

HOUSE OF LORDS

Select Committee on the  
Bournemouth Borough Council Bill [HL]  
and the Manchester City Council Bill [HL]

---

# Special Report

---

Ordered to be printed 10 July 2007

---

Published by the Authority of the House of Lords

*London* : The Stationery Office Limited  
£price

HL Paper 148

*Select Committee on the Bournemouth Borough Council Bill [HL] and the Manchester City Council Bill [HL]*

The Select Committee was appointed by the House of Lords on 24th May 2007 and 28th June 2007.

The Members of the Committee were:

Lord Boyd of Duncansby  
Lord Brougham and Vaux  
Baroness Coussins  
Lord Harrison (Chairman)  
Lord Methuen

*General Information*

The transcripts of evidence taken before the Committee are available on the internet at:  
<http://www.publications.parliament.uk/pa/ld/ldobcbm0607.htm>

*Contact Details*

All correspondence should be addressed to the Private Bill Office, House of Lords, London, SW1A 0PW.

The telephone number for general enquiries is 020 7219 3231.

The Office's email address is [prbohol@parliament.uk](mailto:prbohol@parliament.uk)

## **BOURNEMOUTH BOROUGH COUNCIL BILL [HL] AND MANCHESTER CITY COUNCIL BILL [HL]**

---

1. The Bournemouth Borough Council Bill [HL] and the Manchester City Council Bill [HL] were introduced into the House of Lords on 22nd January 2007. The Bills, promoted by the district councils for the borough of Bournemouth and the city of Manchester respectively, relate to street trading. The Bills have five main purposes, namely—
  - (1) to extend the scope of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 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;
  - (3) to empower council officers or police constables 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 to serve fixed penalty notices in cases where they have reason to believe that street trading offences have been committed.

The provisions of the Bills are described in more detail in the explanatory memorandum which is attached to each Bill.<sup>1</sup>

2. Those directly or especially affected by either Bill had an opportunity to voice their objections by presenting a petition against that Bill. Two such petitions were received<sup>2</sup>; one against each Bill. Mr Alexander Campbell-Lloyd petitioned against the Bournemouth Borough Council Bill and was represented before the Committee by Mr Robert Campbell-Lloyd. Mr David Murphy petitioned against the Manchester City Council Bill and was represented before the Committee by Mr Nicholas McGerr.
3. The Bills were given a Second Reading, without debate, on 20th February 2007.
4. The Select Committee on the Bill was appointed on 24th May to consider matters complained of in the petitions. One member was unable to attend the Committee meetings and a new member was appointed on 28th June. The members of the Committee were Lord Boyd of Duncansby, Lord Brougham and Vaux, Baroness Coussins, Lord Harrison (Chairman) and Lord Methuen.

---

<sup>1</sup> Available from the Parliamentary Agents for the Bills, Sharpe Pritchard, Elizabeth House, Fulwood Place, London, WC1V 6HG or on the internet at:

Bournemouth Borough Council Bill [HL]:

<http://www.publications.parliament.uk/pa/ld200607/ldprbill/003/003.htm>

Manchester City Council Bill [HL]:

<http://www.publications.parliament.uk/pa/ld200607/ldprbill/002/002.htm>

<sup>2</sup> These are available on the internet at: [www.parliament.uk/about\\_lords/prbohol/pb0607.cfm#bbcbill](http://www.parliament.uk/about_lords/prbohol/pb0607.cfm#bbcbill)

- 4 SELECT COMMITTEE ON THE BOURNEMOUTH BOROUGH COUNCIL BILL [HL]  
AND THE MANCHESTER CITY COUNCIL BILL [HL]
5. Both petitions presented against the Bills objected to the whole Bill. The Committee therefore considered both Bills in their entirety.
  6. No reports were received by the House from Government Departments other than those relating to the Bills' compliance with the European Convention on Human Rights.<sup>3</sup>
  7. The full transcript of proceedings before the Committee is available on the internet.<sup>4</sup>
  8. The Committee sat for two days, 3rd July and 10th July, to hear evidence and submissions from the Promoters and the Petitioners.
  9. The Committee wishes to express its thanks to those who appeared before them.
  10. The Committee's conclusions are that the Bills should proceed without amendment to Clause 5 but with the amendments as in the filled Bills. However, the Committee has strong reservations about the use of piecemeal private legislation to remedy perceived problems in national legislation. It considers 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. The Committee further require the Promoters of the two Bills to undertake that they will give particular attention to the training of officers who will be charged with the enforcement of this legislation so that genuine pedlars operating within this new legislation are not prevented from carrying on their trade.

---

<sup>3</sup> These are available on the internet at:

Bournemouth Borough Council Bill [HL]:

<http://www.publications.parliament.uk/pa/ld200607/ldprbill/003/003rep.htm>

Manchester City Council Bill [HL]:

<http://www.publications.parliament.uk/pa/ld200607/ldprbill/002/002rep.htm>

<sup>4</sup> The transcript of all of the Committee's proceedings is available at:

<http://www.publications.parliament.uk/pa/ld/ldobcbm0607.htm>

## **APPENDIX I: UNDERTAKING FROM BOURNEMOUTH BOROUGH COUNCIL**

---

The Lord Harrison  
House of Lords  
London  
SW1A 0PW

17 July 2007

Dear Lord Harrison  
Bournemouth Borough Council Bill

I refer to the proceedings of the select committee on the above Bill and in particular to your closing remarks at the end of the second day.

In conformity with those remarks, I hereby undertake on behalf of the Bournemouth Borough Council that they will give particular attention to the training of officers who will be charged with the enforcement of –

- a) the Local Government (Miscellaneous Provisions) Act 1982 as proposed to be altered by the Bournemouth Borough Council and
- b) the Bournemouth Borough Council Bill itself

so that genuine pedlars operating within the legislation are not prevented from carrying on their trade. Such training will ensure pedlars who decide to trade in any part of Bournemouth by calling door to door will be able to do so unimpeded.

Yours sincerely  
Michael Edwards  
Head of Public Protection  
Bournemouth Borough Council

**APPENDIX II: UNDERTAKING FROM MANCHESTER CITY COUNCIL**

The Lord Harrison  
House of Lords  
London  
SW1A 0PW

25 July 2007

Dear Lord Harrison  
Manchester City Council Bill

I refer to the proceedings of the select committee on the above Bill and in particular to your closing remarks at the end of the second day.

In conformity with those remarks, I hereby undertake on behalf of the Manchester City Council that they will give particular attention to the training of officers who will be charged with the enforcement of –

- a) the Local Government (Miscellaneous Provisions) Act 1982 as proposed to be altered by the Manchester City Bill and
- b) the Manchester City Bill itself

so that genuine pedlars operating within the legislation are not prevented from carrying on their trade. That will ensure that opportunities are preserved for the genuine pedlar in those streets that are not subject to the qualification of the Bill and indeed in those streets subject to the Bill where they may continue to trade door to door.

Yours sincerely  
Susan Orrell  
City Solicitor