

House of Lords and House of Commons
EXAMINATION OF PETITION FOR PRIVATE BILL

CHELTENHAM BOROUGH COUNCIL
(MARKETS) BILL

Thursday 18 December 2025

Before:

The Examiners of Petitions for Private Bills:

MS LYNN GARDNER, Clerk of Bills, House of Commons

MR JUSTIN LESLIE, Counsel for Domestic Legislation, House of Commons

MS KATE MEANWELL, Clerk of Delegated Legislation, House of Lords.

Appearing on the Petition for the CHELTENHAM BOROUGH COUNCIL (MARKETS)
BILL:

MR EMYR THOMAS of Sharpe Pritchard appeared as the Parliamentary Agent for the
Bill.

There also appeared:

MS CASSIA ERUAGA, Legal Administration Assistant, Sharpe Pritchard.

(11 am)

1. **MS LYNN GARDNER:** Welcome to the 2025 examination of Private Bills. My name is Lynn Gardner. I am Clerk of Bills in the House of Commons and one of the Examiners. I will invite my fellow Examiners to introduce themselves.

2. **MR JUSTIN LESLIE:** Good morning. I am Justin Leslie and I am Counsel for Domestic Legislation in the House of Commons and one of the Examiners.

3. **MS KATE MEANWELL:** Good morning. I am Kate Meanwell. I am Clerk of Delegated Legislation in the House of Lords and another one of the Examiners.

4. **MS LYNN GARDNER:** We only have one Private Bill that we have received this year. Vote and Minute entries confirming which House the Bill will originate in will appear tomorrow. Can I invite you to take us through the proof for the Cheltenham Borough Council (Markets) Bill? Perhaps you would like to introduce yourself and your colleague.

5. **MR EMYR THOMAS:** Thank you very much indeed. Good morning. My name is Emyr Thomas and I am the parliamentary agent for Cheltenham Borough Council, who are the promoters of the Cheltenham Borough Council (Markets) Bill. I am joined by my colleague Cassia Eruaga, a legal administration assistant at Sharpe Pritchard. We were also delighted to meet in the corridor three students from the University of Hull, Nicholas Goodwin, Benjamin Marett and James Ellis, who have all an interest in Private Bills and at least one of whom has been to collect a copy of the Bill from our offices.

6. I will now take you through the statement of proofs by referring to the folder of exhibits that has been handed up to you. This includes at tab A a copy of the *Gloucestershire Echo* dated 4 December this year and the relevant notice was published on page 28, which is flagged. Tab B includes a copy of the *Echo* dated 11 December and the notice was published on page 27, which is also flagged. The *Gloucestershire Echo* circulates in the administration area of Cheltenham Borough Council and these notices contain notice of the application for the Bill. In addition to being published in the *Echo* on 4 and 11 December, they have also been published on their website since 28 November.

7. I prove that each notice contains a concise summary of the purposes of the Bill.

8. I prove that each notice states that on and after 4 December a copy of the Bill may be inspected and copies obtained at a reasonable price at Sharpe Pritchard's offices, namely Elm Yard, 10-16 Elm Street, London WC1X 0BJ, and at the office of Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA, which is an office in the area of the council in the Borough of Cheltenham. In fact, this office is the council's headquarters.

9. I prove that each notice also states the time within which objections may be made by submission of a petition to the Office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons and that the information regarding the submission of such petitions may be obtained from either of those offices or from the agents of the promoters of the Bill.

10. I prove that each notice is headed by the Short Title of the Bill and is subscribed with the name of the person responsible for publication of the notice in our firm.

11. I prove that each notice contains the website and contact details of the Office of the Clerk of the Parliaments, of the Private Bill Office of the House of Commons and, in respect of the agents for the promoters of the Bill, Sharpe Pritchard, an enquiries email address has been included and not the website address. However, if you were to type the website address into the browser you would come to our landing page, the home page, and then you could manoeuvre to the contact details. If you were to enter the details that are on the notice into the browser you would, by one click, come to our contact details.

12. **MS LYNN GARDNER:** Thank you very much. Can I ask on that last point, why did you decide to do that—not to put the website address on?

13. **MR EMYR THOMAS:** I think we relied on a template, which might have had that in as opposed to the website address but, as I said, I do not think there is any material difference doing one instead of the other for where one actually takes you. You still end up at the same spot and arguably where this takes you, through the browser, is probably more convenient if you are looking for our details rather than general information about the firm.

14. **MS KATE MEANWELL:** Can I ask a follow-up on that? I think there you were talking about details of the agents for the promoter. I just wondered if you included

anything like a website address or email address for the promoters of the Bill themselves?

15. **MR EMYR THOMAS:** For the promoters of the Bill, no.

16. **MR JUSTIN LESLIE:** Can I ask about the concise summary? Your concise summary refers to the repeal of section 83 of the Cheltenham Improvement Act 1852 and the power of an authorised person to issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence contrary to byelaws under section 60 of the Food Act, but there is also another clause in the Bill, clause 5, that deals with the power to require a name and address. Was that something that you thought about including in the concise summary or are the two so bound together that they go together?

