

LORDS' AMENDMENTS TO THE
CANTERBURY CITY COUNCIL BILL

[The page and line numbers refer to the Bill sent to the Lords, 15 January 2010]

Long Title

1. Page 1, leave out “and touting”

Preamble

2. Page 1, leave out line 9

Clause 2

3. Page 2, line 9, after “writing” insert “in compliance with section (**Training**)(1)”
4. Page 2, leave out line 10
5. Page 2, line 13, leave out “police” and insert “the Kent police force”
6. Page 2, leave out lines 17 to 27
7. Page 2, line 33, leave out ““street” has the same meaning as in Schedule 4 to the 1982 Act.”

Clause 4

8. Leave out Clause 4

Clause 5

9. 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 subparagraph (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.
- (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”.

Clause 6

10. Leave out Clause 6

Clause 7

11. Leave out Clause 7

Clause 8

12. Leave out Clause 8

Clause 9

13. Leave out Clause 9

Clause 10

14. Leave out Clause 10

Clause 11

15. Leave out Clause 11

Clause 12

16. 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

17. Page 10, leave out lines 8 to 13

Clause 17

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

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

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

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

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

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

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

25. 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.”

26. 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

27. 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 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

28. Page 12, line 6, leave out “or an offence under section 11”
29. Page 12, line 7, leave out “relevant police area” and insert “area of the council”
30. Page 12, leave out subsection (2)
31. Page 12, line 12, leave out “and an offence under section 11”

IN PARLIAMENT
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