



HOUSE OF LORDS

Select Committee on the Canterbury City  
Council Bill, Leeds City Council Bill,  
Nottingham City Council Bill and Reading  
Borough Council Bill

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# Special Report

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*Select Committee on the Canterbury City Council Bill, Leeds City Council Bill,  
Nottingham City Council Bill and Reading Borough Council Bill*

The Select Committee was appointed by the House of Lords on 11 October and 31 October 2011.

The Members of the Committee were:

Lord Blair of Boughton  
Viscount Eccles  
Lord Glasman  
Baroness Knight of Collingtree (Chairman)  
Lord Strasburger

*Registered Interests*

Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the Parliamentary Archives.

*General Information*

The transcripts of evidence taken before the Committee are available on the internet at:  
<http://services.parliament.uk/bills/2010-11/canterburycitycouncil/committees/houseoflordsopposedbillcommitteeonthecanterburycitycouncilbill201011.html>

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## **CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL, READING BOROUGH COUNCIL BILL**

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### **Introduction and our general approach**

1. Pedlars have been trading on the streets of England and Wales for centuries and this was recognised in common law. The right to trade as a pedlar has been recognised in national legislation since the Pedlars Act 1871 (the 1871 Act) which introduced the requirement for a certificate to trade as a pedlar. The Local Government (Miscellaneous Provisions) Act 1982 provides an exemption from street trading restrictions for a pedlar trading with a certificate. These four Bills seek to restrict that exemption in Canterbury, Leeds, Nottingham and Reading. In this, they follow a pattern over the last 12 years to pass private legislation to restrict the exemption given to pedlars<sup>1</sup>.
2. We have decided, on balance, that the four Bills should proceed, but with substantial amendments. A clear factor in our decision is a desire to demonstrate our support for people who exercise their right legally to trade as pedlars under the 1871 Act, provided that they have a certificate. The four Bills as introduced contained restrictions and sanctions that were out of proportion to legitimate problems the Councils were able to identify; and the amendments we have made to the Bills are designed to ensure the impact is proportionate and that pedlars operating within the law are not prevented from carrying on their trade, either by a disproportionate law or as a result of unjustified interventions and actions of Council officials. We hope that our conclusions in this case will act as a strong message to other Councils or Local Authorities seeking to pursue similar private legislation.
3. The incremental, piecemeal modification of a national law by private legislation is extremely unsatisfactory. To date, about 40 local authorities in England and Wales have successfully promoted private legislation of this kind, leaving potentially more than 300 who may choose to do so in the future. This makes it extremely difficult for those who wish to trade as pedlars to know what restrictions exist in which parts of England and Wales. We have therefore inserted in each of the four Bills a requirement that the Council must provide on its website information about the conditions under which a pedlar can trade in their Council area.
4. We heard evidence from the four Councils that their main motivation for promoting these Bills was, in order of priority, (a) to reduce congestion or obstruction (or both) in busy pedestrianised city centres; and (b) to protect the urban environment. However, we were not convinced by the evidence they produced on protecting the urban environment, and we found evidence on other motivations, for example a desire to protect licensed street traders (those who pay for a licence to operate from a pitch in the city centre or market place) from “unfair competition” by pedlars, and desire to remove pedlars from city centres, insubstantial and incomplete. It is not the role of local authorities to decide what is or what is not unfair competition. We sought to find out if there were other more compelling reasons, but we were given none. Indeed, we heard convincing evidence that the public welcomed

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<sup>1</sup> City of Westminster Act 1999, City of Newcastle upon Tyne Act 2000, Medway Council Act 2004, London Local Authorities Act 2004, Leicester City Council Act 2006, Liverpool City Council Act 2006, Maidstone Borough Council Act 2006, Bournemouth Borough Council Act 2010 and Manchester City Council Act 2010

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

the diversity of goods on offer from pedlars in these city centres and no evidence of customer complaints. The Promoters in their four Bills (and their proposed amendments) sought to stop pedlars displaying their goods. We wholly reject that. However, we do accept that there should in designated areas be restrictions both on the size of the trolley and on the overall size of the display of goods to deal with the issue of obstruction. We have made amendments to the effect that the trolley used to carry the goods should not be more than 0.75 metres width by 0.5 metres depth by 1.25 metres height; and the overall size of the display of goods from the trolley (incorporating the size of the trolley itself) should not be more than 0.88 metres width, 0.83 metres depth and 1.63 metres height.

