough towards “meaningful proposals to really tackle the challenges of deregulation” and expressed the hope that it was the first of several deregulation bills.

2. The Government’s re-crafted Bill received its first reading in the House of Commons on 23 January 2014. Describing the Bill, Local Government Secretary Eric Pickles said that among the measures are ones to “bring common sense back and rein in the town hall bin bullies”. Cabinet Office Minister Oliver Letwin said the measures are part of the “Government’s ongoing drive to remove unnecessary bureaucracy that costs British businesses millions, slows down public services like schools and hospitals, and hinders millions of individuals in their daily lives”. Opposition spokesman Chi Onwurah said the Bill does not tackle the “big issues”, adding that the Bill is “Christmas tree Bill to end all Christmas tree Bills. In fact, Christmas trees are one of the few things that are not covered by this Bill”. She gave support, however, to the “many parts of the Bill” that tackle the “unnecessary burdens on businesses, particularly small and medium-sized enterprises”.

Economic Growth Duty

3. The proposal to place a duty on non-economic regulators to have regard to the desirability of promoting economic growth is one of the most politically high profile of the measures contained in the Bill. It sets out a general duty but does not list those regulators to which this new duty will apply - a later statutory instrument will provide that detail. It is likely that regulators in the fields of health and safety and environment will be covered by the duty and it is conceivable that the regulators of some professions (the Law Society, for example) might fall within the scope of this provision.
4. Where a regulator is brought within the scope of the duty, that regulator will be required to ensure that it considers “the importance of the promotion of economic growth in the way in which it carries out its regulatory activities”. The Bill proposes a two-step process – first that regulatory action is “taken only when needed” and, second, that “any action taken is proportionate”. The Bill does not provide any detail about either of these two requirements but does give ministers the power to issue guidance.

Transportation

5. The Bill proposes some changes to the requirement to obtain approval from the Secretary of State relating to activity on the highway. Arrangements for authorising roadworks in the City, and elsewhere in London, are contained in a permitting scheme introduced in 2010. The scheme, which operates in relation to non-urgent works, provides authorities with greater control over works and gives a power to refuse consent for works considered to have the potential to cause unnecessary disruption. The Bill proposes to extend across England the scheme that applies to London.
6. The Bill proposes the removal of the Secretary of State's power to construct road humps. The current requirement on highway authorities to notify the Secretary of State prior to the creation or removal of zebra, pelican or puffin crossings will be removed if the Bill comes into force. As part of the wider deregulation process, the Department for Transport is consulting on a major amendment to the Traffic Signs Regulations and General Directions. The Government's intention is that local authorities will have much more freedom to determine how signage is used on the public highway. This aspect will be reported on at a later date if appropriate.
7. The Bill sets out plans to change the rules regarding marine accident investigations (during the committee stages, the plans faced considerable criticism from marine transport groups). The Bill proposes the repeal of the requirement on the Secretary of State to order a re-hearing where 'new and important' evidence is discovered. If the measure is brought into force, the Secretary of State will have a discretion to reopen an investigation in such circumstances.

Energy and Environment

8. The Bill proposes the revocation of the criminal sanction (currently by way of a fine) that may be levied against a householder for failing to comply with instructions regarding how to present rubbish for collection. If the Bill becomes law, a new civil penalty will be the sanction against householders where an authority can show there is harm to local amenity.
9. Of interest to the City is the proposal to revoke certain targets and measures relating to energy. For example, the Climate Change and Sustainable Energy Act requires local authorities to have regard to 'energy measures' reports published by the Secretary of State. Only one

report has been published, however, and that was in 2007. The Bill also proposes the repeal of the requirement to comply with micro-generation targets.

10. Currently certain animals, such as musk rats and grey squirrels, should be reported to the Secretary of State as foreign species and, in certain circumstances, destroyed. The Bill repeals these requirements.
11. The Bill revokes an unused power, contained in the Local Government and Public Involvement in Health Act 2007, by which local authorities may apply to the Secretary of State for the creation of 'joint waste authorities'. Authorities sometimes make informal arrangements in relation to waste management and the Bill allows such arrangements to continue.
12. Under the Environment Act 1995 local authorities, including the City, are required to provide assessments of air quality in areas designated as Air Quality Management Areas. However, further to the results of a consultation in 2013 and the evidence provided to the draft Bill committee, the Bill proposes the repeal of the assessment requirement.
13. The Bill proposes the abolition of local authorities' powers to create noise pollution zones.

Licensing

14. Details of the measures regarding licensing will be reported to the Licensing Committee. Currently an individual may apply for a maximum of 12 Temporary Event Notices per year - where an event organiser applies to serve or sell alcohol, offer late-night refreshment or provide certain types of entertainment, for less than 500 people. Local police and environmental health officials may object to a TEN application. In the City some temporary events appear to lead to an increase in criminal activity and the Bill's proposal to increase the maximum number of TENs per year to 15 will, therefore, be of interest to the City Police and licensing officers.
15. Despite significant opposition to the change, the Bill proposes the revocation of the current requirement to renew personal alcohol sales licences every 10 years. In future personal licences will continue indefinitely.

16. The current offence of selling 'liqueur confectionary' to under 16s will be repealed if the Bill is enacted.

Rights of Way and Property

17. These matters will be reported to the Open Spaces Committee. Following proposals put forward by a working group on unrecorded rights of way, led by Natural England, which arrived at a broad consensus, the Bill proposes certain technical changes to the recording of rights of way.

18. Provisions relating to official recording of rights of way were first introduced in 1949 - and have been continually updated since that date - with the intention of ensuring all rights of way are logged on an official definitive map. The Countryside and Rights of Way Act 2000 introduced a cut-off date (1 January 2026) after which unregistered pre-1949 rights will be extinguished. The Government's view now is that the full registration of rights of way is too complex and costly. Therefore, under the Bill, local authorities will only be required to modify the rights of way register if they receive substantial evidence that no pre-1949 right of way existed. The Government's stated intention is to reduce the amount of research and investigation required of authorities.

19. In another technical measure, the Bill proposes that in a case where a private land owner uses a public right of way to access their property and that right of way is extinguished under the 2026 cut off provision a private right of way will spring into existence so as to ensure the private landowner has continued access to their property.

20. If the Bill comes into force, landowners' powers to erect gates or other means of access will be liberalised so that, in the future, landowners will be permitted to erect gates and stiles to improve access for users.

Miscellaneous

21. The Bill proposes the repeal of a variety of local authority duties, including

- a. Sustainable communities strategies
- b. Local area agreements
- c. Multi area agreements

22. Of interest to the City in its capacity as a local authority, under provisions in the Local Government and Public Involvement in Health Act 2007,

where a Best Value Authority decides to consult local people, the authority must demonstrate it provides information about the subject of the consultation, involves local interests and secures input from representatives of relevant interests. In a move supported in the Local Government Association's evidence to Parliament, the Bill proposes the repeal of these requirements.

Consultation

23. The Directors of Built Environment and Markets and Consumer Protection have been consulted in the preparation of the report. Officers dealing with the other aspects of this report have been consulted.

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