



Bournemouth Borough Council Act 2010

2010 CHAPTER ii

An Act to confer powers on Bournemouth Borough Council for the better control of street trading in the borough of Bournemouth. [8th April 2010]

WHEREAS—

- (1) The borough of Bournemouth (hereinafter called “the borough”) is a district under the management and local government of Bournemouth 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 (c. 30) and for their better enforcement it is expedient to amend that Act in its application to Bournemouth and supplement those powers:
- (3) The objects of this Act cannot be attained without the authority of Parliament:
- (4) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) 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 Bournemouth Borough Council Act 2010.

2 Interpretation

In this Act—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);

“authorised officer” means an officer of the council authorised by the council in writing to act for the purposes of this Act;

“the borough” means the borough of Bournemouth;

“the chief constable” means the Chief Constable of the Dorset police force;

“the council” means the Bournemouth Borough Council;

“equipment” means equipment used for the purposes of street trading;

“proper officer” has the same meaning as in section 270(3) of the Local Government Act 1972 (c. 70);

“receptacle” includes—

(a) any vehicle, trailer or barrow; and

(b) any basket, bag, box, vessel, stall, stand, easel, board, tray or other thing, which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article;

“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.

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 Provision of services

(1) In their application to the borough, the provisions of Schedule 4 to the 1982 Act shall apply with the following modifications.

(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 supplying of or offering to supply any service in a street for gain or reward; and”.

(3) In paragraph 3(2)(c) after “articles” in both places where it appears there is inserted “or services”.

(4) In paragraph 3(6)(b) after “goods” there is inserted “or services”.

(5) In paragraph 4(1)(b) after “articles” there is inserted “or services”.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

5 Pedlars

(1) Subject to subsection (2), in their application to the borough, the provisions of Schedule 4 to the 1982 Act shall apply as if—

- (a) in paragraph 1(2)(a) of that schedule there were inserted, after the reference to the Pedlars Act 1871 (c. 96), the words “, if the trading is carried out only—
- (i) by means of visits from house to house,
 - (ii) with any goods or handicraft equipment carried on his person as a pedestrian, or
 - (iii) with any goods or handicraft equipment carried in a wheeled vehicle (with a carrying capacity no greater than one cubic metre) pushed or pulled by him,

and (in so far as sub-paragraph (ii) or (iii) of this paragraph applies), he complies with the essential requirements referred to in sub-paragraph (2A) below, as read with sub-paragraphs (2B) and (2C) below”, and

- (b) after paragraph 1(2) of that schedule there were inserted the following sub-paragraphs:

“(2A) Subject to sub-paragraph (2B) a person complies with the essential requirements as follows—

- (a) he must leave any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
- (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,
- whichever comes later;
- (b) each location he occupies with a view to trading must be at a minimum distance of 200 metres from his previous one;
- (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
- (d) he must not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person;
- (e) at all times while—
- (i) trading,
 - (ii) otherwise occupying any location with a view to trading, or
 - (iii) moving between locations occupied or to be occupied with a view to trading,

he must display prominently his certificate granted under the Pedlars Act 1871.

(2B) Nothing in sub-paragraph (2A)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—

- (a) he so occupies it on the request of a bona fide customer,