17. **MR EMYR THOMAS:** The main provision, as you are aware, in respect to this Bill is the repeal provision. That is the key provision and obviously we went for concision in considering that those two things were so bound together, as you say. Those included we considered satisfactory.

18. **MR JUSTIN LESLIE:** The Standing Order says that you should not include any “provisions of an ancillary, subsidiary or consequential nature”. Is it the position that clause 5 is ancillary, subsidiary or consequential?

19. **MR EMYR THOMAS:** This follows on from the preceding provision, does it not? So, yes, you would not have clause 5 on its own. It is almost parasitic on 4.

20. **MR JUSTIN LESLIE:** Thank you.

21. **MS LYNN GARDNER:** No other questions on that? Thank you, if you would like to continue.

22. **MR EMYR THOMAS:** I consider the Standing Order has been complied with. In respect of Standing Order 4A, if you turn to tab C there is the affidavit of Louis Krog headed “Cheltenham Borough Council (Markets) Bill”, which proves that copies of the Bill will be made available in the manner and at the offices mentioned in the notices, so I consider this Standing Order has been complied with.

23. I prove that Standing Orders 5 to 9 are not applicable to the Bill.

24. In respect to Standing Order 10, I prove that this Bill is promoted by Cheltenham Borough Council. I prove that the newspaper notice, which you have already looked at, at tabs A and B, was duly published in the area of that local authority, once in each of two consecutive weeks with an interval of not less than six clear days

between the two publication dates and the second publication date being not later than 11 December. I prove that those newspaper notices are in the same terms and so I consider this Standing Order has been complied with.

25. **MR JUSTIN LESLIE:** On the proof that you provided to us, you did not include anything about the Bill altering the functions of the council or local authority. I wondered if you gave any thought to whether this Bill alters functions of that.

26. **MR EMYR THOMAS:** Indeed. Obviously it amends a provision that is currently in force, being the main purpose provision of the Bill, and we did not consider that that did so, simply because even though there is a repeal mechanism in the Bill, it does not necessarily follow that anything could potentially—it does not demand the market is provided. It just corrects an historic anomaly in that, unlike most places, going to the 1852 Act, they are unable to have a market in their area on the streets.

27. If we turn to tab D, and this concerns Standing Order 11, you can find an e-voucher copy of the relevant page of the *London Gazette*, which was published online on Monday 1 December 2025 and printed on 2 December 2025, together with a letter from Courts Advertising, which confirms the authenticity of the voucher. At tab F we have the entirety of the *London Gazette* for 1 December and the notice that is included at tab D is the second notice included in tab F. So, tab D is just this notice; tab F is the entire *Gazette*. I prove that this was published not later than 11 December.

28. I prove a notice stating the Short Title of the Bill, the time within which objection may be made by submission of a petition to the Office of the Clerk of the Parliaments and the Private Bill Office in the House Commons, and that information regarding the submission of petitions may be obtained from either of those offices or from the agents of the promoters of the Bill, and that the notice states the offices at which copies of the Bill may be inspected and obtained as mentioned in the full notice. I consider that this Standing Order has been complied with.

29. I prove that Standing Orders 12 to 18 are not applicable to the Bill.

30. I prove that Standing Order 19 is not applicable to the Bill.

31. I prove that Standing Order 19A is not applicable to the Bill and that Standing Order 19B is not applicable to the Bill.

32. I prove that Standing Order 20 is not applicable to the Bill.

33. I prove that Standing Orders 21 and 25 are not applicable to the Bill and that Standing Orders 22 to 24 do not need to be proved separately.

34. I prove that Standing Order 25A is not applicable because this Bill is not promoted by the Greater London Authority, Transport for London, the London Development Agency or the council of a London borough.

35. I prove that Standing Orders 27 to 37 are not applicable to the Bill.

36. In the case of Standing Order 38, I prove that on or before 27 November 2025 I deposited, in accordance with Standing Order 26, Standing Order 201 of the House of Lords and Standing Order 209 of the House of Commons, a printed copy of the Bill in the Office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons and in the Vote Office.

37. I prove that attached to every copy of the Bill is a printed memorandum describing the Bill generally and, subject to Standing Order 38(4), every clause of the Bill.

38. I prove and include a statement of opinion by or on behalf of the promoters as to the compatibility of the provisions of the Bill with the convention rights as defined in the Human Rights Act 1998. I consider that this Standing Order has been complied with.

39. In respect of Standing Order 39, I prove that on or before 4 December there were deposited electronically, as specified in the list kept under Standing Order 1A and in accordance with Standing Order 26, copies of the Bill and evidence of those deposits having been served on and received by the requisite government departments and public bodies, together with evidence that those government departments and public bodies give permission to be served electronically being found in the folder of exhibits at tab E. I also prove that those deposits are the only deposits required to be made under Standing Order 39.