5. The sanction and enforcement powers proposed in the four Bills as presented in relation to suspected street trading offences applied anywhere in the area of the four Councils and we were extremely concerned that these powers were disproportionate and could have been used to prevent pedlars lawfully carrying out their business. We have therefore reduced these powers to the issuing of fixed penalty notices; and have inserted a requirement for Councils to train all officials charged with exercising the remaining powers. We take the view that it is preferable to place a statutory duty on the four Councils to train officers rather than rely on an undertaking given to the Committee under Private Bill procedures.
6. The four Bills as presented would have altered the exemption for pedlars from street trading regimes in the whole of each city. This clearly went beyond what was required to meet the problem of obstruction. We have therefore amended the four Bills to restrict the circumstances under which the four Councils may apply such exemption. Councils must now designate particular areas and justify each designation against two criteria: ensuring road safety; and preventing the obstruction of the highway.
7. We would like to express our sincere thanks to all of those who appeared before us: to Counsel for the Promoters; their witnesses; and to the Petitioners and their witnesses. We are also grateful to officials from the Department for Business, Innovation and Skills (BIS) who were quick to respond to our concerns.

### **The Bills and our amendments**

8. The Canterbury City Council Bill, the Leeds City Council Bill, the Nottingham City Council Bill and the Reading Borough Council Bill were introduced into the House of Lords on 15 January 2010, having been passed by the Commons, although their history goes back to the petitions to introduce the Bills which were presented to Parliament on 27 November 2007. The Bills, each promoted respectively by one of the four Councils, seek to regulate certain aspects of street trading. Each of the four Bills as introduced to the Lords had five common purposes—
  - (1) to extend the scope of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) so that it enables each Council to regulate the provision of services on the street as well as the sale of articles;
  - (2) to alter the exemption enjoyed by the holders of a pedlar's certificate from the street trading regime contained in the 1982 Act;

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

- (3) to empower council officers or police constables (and, in the case of the Canterbury and Reading Bills, community support officers) to seize articles, receptacles or equipment, in cases where they believe a street trading offence has been committed;
- (4) to allow the court to order the forfeiture of any article, receptacle or equipment which is shown to the satisfaction of the court to relate to the offence;
- (5) to enable council officers (or, in the case of the Canterbury and Reading Bills, constables or community support officers) to serve fixed penalty notices in cases where they have reason to believe that street trading offences have been committed.

In addition, two of the Bills (Canterbury and Reading) contained a sixth purpose to allow the Council to regulate touting, though in the case of Canterbury this was subsequently dropped in the filled bill.<sup>2</sup>

9. The provisions of the Bills are described in more detail in the explanatory memorandum attached to each Bill.
10. Under Private Bill procedures, those directly or especially affected by either Bill had an opportunity to voice their objections by presenting a petition against that Bill. Four petitions were received, one against each Bill, as follows:  
 Simon Casey petitioned against the Canterbury City Council Bill and the Nottingham City Council Bill, and represented himself;  
 Tony Furnivalis petitioned against the Leeds City Council Bill and was represented by Robert Campbell-Lloyd; and  
 Andrew Carter petitioned against the Reading Borough Council Bill and was represented by Robert Campbell-Lloyd.
11. The Bills were debated at Second Reading on 19 October 2010 and the House agreed an Instruction to the Committee – this is set out in paragraph 19 below.
12. The Select Committee on the Bill was appointed on 11 October 2011 to consider matters complained of in the petitions. The Members of the Committee were Lord Blair of Boughton, Viscount Eccles, Lord Glasman, Baroness Knight of Collingtree (Chairman) and Lord Strasburger.<sup>3</sup>
13. All four petitions presented against the Bills objected to the whole Bill. The Committee therefore considered all four Bills in their entirety.
14. During proceedings, suggested amendments were put forward by the Promoters.<sup>4</sup>
15. Two Reports were received by the House from BIS (see paragraph 21 below). The House also received reports relating to the four Bills' compliance with the European Convention on Human Rights.

