

PRIVATE BILL OFFICE
04 FEB 2009
HOUSE OF LORDS

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SESSION 2008-09

The City of Westminster Bill [HL]

Petition against the Bill - on merits - Praying to be heard by Counsel Etc.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled

The humble petition of Associated Newspapers Limited

SHEWETH as follows:

- 1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your Right Honourable House intituled "A Bill to make provision for the control of street trading and touting in the City of Westminster."
- 2. The Bill is promoted by Westminster City Council. The Preamble to the Bill recites that (1) the City of Westminster (hereinafter called "the city") is a London borough under the management and local government of the lord mayor and citizens of the city: (2) certain powers relating to street trading are exercisable by the Westminster City Council under the City of Westminster Act 1999 (c. i) and it is expedient to revise those powers in respect of street trading in the city: (3) it is expedient that provision be made about the control of touting in the city.

Relevant Clauses of the Bill

- 3. Your petitioner petitions against Clause 3, Clause 5 and Schedule 1 of the Bill as proposed.
- 4. Clause 3 of the Bill defines the meaning of "street trading".
- 5. Clause 5 of the Bill exempts newsvendors from the provisions of the regime governing street trading in the City of Westminster established by the Bill, other than in certain circumstances specified by the Clause. Clause 5(6) allows the Council by resolution to waive the exemption from the regime in specific geographical areas, subject to the procedure set out in Schedule 1.

Your petitioner

- 6. Your Petitioner is Associated Newspapers Limited, the publisher and distributor of national, regional and local newspapers in the United Kingdom. The Bill will directly and specially affect the distribution of the London Evening Standard, a weekday daily newspaper published by Associated Newspapers and sold by newsvendors in the City of Westminster.

Your Petitioner's concerns

7. The definition of street trading as set out in Clause 3 is in our view unduly broad and risks including the distribution of free newspapers in the scope of the Bill. We do not believe that this is the intention of the Promoters, and in any event note that such activities can be controlled under the Clean Neighbourhoods and Environment Act 2005. Your petitioner therefore opposes Clause 3 in its current form.
8. The application of Clause 5 will impose restrictions and additional costs on vendors distributing the Evening Standard. It is also likely to limit the location and number of sites where the Standard can be sold. By affecting both the revenues and costs associated with distribution of the newspaper this risks having a damaging effect on our business.
9. Your petitioner believes that the restrictions and conditions set out in Clauses 5(4) and 5(5) are unduly prescriptive and will allow Council officers to make arbitrary and wide-ranging decisions based on little more than personal opinion.
10. Clause 5(7) in general, and 5(7)(c) and (d) in particular, allows the Council to impose the blanket proscription of trading allowed for under Clause 5(6) on unduly wide-ranging grounds. The procedure set out in Schedule 1, under which a resolution under Clause 5(6) can be made, places too much power in the hands of the Council, and offers no right of appeal to those whose business is adversely affected by the Council's decision.
11. Your petitioner argues that Clauses 5(4) to 5(8) should therefore be omitted from the Bill.

YOUR PETITIONER therefore humbly prays to Your Honourable House that the Bill may not pass into law as it now stands and that they may be heard by themselves, their Counsel or Agent against the Preamble of the Bill and if the same do pass against all the clauses and provisions in the Bill which relate to or affect their property rights and interests and in support of other clauses and provisions for the protection and benefit of your Petitioner and their property rights and interests and that they may have such other relief as Your Honourable House may deem meet.

AND YOUR PETITIONER will ever pray, etc.

[signed by]

GAVIN DEVINE
AGENT.