40. **MR JUSTIN LESLIE:** Thank you for the bundle of emails and the table. I have two questions. The first is that there is some variety between the number of copies deposited. Why is that?

41. **MR EMYR THOMAS:** I think historically when hard copies were deposited that was the number that was deposited and so we followed that exercise. Yes.

42. **MR JUSTIN LESLIE:** Thank you. Then in relation to the Crown Estate commissioners, you have left blank a field that deals with whether the commissioners

acknowledged by return email deposit of the Bill. I have not had time to look at the correspondence yet.

43. **MR EMYR THOMAS:** Yes. There is a notification at tab 50. It is the top document, which was an automatic notification confirming that it had been received by the relevant department.

44. **MR JUSTIN LESLIE:** We have that.

45. **MR EMYR THOMAS:** There are two, I think, in that bundle. There is one that followed our initial email of 21 November when we informed them that there would be a Private Bill coming forward and we had the message, the automatic reply, “Thank you for your email which is receiving our attention and we will get back to you in response as soon as we can”. Then a response was duly received in respect of that initial email of 21 November.

46. In respect of the email of 28 November, we received a similar automatic reply but we have not had a reply from, let us say, a human being, only the automatic reply. I have here a little clip of the chasers that have been sent to the relevant named person but unfortunately we have not had a response to those chasers. Several attempts have also been made by colleagues by telephone to speak to the relevant person, but again we have not received a reply to those calls. However, for each email that has been sent—each of the chaser emails—we have here the automatic replies for those as well, so we have several of those in addition to the automatic replies.

47. **MS LYNN GARDNER:** You did receive a reply from a proper person rather than just the automatic system for the first email that you sent?

48. **MR EMYR THOMAS:** The first, but we consider we need to receive confirmation that it has been received and the automatic emails of the 21st and the 28th are clearly that because there are two email addresses that must be served in respect of this particular address—the address of the person and also the email address enquiries@thecrownestate.co.uk. We have received several replies from enquiries@thecrownestate.co.uk and, therefore, we consider that satisfactory.

49. **MS LYNN GARDNER:** And for the named person?

50. **MR EMYR THOMAS:** We received a reply on 21 November from the named person—I think it was the 21st—but since there unfortunately, despite the best efforts of our colleague Nona Abrahams, none of our emails have been replied to and none of the four messages that has been left have been acknowledged or we have

received a call back or anything like that. We consider in any event that the automatic email of the 28th, coming from the address that we had to send the document to in the first place, is satisfactory. Obviously we wanted to exercise an abundance of caution in this respect but we do consider that to be satisfactory.

51. **MS LYNN GARDNER:** Thank you. Was that the case with anybody else? Obviously we have only just received this.

52. **MR EMYR THOMAS:** No. If you go through the bundle you will see that, for the vast majority of exchanges, the emails start in November 2024. When my partner Alastair Lewis was about to deposit the Malvern Hills Bill he asked, "Can we deposit the Malvern Hills Bill electronically and are you content for all future emails to be deposited electronically also?" For those who replied yes, on 21 November we thanked them for that confirmation and said that the Bill would be forthcoming on 28 November. For those who had not confirmed back in 2024 that they were content to receive an electronic copy of all future Bills, we asked them, "Would you be happy to receive the forthcoming Bill electronically and all future Bills electronically?" I am now pleased to say that we have a full house in respect that every department has confirmed that they are content going forward for every copy of a Bill that we deposit to be deposited electronically.

53. **MS LYNN GARDNER:** Very good. Any further questions? Thank you.

54. **MR EMYR THOMAS:** I prove those deposits, the only deposits required to be made under Standing Order 39, and so I consider this Standing Order has been complied with.

55. I prove that Standing Order 41 is not applicable to the Bill.

56. I prove that Standing Orders 42 and 43 are not applicable to the Bill.

57. I prove that Standing Order 44 is not applicable to the Bill.

58. I prove that Standing Orders 45 and 47 to 59 are not applicable to the Bill.

Thank you.

59. **MS LYNN GARDNER:** Thank you very much, Mr Thomas. Any further questions from my fellow Examiners? No. Could we just have a minute in private, please, to discuss and then we will call you back in?

60. **MR EMYR THOMAS:** Of course.

61. **MS LYNN GARDNER:** Thank you very much.

Sitting suspended.

62. **MS LYNN GARDNER:** Many thanks, Mr Thomas, for your proof. You will be pleased to know that we find that the Standing Orders that are applicable to the Bill have been complied with, so thank you for that.

63. That concludes the Examination of Private Bills for this year. My notes say, and I would say it anyway, best wishes to you all for a happy Christmas and the new year.

64. **MR EMYR THOMAS:** And also to you. Thank you very much indeed.

65. **MS LYNN GARDNER:** That concludes the meeting.