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<sup>2</sup> The “filled bill” is the copy of the Bill presented before the start of Committee proceedings with amendments agreed by both the Promoters and the petitioners.

<sup>3</sup> Two Members (Lord Brougham and Vaux and Lord Methuen) having been appointed were unable to attend the Committee meetings and new Members (Lord Blair of Boughton and Lord Strasburger) were appointed on 31 October 2011.

<sup>4</sup> <http://services.parliament.uk/bills/2010-11/canterburycitycouncil/documents.html>

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

16. The full transcript of proceedings before the Committee is available on the internet.<sup>5</sup>
17. The Committee sat for three days (2, 3 and 9 November 2011) to hear evidence and submissions from the Promoters and the Petitioners and to hear from officials from BIS, and sat on 24 November to deliberate on this Report.
18. We conclude that the Bills should proceed with the amendments set out in Appendices 1 to 4 of this Report, which take account of amendments proposed by the promoters both in the filled bills and subsequently.

### **The Instruction**

19. Following Second Reading, the House agreed an instruction to the Committee on these four Bills that we “should consider the bills in the light of the conclusions of the report of the Select Committee on the Bournemouth Borough Council Bill [HL] and the Manchester City Council Bill [HL] which, while allowing those bills to proceed, expressed “strong reservations about the use of piecemeal private legislation to remedy perceived problems in national legislation” and recommended that “the Government should undertake an urgent review of the law on trading in the streets and selling from door to door with a view to producing national legislation which reflects current conditions.”
20. We considered the House’s instruction as part of our proceedings. We fully support the previous Committee’s “strong reservations about the use of piecemeal private legislation to remedy perceived problems in national legislation” and we too find this situation extremely unsatisfactory.

### **The EU Services Directive and plans for national legislation**

21. We also had two Reports from BIS, the first relating to the compliance of the four Bills with the EU Services Directive, the second setting out the effect on compliance of the amendments to the four Bills put forward by the Promoters.<sup>6</sup> We also heard from BIS officials. We are satisfied that, as amended, there is no reason for us to stop the four Bills proceeding on grounds of incompatibility with the EU Services Directive.
22. During proceedings on these Bills, we asked officials from BIS about their plans for national legislation. Our understanding is that BIS are currently working on draft Regulations which would seek to amend some existing legislation to ensure compatibility with the EU Services Directive. However, it is clear any intention on the part of BIS to legislate nationally to provide coherent national law on street trading is a very low priority and there is no prospect of this coming forward in the near future. This is very disappointing.
23. We were concerned that in bringing forward Regulations to ensure compatibility of the national street trading legislation with the EU Service Directive, or indeed in any future plans for a new national legal framework, BIS may be considering repealing the 1871 Pedlars Act. This would both

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<sup>5</sup> <http://services.parliament.uk/bills/2010-11/canterburycitycouncil/stages.html>

<sup>6</sup> *ibid*

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

repeal the requirement for pedlars to obtain a certificate to trade, and more importantly, it would thereby remove the exemption for certificated pedlars from other street trading restrictions. To do this without putting in its place a clear, national exemption allowing pedlars to exercise their right to trade would be wholly unacceptable.



