



	<b>Committee Report: General Purposes</b>
<b>Date:</b>	21st October 2008
<b>Subject:</b>	City of Westminster Bill

## Summary

Street trading in the City of Westminster is regulated under the City of Westminster Act 1999. Notwithstanding that the Act had been amended over time; it has become apparent that the Act does not afford the City Council the powers to regulate street trading effectively and flexibly. In the circumstances, it is proposed that the City Council should promote a private Parliamentary Bill to amend the City of Westminster Act 1999.

## Recommendations

That the Committee considers the representations made in response to the consultation and recommends to the Council that it resolves:-

- (i) to apply in the City of Westminster revised provisions relating to street trading either by amending or taking the place of those contained in the City of Westminster Act 1999 (as amended);
- (ii) to enact such additional, supplemental and consequential provisions that may appear necessary or convenient, and such other objects and purposes as may be determined by the Council and also for the purposes (if deemed expedient to promote such Bill) of passing such resolutions as may be necessary or expedient in connection with the promotion of such Bill;
- (iii) that the Director of Legal and Administrative Services be authorised to add, amend or delete provisions before and after deposit of the Bill, as deemed necessary, subject to consultation with the relevant Cabinet Member before a provision is added, deleted or amended in a way which fundamentally alters its effect.



City of Westminster

# Committee report

Date:	<b>21<sup>st</sup> October 2008</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>City of Westminster Bill</b>
Report of:	<b>The Director of Legal and Administrative Services and the Director of Community Protection</b>
Wards involved:	<b>All</b>
Wards involved:	<b>All</b>
Policy context:	<b>To increase the effectiveness and flexibility of the regulation of street trading</b>
Financial summary:	<b>The cost of promoting the proposed Parliamentary Bill is estimated to be between £60,000 and £120,000. These costs would be spread over the financial years 2008/9 and 2009/10 and could carry over into 2010/11</b>
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### **3. Background to this Report**

- 3.1 Street trading in the City of Westminster is controlled under the City of Westminster Act 1999. Before then the relevant legislation was Part 3 of the London Local Authorities Act 1990, which remains applicable in other areas of London. The City of Westminster Act 1999 was promoted so as to recognise the distinctive nature of street trading in Westminster and came about as a result of discussions between the City Council and the representatives of street traders. The 1999 Act contained a number of novel provisions which have since been picked up by the other London boroughs in their own legislation. Examples include the partial disapplication of the exemption for those with pedlars' certificate and the removal of the requirement for three yearly renewals of street trading licences.
- 3.2 Since the enactment of the 1990 Act, it has been amended by later London Local Authorities Acts. Moreover, the current London Local Authorities Bill which is before Parliament would introduce further amendments, with particular regard to increased enforcement powers to deal with unlicensed food vendors.
- 3.3 This piecemeal approach proved useful in dealing with difficulties as and when they arose, but over time, it has become clear that a more thorough review of the street trading regime was required.
- 3.4 Following a number of meetings between officers and the City Council's Parliamentary Agents, and with the backing of the Cabinet Member for Community Protection, a public consultation exercise was undertaken. The consultation paper took the form of a section by section analysis of the 1999 Act, setting out where the City Council believes that change is required and making suggestions for new/amending provisions.
- 3.5 The consultation document is annexed to this report as Appendix 1. The consultation closed on 20<sup>th</sup> October 2008.
- 3.6 Careful consideration will be given to the representations received in response to the consultation and these will be discussed with the Cabinet Member for Community Protection and the Cabinet Member for Customers and Neighbourhoods, who is also chair of the Licensing Sub-Committee.
- 3.7 The committee is also asked to consider the representations received in response to the consultation and appended to this report.
- 3.8 Local authorities have just one opportunity per year to deposit a private Bill in Parliament and the date for lodging such a Bill is 27<sup>th</sup> November. The timetable leading up to deposit has been such that the Bill is unlikely to be finalised until late October, early November. It is for this reason that Resolution 2.3 is sought.

## **6. Legal implications**

- 6.1 Some of the provisions suggested have not been well received by the traders and if a decision is made to proceed with such proposals, the Bill might very well attract Petitions after deposit in Parliament. Where petitions are lodged against a Bill, the provisions are considered by a Select Committee, which can permit or refuse provisions to go forward. Therefore, there is no guarantee that all the provisions to be contained in the Bill will succeed.

## **7. Staffing implications**

- 7.1 There are no staffing implications

## **8. Human Rights Act 1998**

- 8.1 In accordance with Parliamentary procedures, Counsel's advice confirming that its provisions are compatible with the Human Rights Act 1998 will be deposited in Parliament and a Government Minister will be required to provide parliament with a statement on such in due course.

## **9. Financial Implications**

- 9.1 The costs of promotion are difficult to quantify in advance as much depends on how quickly the legislation passes through Parliament and the extent of any opposition. However, experience of previous promotions indicates that costs are likely to be in the region of £60,000 to £120,000. This cost is likely to be spread over financial years 2008/0 and 2009/10 and could carry over into 2010/11. This sum can be met by the existing legal budgets within the Licensing Service.

## **10. Reasons for decision**

- 10.1 To provide a legislative framework to regulate street trading more effectively and flexibly within the City of Westminster.

If you have any queries about this report or wish to inspect any of the background papers please contact Chris Wroe on 0207 641 5903, (Fax 0207 641 7047), e-mail address [cwroe@westminster.gov.uk](mailto:cwroe@westminster.gov.uk), or Gary Blackwell on 0207 641 2718 (Fax 0207 641 2251) e-mail address: [gblackwell@westminster.gov.uk](mailto:gblackwell@westminster.gov.uk), or Peter Large on 0207 641-2717 (Fax 020 7641 3325) e-mail address: [plarge@westminster.gov.uk](mailto:plarge@westminster.gov.uk)

## **Background Papers**

Consultation document (attached as Appendix 1)

Letter from the National Market Traders Federation, dated 13<sup>th</sup> October 2008 (attached as Appendix 2)

Parliamentary Petition of the National Market Traders Federation, lodged in Parliament on 6<sup>th</sup> February 2008 (attached as Appendix 3)

Response of Associated Newspapers Ltd, dated 13<sup>th</sup> October 2008 (attached as Appendix 4)

Response of Metropolitan Police, dated 2<sup>nd</sup> September 2008 (attached as Appendix 5)

Response of NMFF (Church Street Branch), 18 September 2008 (attached as Appendix 6)