

	Committee Report: General Purposes
Date:	6 th April 2009
Subject:	City of Westminster Bill

1. Summary

- 1.1 Street trading in the City of Westminster is regulated under the City of Westminster Act 1999. Notwithstanding that the Act has 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. Following a resolution of the Council on 29th October 2008 a private parliamentary Bill was deposited in Parliament on 27th November 2008, which aims to repeal the 1999 Act and provide the powers necessary to better regulate street trading within the City.
- 1.2 Parliamentary procedures require the City Council to pass a second resolution confirming its resolution to deposit the City of Westminster Bill and this report invites the Committee to consider recommending to Council that such a resolution be made. This report also provides an update on events since the last report to the Committee on 24th February 2009.

2. Recommendations

- 2.1 That the Committee recommends to the Council that it resolves –

That the resolution of this Council passed at a meeting of the Council on 29th October 2008 to promote a Bill in the present session of Parliament, pursuant to which the Bill intitled, “A Bill to make provision for the control of street trading and touting in the City of Westminster” has been deposited in Parliament, be confirmed.



City of Westminster

Committee report

Date:	6th April 2009
Classification:	For General Release
Title of Report:	City of Westminster Bill
Report of:	The Head of Legal Services and the Director of Community Protection
Wards involved:	All
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Policy context:	To increase the effectiveness and flexibility of the regulation of street trading
Financial summary:	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
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3. BACKGROUND TO THIS REPORT

- 3.1 The City of Westminster Bill was deposited in Parliament on 27th November 2008, with the support of this Committee and relevant Members and after the passing by full Council to promote the Bill, and the House Authorities directed that the Bill should first be considered by the House of Lords, before passing to the Commons. The Bill had its first Reading in the House of Lords on 22nd January 2009.
- 3.2 The Bill had its second Reading on 13th March 2009 and was debated on the floor of the House of Lords, following a call for such a debate by Lord Lucas. Baroness Gardner of Parkes moved the second reading motion on behalf of the City Council.
- 3.3 A number of Peers spoke at the debate and raised the following concerns –
1. Lord Graham of Edmonton (Labour) said, “the council should think twice before taking any action that would deprive an existing market trader of his opportunity to trade”, and raised concerns about the proposals to limit succession rights. He did, however, say of the Bill that, “it is full of good stuff; it is what a local council ought to be doing to ensure a marriage of the interests it seeks to serve”
 2. Lord Lucas (Conservative) expressed a view that the City Council should be called upon to justify why the powers sought are required and raised concerns about the powers to restrict the types of goods sold and what he perceives to be the lack of appeal and compensation rights. He called upon the select committee to permit the pedlars the right to have their concerns aired in committee and although he spoke in favour of the provision for “crunching hot-dog trolleys”, he expressed a view that the public should be permitted access to refreshment on the streets
 3. Lord De Mauley (Conservative front bench) spoke about the various Bills currently before Parliament concerning pedlars and expressed a concern, “to ensure that lawful traders and pedlars are protected” and a desire for there to be, “safeguards in the Bill to ensure that these lawful activities are protected”
 4. Lord Brett spoke on behalf of the Government and as is usual in private Bills, took a neutral stance. Lord Brett did, however, speak generally about the Government’s intention to review the national legislation concerning pedlars, which is expected to result in a consultation paper being prepared for circulation during the summer of 2009
- 3.4 Meetings will be held with Associated Newspapers and the National Market Traders’ Federation, with a view to allaying their concerns. In the event that their petitions are not withdrawn, the provisions will be considered by an opposed Select Committee of the House of Lords. It is hoped that such a committee could be arranged before the summer recess of Parliament.
- 3.4 Prior to the consideration of any petitions, the Select Committee will consider the City Council’s application for the pedlars’ petition to be struck out on the grounds that the Bill does not seek to alter the current exemption for pedlars

contained in the City of Westminster Act 1999, which permits peddling from house to house, under the authority of a pedlar's certificate, without the need to obtain a street trading licence. In the event that the application fails, the pedlars' petition will be considered by the opposed Select Committee, along with the other petitions. If the application succeeds the pedlars' petition will fail.

4. Legal implications

4.1 If the petitions lodged against the Bill are not withdrawn, the provisions will be considered by a Select Committee, which can permit or refuse provisions to go forward. Opposition on the floor of either House can also lead to a vote on the question of whether the Bill should pass or on amendments to it. Therefore, there is no guarantee that all the provisions contained in the Bill will succeed.

5. Staffing implications

5.1 There are no staffing implications.

6. Human Rights Act 1998

6.1 In accordance with Parliamentary procedures, Counsel's advice confirming that its provisions are compatible with the Human Rights Act 1998 has been provided to the Government and a Government Minister has provided Parliament with a statement. In it, the Minister expressed satisfaction, save that he had not seen the evidence to justify the restriction on pedlars' activities. This evidence will be provided at committee stage.

7. Financial Implications

7.1 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 2008/09 and 2009/10 and could carry over into 2010/11. This sum can be met by the existing legal budgets within the Licensing Service.

8. Reasons for decision

8.1 Parliamentary procedures require the City Council to pass a second resolution confirming its resolution to deposit the City of Westminster Bill.

If you have any queries about this report or wish to inspect any of the background
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Background Papers

1. The City of Westminster Bill, which may be accessed via Parliaments' website at <http://services.parliament.uk/bills/2008-09/cityofwestminster.html>
2. Petition of Associated Newspapers Limited
3. Petition of Nicholas John McGerr, Simon Casey, Alexander Campbell-Lloyd, Julian McDonnell, Frankie Fernando, David Murphy
4. Petition of the National Market Traders Federation
5. Report to the General Purposes Committee of 24th February 2009