## APPENDIX 1: AMENDMENTS MADE BY THE COMMITTEE TO THE CANTERBURY CITY COUNCIL BILL

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### Preamble

Page 1, line 9, leave out paragraph (3)

### Clause 2

Page 2, line 9, after “writing” insert “in compliance with section (*Training*)(1)”

Page 2, leave out line 10

Page 2, line 13, leave out “police” and insert “the Kent Valley police force”

Page 2, leave out lines 17 to 27

### Clause 4

Leave out Clause 4

### Clause 5

Leave out Clause 5 and insert the following new Clause—

#### “Pedlars

- (1) In their application to a designated area of the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modifications set out in subsections (2) and (3).
- (2) In paragraph 1(2)(a), there are inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with sub-paragraph (2A) below”.
- (3) After paragraph 1(2), the following sub-paragraphs are inserted—
  - “(2A) Trading is carried on in accordance with this sub-paragraph if—
    - (a) it is carried out only by means of visits from house to house; or
    - (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
      - (i) they are carried, without any other means of support, by the holder of the pedlar’s certificate during the time in which the trading takes place; or
      - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the holder of the pedlar’s certificate and in relation to which the condition specified in sub-paragraph (2B) is fulfilled and, if applicable, the condition specified in sub-paragraph (2C) is fulfilled.
  - (2B) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—



SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

- (a) a width of 0.75 metres;
  - (b) a depth (front to back) of 0.5 metres;
  - (c) a height of 1.25 metres.
- (2C) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
- (a) a width of 0.88 metres;
  - (b) a depth (front to back) of 0.83 metres;
  - (c) a height of 1.63 metres.
- (2D) Dimensions for the purposes of sub-paragraphs (2B) and (2C) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2E) In sub-paragraphs (2A) to (2D) “trolley” means any item designed or adapted for use as a container for articles and in sub-paragraphs (2B) to (2D) “display” includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.”.
- (4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.
- (5) In subsection (1) a “designated area” means an area of the city designated for the purposes of this section by resolution of the council in accordance with subsections (7) and (8).
- (6) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (7) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (8) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
- (a) in sub-paragraph (2) for “street” there were substituted “area”;
  - (b) in sub-paragraph (3)(b) for “the street” there were substituted “the area” and for “that street” there were substituted “a street in that area”;
  - (c) in sub-paragraph (4) for “to a street” there were substituted “to an area containing a street” and for “designates as a licence street” there were substituted “relates to an area containing”;
  - (d) in sub-paragraph (8) for “such” to the end of the sub-paragraph there were substituted “a resolution for the purposes of section 4 of the Canterbury City Council Act 2012 which relates to the area or any part of it”.

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

**Clauses 6, 7, 8, 9, 10 and 11**

Leave out Clauses 6, 7, 8, 9, 10 and 11

**Clause 12**

Page 8, line 29, leave out “in the city a relevant offence or an offence under section 11” and insert “a relevant offence in the city”

**Clause 14**

Page 10, leave out lines 8 to 13

**Clause 17**

Page 11, line 25, leave out “suspecting” and insert “believing”

Page 11, line 25, leave out “or an offence under section 11”

Page 11, line 27, leave out “If” and insert “It is an offence for the relevant person”

Page 11, line 28, leave out “the relevant person” and insert “to”

Page 11, line 29, leave out “fails” and insert “fail”

Page 11, line 30, leave out “furnishes” and insert “furnish”

Page 11, line 31, leave out “furnishes” and insert “furnish”

Page 11, leave out lines 32 and 33 and insert—

- “( ) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- ( ) A person guilty of an offence under subsection (2)(b) or (c) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Page 11, line 37, leave out from “grounds to” to end of line 39 and insert “believe has committed or has attempted to commit the offence or is in the course of committing or attempting to commit it”

**After Clause 17**

Insert the following new Clauses—

**“Provision of information by the council**

- (1) The council shall publish on its internet website information about—
  - (a) the provisions of this Act and of the 1982 Act as amended by this Act; and
  - (b) its policies as to enforcement of those provisions.
- (2) The information published shall, in particular, be such as the council reasonably considers is sufficient to enable those wishing to trade in the city to understand the circumstances in which they may lawfully do so.

*Training*

**Training**

- (1) The council shall not authorise an officer to act for the purposes of this Act unless they are satisfied that the officer has received adequate training in acting for those purposes, with particular

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

reference to ensuring that those trading lawfully in accordance with the 1982 Act are not prevented from doing so.

