

LEEDS CITY COUNCIL BILL

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**DRAFT Promoters' Amendments, additional to those in the Filled Bill – Version 2**

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**Clause 4 (provision of services)**

1. Page 2, leave out from line 30 to the end of line 7 on page 3 and insert "*Pedlars*"

**Clause 5 (pedlars)**

2. Page 3, leave out lines 9 to 25 and insert—

“(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 is inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with sub-paragraph (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 items used for any purpose connected with the trading are conveyed 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<sup>1</sup>
  - (ii) they are carried in (but not displayed for sale in or on) a wheeled receptacle pushed or pulled by the holder of the pedlar's certificate

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<sup>1</sup> As per existing clause 5

and of dimensions no greater than those specified in sub-paragraph (2B)<sup>2</sup>.

(2B) The specified dimensions are a width, height and depth each of 0.5 metres.<sup>3</sup>

(2C) For the purposes of sub-paragraph (2A)(b) above, “trading” includes the display or offer of items for sale.”<sup>4</sup>

(4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.<sup>5</sup>

(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 for one or more of the following reasons—<sup>6</sup>

(a) safeguarding public safety or security;

(b) safeguarding public health;

(c) protecting the environment (including the urban environment);

(d) ensuring road safety;

(e) preventing the 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”;

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<sup>2</sup> Similar to the Bournemouth and Manchester precedents (see Bournemouth s. 5(1)(a)(iii))

<sup>3</sup> Bournemouth and Manchester referred to “carrying capacity” of no more than one cubic metre

<sup>4</sup> As per existing clause 5

<sup>5</sup> As per Bournemouth and Manchester (see Bournemouth s. 5(2))

<sup>6</sup> See Recital (40) of the Services Directive in which (a) to (e) are cited as “public interest” examples. (f) has been added given the particular circumstances here. Note also the duties of highway authorities under section 130 of the Highways Act 1980 (protection of public rights).

- (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 5 of the Nottingham City Council Act 2011 which relates to the area or any part of it”.

**Clause 6 (seizure)**

- 3. Page 3, line 29, leave out “suspecting” and insert “believing”
- 4. Page 3, line 31, leave out “suspects” and insert “believes”
- 5. Page 4, line 3, leave out “suspected offence” and insert “offence believed to have been committed”
- 6. Page 4, line 13, leave out “suspects” and insert “believes”
- 7. Page 4, line 13, leave out “suspected offence” and insert “offence believed to have been committed”
- 8. Page 4, line 20, leave out “suspects” and insert “believes”
- 9. Page 4, line 20, leave out “suspected offence” and insert “offence believed to have been committed”
- 10. Page 4, line 24, leave out “suspect” and insert “believe”

**Clause 16 (provision of information to authorised officer)**

- 11. Page 10, line 30, leave out “suspecting” and insert “believing”
- 12. Page 11, line 2, leave out from “to” to the end of line 5 and insert “believe has committed or has attempted to commit the offence or is in the course of committing or attempting to commit it.”