



# Reading Borough Council Act 2013

## 2013 CHAPTER iv

An Act to confer powers on Reading Borough Council for the better control of street trading and touting in the borough of Reading. [28 February 2013]

WHEREAS—

- (1) The borough of Reading (hereinafter called “the borough”) is a district under the management and local government of Reading Borough Council (hereinafter called “the council”):
- (2) Certain powers relating to street trading in the borough are exercisable by the council under the Local Government (Miscellaneous Provisions) Act 1982 and for their better enforcement it is expedient to amend that Act in its application to Reading and supplement those powers:
- (3) It is expedient to make better provision with respect to touting in the borough:
- (4) The objects of this Act cannot be attained without the authority of Parliament:
- (5) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Introductory*

#### **1 Citation**

This Act may be cited as the Reading Borough Council Act 2013.

#### **2 Interpretation**

In this Act—

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“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“authorised officer” means an officer of the council authorised by the council in writing in compliance with section 14(1) to act for the purposes of this Act;

“the borough” means the borough of Reading;

“community support officer” means a person designated by the chief officer of the Thames Valley police force as a community support officer under section 38 of the Police Reform Act 2002 (police powers for police authority employees);

“the council” means the Reading Borough Council;

“proper officer” has the same meaning as in section 270(3) of the Local Government Act 1972;

“a relevant offence” means an offence—

- (a) under paragraph 10 of Schedule 4 to the 1982 Act; or
- (b) of aiding, abetting, counselling or procuring the commission of an offence under that paragraph, committed on or after the day on which this Act came into force;

“street” has the same meaning as in Schedule 4 to the 1982 Act;

“ticket” includes any document, token or other item required for the purposes of effecting entry to an entertainment or sporting event.

### **3 Application**

This Act applies so long as any resolution by the council under section 3 of the 1982 Act remains in force.

#### *Application of 1982 Act*

### **4 Meaning of “street trading”**

- (1) In their application to the borough, the provisions of Schedule 4 to the 1982 Act shall apply with the following modification.
- (2) In paragraph 1(1), for the definition of “street trading”, there is substituted—
  - ““street trading” means, subject to sub-paragraph (2) below—
  - (a) the selling or exposing or offering for sale of any article (including a living thing) in a street; or
  - (b) the purchasing of or offering to purchase any ticket for gain or reward”.

### **5 Pedlars**

- (1) In their application to a designated area of the borough, 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—

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- (a) it is carried out only by means of visits from house to house; or
    - (b) it does not include the trading of tickets and 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 subparagraph (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 borough 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”;

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- (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 5 of the Reading Borough Council Act 2013 which relates to the area or any part of it”.

### *Touting*

## **6 Touting**

- (1) The council may designate, in accordance with subsection (3), any of the following places, or any part of such places, in the borough as places to which this section applies for any of the purposes of subsection (2)—
  - (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of the council;
  - (b) a street.
- (2) Any person who, in a place designated under this section, importunes any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, or for a boat or other conveyance shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Before designating any place for any of the purposes of subsection (2) the council shall give notice of their proposal by advertisement in a newspaper circulating in the borough, and by posting it in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.
- (4) After taking into consideration any objections made in accordance with subsection (3), the council may by resolution designate as places to which this section applies for any of the purposes of subsection (2) all or any, or any part, of the places specified in the notice given under that subsection.
- (5) A resolution under subsection (4) shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (3), being a day not less than 28 days after the day on which notice is given under this subsection.
- (6) This section shall not prohibit the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part.