- (2) The council shall make the training referred to in subsection (1) available also to constables and community support officers empowered by section 5(1) to give a fixed penalty notice.

*Community support officers*

**Clause 18**

Page 12, line 6, leave out “or an offence under section 11”

Page 12, line 7, leave out “relevant police area” and insert “area of the council”

Page 12, line 8, leave out subsection (2)

Page 12, line 12, leave out “and an offence under section 11”

## APPENDIX 2: AMENDMENTS MADE BY THE COMMITTEE TO THE LEEDS CITY COUNCIL BILL

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### Clause 2

Page 2, line 6, after “writing” insert “in compliance with section (*Training*)”

Page 2, leave out lines 7 and 8

Page 2, leave out lines 11 to 21

### Clause 4

Leave out Clause 4

### Clause 5

Leave out Clause 5 and insert the following new Clause—

#### “Pedlars

- (1) In their application to a designated area of the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modifications set out in subsections (2) and (3).
- (2) In paragraph 1(2)(a), there are inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with sub-paragraph (2A) below”.
- (3) After paragraph 1(2), the following sub-paragraphs are inserted—
  - “(2A) Trading is carried on in accordance with this sub-paragraph if—
    - (a) it is carried out only by means of visits from house to house; or
    - (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
      - (i) they are carried, without any other means of support, by the holder of the pedlar’s certificate during the time in which the trading takes place; or
      - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the holder of the pedlar’s certificate and in relation to which the condition specified in sub-paragraph (2B) is fulfilled and, if applicable, the condition specified in sub-paragraph (2C) is fulfilled.
  - (2B) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
    - (a) a width of 0.75 metres;
    - (b) a depth (front to back) of 0.5 metres;
    - (c) a height of 1.25 metres.

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

- (2C) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
- (a) a width of 0.88 metres;
  - (b) a depth (front to back) of 0.83 metres;
  - (c) a height of 1.63 metres.
- (2D) Dimensions for the purposes of sub-paragraphs (2B) and (2C) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2E) In sub-paragraphs (2A) to (2D) “trolley” means any item designed or adapted for use as a container for articles and in sub-paragraphs (2B) to (2D) “display” includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.”
- (4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.
  - (5) In subsection (1) a “designated area” means an area of the city designated for the purposes of this section by resolution of the council in accordance with subsections (7) and (8).
  - (6) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
  - (7) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
  - (8) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
    - (a) in sub-paragraph (2) for “street” there were substituted “area”;
    - (b) in sub-paragraph (3)(b) for “the street” there were substituted “the area” and for “that street” there were substituted “a street in that area”;
    - (c) in sub-paragraph (4) for “to a street” there were substituted “to an area containing a street” and for “designates as a licence street” there were substituted “relates to an area containing”;
    - (d) in sub-paragraph (8) for “such” to the end of the sub-paragraph there were substituted “a resolution for the purposes of section 4 of the Leeds City Council Act 2012 which relates to the area or any part of it”.

**Clauses 6, 7, 8, 9 and 10**

Leave out Clauses 6, 7, 8, 9 and 10

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

**Clause 16**

Page 10, line 30, leave out “suspecting” and insert “believing”

Page 10, line 32, leave out “If” and insert “It is an offence for the relevant person”

Page 10, line 33, leave out “the relevant person” and insert “to”

Page 10, line 34, leave out “fails” and insert “fail”

Page 10, line 35, leave out “furnishes” and insert “furnish”

Page 10, line 36, leave out “furnishes” and insert “furnish”

Page 10, leave out lines 37 and 38 and insert—

“( ) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

( ) A person guilty of an offence under subsection (2)(b) or (c) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Page 11, line 2, leave out from “grounds to” to end of line 4 and insert “believe has committed or has attempted to commit the offence or is in the course of committing or attempting to commit it”

**After Clause 16**

Insert the following new Clauses—

**“Provision of information by the council**

- (1) The council shall publish on its internet website information about—
  - (a) the provisions of this Act and of the 1982 Act as amended by this Act; and
  - (b) its policies as to enforcement of those provisions.
- (2) The information published shall, in particular, be such as the council reasonably considers is sufficient to enable those wishing to trade in the city to understand the circumstances in which they may lawfully do so.

*Training*

**Training**

The council shall not authorise an officer to act for the purposes of this Act unless they are satisfied that the officer has received adequate training in acting for those purposes, with particular reference to ensuring that those trading lawfully in accordance with the 1982 Act are not prevented from doing so.”

### APPENDIX 3: AMENDMENTS MADE BY THE COMMITTEE TO THE NOTTINGHAM CITY COUNCIL BILL

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#### Clause 2

Page 2, line 9, after “writing” insert “in compliance with section (*Training*)”

Page 2, leave out lines 10 and 11

Page 2, leave out lines 14 to 24

#### Clause 4

Page 3, line 6, leave out from “reward” to end of line 15

#### Clause 5

Leave out Clause 5 and insert the following new Clause—

##### “Pedlars

- (1) In their application to a designated area of the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modifications set out in subsections (2) and (3).
- (2) In paragraph 1(2)(a), there are inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with sub-paragraph (2A) below”.
- (3) After paragraph 1(2), the following sub-paragraphs are inserted—
  - “(2A) Trading is carried on in accordance with this sub-paragraph if—
    - (a) it is carried out only by means of visits from house to house; or
    - (b) it does not include the trading of tickets and all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
      - (i) they are carried, without any other means of support, by the holder of the pedlar’s certificate during the time in which the trading takes place; or
      - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the holder of the pedlar’s certificate and in relation to which the condition specified in sub-paragraph (2B) is fulfilled and, if applicable, the condition specified in sub-paragraph (2C) is fulfilled.
  - (2B) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
    - (a) a width of 0.75 metres;
    - (b) a depth (front to back) of 0.5 metres;



SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

- (c) a height of 1.25 metres.
- (2C) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
  - (a) a width of 0.88 metres;
  - (b) a depth (front to back) of 0.83 metres;
  - (c) a height of 1.63 metres.
- (2D) Dimensions for the purposes of sub-paragraphs (2B) and (2C) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2E) In sub-paragraphs (2A) to (2D) “trolley” means any item designed or adapted for use as a container for articles and in sub-paragraph (2B) to (2D) “display” includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.”.
- (4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.
- (5) In subsection (1) a “designated area” means an area of the city designated for the purposes of this section by resolution of the council in accordance with subsections (7) and (8).
- (6) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (7) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (8) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
  - (a) in sub-paragraph (2) for “street” there were substituted “area”;
  - (b) in sub-paragraph (3)(b) for “the street” there were substituted “the area” and for “that street” there were substituted “a street in that area”;
  - (c) in sub-paragraph (4) for “to a street” there were substituted “to an area containing a street” and for “designates as a licence street” there were substituted “relates to an area containing”;
  - (d) in sub-paragraph (8) for “such” to the end of the sub-paragraph there were substituted “a resolution for the purposes of section 5 of the Nottingham City Council Act 2012 which relates to the area or any part of it”.

**Clauses 6, 7, 8, 9 and 10**

Leave out Clauses 6, 7, 8, 9 and 10

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

**Clause 16**

Page 10, line 36, leave out “suspecting” and insert “believing”

Page 11, line 1, leave out “If” and insert “It is an offence for the relevant person”

Page 11, line 2, leave out “the relevant person” and insert “to”

Page 11, line 3, leave out “fails” and insert “fail”

Page 11, line 4, leave out “furnishes” and insert “furnish”

Page 11, line 5, leave out “furnishes” and insert “furnish”

Page 11, leave out lines 6 and 7 and insert—

“( ) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

( ) A person guilty of an offence under subsection (2)(b) or (c) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Page 11, line 11, leave out from “grounds to” to end of line 13 and insert “believe has committed or has attempted to commit the offence or is in the course of committing or attempting to commit it”

**After Clause 16**

Insert the following new Clauses—

**“Provision of information by the council**

- (1) The council shall publish on its internet website information about—
  - (a) the provisions of this Act and of the 1982 Act as amended by this Act; and
  - (b) its policies as to enforcement of those provisions.
- (2) The information published shall, in particular, be such as the council reasonably considers is sufficient to enable those wishing to trade in the city to understand the circumstances in which they may lawfully do so.

*Training*

**Training**

The council shall not authorise an officer to act for the purposes of this Act unless they are satisfied that the officer has received adequate training in acting for those purposes, with particular reference to ensuring that those trading lawfully in accordance with the 1982 Act are not prevented from doing so.”

## APPENDIX 4: AMENDMENTS MADE BY THE COMMITTEE TO THE READING BOROUGH COUNCIL BILL

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### Clause 2

Page 2, line 9, after “writing” insert “in compliance with section (*Training*)(1)”

Page 2, leave out lines 11 and 12

Page 2, line 14, leave out “police” and insert “the Thames Valley police force”

Page 2, leave out lines 18 to 20

Page 2, leave out lines 23 to 28

### Clause 4

Page 3, line 13, leave out from “reward” to end of line 22

### Clause 5

Leave out Clause 5 and insert the following new Clause—

#### “Pedlars

- (1) In their application to a designated area of the borough, the provisions of Schedule 4 to the 1982 Act shall apply with the modifications set out in subsections (2) and (3).
- (2) In paragraph 1(2)(a), there are inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with sub-paragraph (2A) below”.
- (3) After paragraph 1(2), the following sub-paragraphs are inserted—
  - “(2A) Trading is carried on in accordance with this sub-paragraph if—
    - (a) it is carried out only by means of visits from house to house; or
    - (b) it does not include the trading of tickets and all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
      - (i) they are carried, without any other means of support, by the holder of the pedlar’s certificate during the time in which the trading takes place; or
      - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the holder of the pedlar’s certificate and in relation to which the condition specified in sub-paragraph (2B) is fulfilled and, if applicable, the condition specified in sub-paragraph (2C) is fulfilled.
  - (2B) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

- (a) a width of 0.75 metres;
  - (b) a depth (front to back) of 0.5 metres;
  - (c) a height of 1.25 metres.
- (2C) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
- (a) a width of 0.88 metres;
  - (b) a depth (front to back) of 0.83 metres;
  - (c) a height of 1.63 metres.
- (2D) Dimensions for the purposes of sub-paragraphs (2B) and (2C) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2E) In sub-paragraphs (2A) to (2D) “trolley” means any item designed or adapted for use as a container for articles and in sub-paragraphs (2B) to (2D) “display” includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.”.
- (4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.
- (5) In subsection (1) a “designated area” means an area of the borough designated for the purposes of this section by resolution of the council in accordance with subsections (7) and (8).
- (6) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (7) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (8) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
- (a) in sub-paragraph (2) for “street” there were substituted “area”;
  - (b) in sub-paragraph (3)(b) for “the street” there were substituted “the area” and for “that street” there were substituted “a street in that area”;
  - (c) in sub-paragraph (4) for “to a street” there were substituted “to an area containing a street” and for “designates as a licence street” there were substituted “relates to an area containing”;
  - (d) in sub-paragraph (8) for “such” to the end of the sub-paragraph there were substituted “a resolution for the purposes of section 5 of the Reading Borough Council Act 2012 which relates to the area or any part of it”.

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

**Clauses 6, 7, 8, 9 and 10**

Leave out Clauses 6, 7, 8, 9 and 10

**Clause 17**

Page 12, line 9, leave out “suspecting” and insert “believing”

Page 12, line 11, leave out “If” and insert “It is an offence for the relevant person”

Page 12, line 12, leave out “the relevant person” and insert “to”

Page 12, line 13, leave out “fails” and insert “fail”

Page 12, line 14, leave out “furnishes” and insert “furnish”

Page 12, line 15, leave out “furnishes” and insert “furnish”

Page 12, leave out lines 16 and 17 and insert—

- “( ) A person guilty of an offence under subsection (2)(a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- ( ) A person guilty of an offence under subsection (2)(b) or (c) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Page 12, line 21, leave out from “grounds to” to end of line 23 and insert “believe has committed or has attempted to commit the offence or is in the course of committing or attempting to commit it”

**After Clause 17**

Insert the following new Clauses—

**“Provision of information by the council**

- (1) The council shall publish on its internet website information about—
- (a) the provisions of this Act and of the 1982 Act as amended by this Act; and
  - (b) its policies as to enforcement of those provisions.
- (2) The information published shall, in particular, be such as the council reasonably considers is sufficient to enable those wishing to trade in the borough to understand the circumstances in which they may lawfully do so.

*Training*

**Training**

- (1) The council shall not authorise an officer to act for the purposes of this Act unless they are satisfied that the officer has received adequate training in acting for those purposes, with particular reference to ensuring that those trading lawfully in accordance with the 1982 Act are not prevented from doing so.
- (2) The council shall make the training referred to in subsection (1) available also to constables and community support officers empowered by section 7(1) to give a fixed penalty notice.

*Community support officers”*

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

**Clause 18**

Page 12, line 31, leave out subsection (2)

SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

## APPENDIX 5: MINUTES OF PROCEEDINGS

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### *Wednesday 2 November 2011*

The Committee met at 10am (in private) and 10.33am (in public).

Present: Lord Blair of Boughton  
 Viscount Eccles  
 Lord Glasman  
 Baroness Knight of Collingtree (*Chairman*)  
 Lord Strasburger Present: Lord

Counsel and Parties were called in:

Nathalie Lieven QC appeared for the Promoters

Robert Campbell-Lloyd appeared for the following Petitioners:

Tony Furnivalis (Leeds City Council Bill)

Andrew Carter (Reading Borough Council Bill)

Simon Casey appeared as a Petitioner in Person (Canterbury City Council Bill and Nottingham City Council Bill).

Each Member of the Committee confirmed they had no interests to declare.

The Promoters' case was heard.

Officials from the Department for Business, Innovation and Skills were heard.

The Promoters' case was further heard.

A full transcript was taken.

The Committee adjourned at 5.55pm to Thursday 3 November at 10.30am.

### *Thursday 3 November 2011*

The Committee met at 10.30 (in private) and at 10.44 (in public).

Present: Lord Blair of Boughton  
 Viscount Eccles  
 Lord Glasman  
 Baroness Knight of Collingtree (*Chairman*)  
 Lord Strasburger

The Promoters' submitted draft amendments.

The Promoters' case was further heard.

Petitions were heard.

A full transcript was taken.

The Committee adjourned at 5.27pm to Wednesday 9 November at 2pm.

### *Wednesday 9 November 2011*

The Committee met at 2pm (in private) and at 2.13pm (in public).

Present: Lord Blair of Boughton  
 Viscount Eccles  
 Lord Glasman  
 Baroness Knight of Collingtree (*Chairman*)



SELECT COMMITTEE ON THE CANTERBURY CITY COUNCIL BILL, LEEDS CITY COUNCIL BILL, NOTTINGHAM CITY COUNCIL BILL AND READING BOROUGH COUNCIL BILL

Lord Strasburger

The Promoters' submitted further draft amendments.

Petitions were further heard.

The Promoters were heard in reply.

Without prejudice to the decision of the Committee on the four Bills, the Preambles were proved.

The Chairman reported that the Committee's decision on the four Bills would be published in a Report; the Chairman would write to all Parties prior to publication and the Chairman's letters would be appended to the transcript.

A full transcript was taken.

The Committee adjourned at 5.55pm to Thursday 24 November 2011.

*Thursday 24 November 2011*

The Committee met at 2pm in private.

Present: Lord Blair of Boughton  
Viscount Eccles  
Lord Glasman  
Baroness Knight of Collingtree (*Chairman*)  
Lord Strasburger

The deliberated on a draft Report.

The Committee adjourned *sine die*.