Mr A. D. Carter
Mrs S. Carter

e.mail;

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INTRODUCTION

I along with other pedlars have been participating in the process currently being enacted by BIS from the onset. I can even go so far as to say that Mr Roger Dennison who was originally tasked with this review sought my advice on what was pedlary during a 2 hour phone call he made to me, at the very beginning. We met with researchers from Durham University who were tasked to carry out surveys from stakeholders, and put forward many pro active proposals. We also met representatives from BIS at the BIS department, and again put forward many pro-active proposals. We also successfully petitioned against four Private Bills (Nottingham, Leeds, Reading & Canterbury) in the House of Lords, of which BIS representatives were witness.

It is unfortunate that not one of our proposals have been taken on board, and I can only draw the conclusion that all along

BIS have been given the task to eliminate pedlary, but to make it appear with spin that they are modernising outdated laws and assisting pedlars.

The word consultation means the process of consulting which is to ask advice from someone, and to have regard to a persons interests. BIS have asked our advice but have not fullfilled the second criteria with regards to having regards to our interests. We therefore see this consultation as flawed. Nonetheless we will continue to participate in this charade if nothing else to show that pedlars have been in mediation with BIS, to satisfy the criteria needed should we consider legally challenging an unfavourable report submitted to the Minister.

Yours

Mr Andrew Carter

Mrs Suphanee Carter

Below we set out a variety of questions in relation to our draft set of regulations attached at Annex A of the consultation document

We would like all consultees to fully consider our proposals and **explain the reasons for your answers as fully as possible.**

Repeal of the Pedlars Acts:

Question 1: **Do you agree with the proposed repeal of the Pedlars Acts 1871 and 1881 UK-wide?**

☐ Yes ☒ No

Comments:

SEE ATTACHED SHEET

REPLY 1

Question 1.1 **If you are a police force:**

(i) what is the approximate annual cost of administering the pedlar certification scheme?

(ii)what impacts would repeal of the Acts have in terms of cost, time and/ or other factors?

Comments:

REPLY 1

The pedlars certificate granted under the Pedlars Act is not in the least archaic. Are Birth Certificates, Passports, Title Deeds, Marraige Certificates and a whole raft of other ancient documents deemed archaic? Obtaining a certificate is no more burdensome than taxing your car. Yes modernisation is needed with regards to the issuing, and we have already proposed a single point of contact issuing department where a database is used. We challenge the interpretation that BIS has drawn from the Services Directive, and believe it has been wrongly interpreted, to suit the agenda of eliminating pedlary.

The certification and means to indentify a pedlar offers protection to both the public and pedlars themselves. Would taxis or drivers be permitted to drive with some form of identity? The only conclusion that can be drawn is that BIS know the resulting chaos and confusion that will arise by taking away certification, and this will then be used as justification in banning pedlars from the streets altogether. Another underhand trick where the PR spin is to say you are making life easier for pedlars but ultimately killing us!

You've heard countless times our proposals and have not listened. Prove me wrong!

Question 1.2: **If you are a pedlar: what do you consider are the impacts of repeal, both in terms of costs, time and/ or other factors?**

Comments

SEE ATTACHED SHEET 1

Question 1.3: **Do you consider that repeal would have an impact on any other organisation, individual or group? If so, please provide details of that organisation etc and what you consider the impacts on them would be.** YES

Comments

TRADING STANDARDS, POLICE, BORDER AGENCY, HMRC, THE PUBLIC (CONSUMER)

NOT BEING TO VERIFY A PERSONS IDENDITY – OBVIOUS REALLY!

Question 2: **Do you agree with our proposed new definition of a pedlar for the purposes of the pedlar exemption from the "national" street trading regime in England and Wales?**

☐ Yes ☒ No

Please fully explain your reasons for agreeing or disagreeing with any element of the proposed definition.

Comments:

SEE ATTACHED SHEET REPLY 2
& DRAFT A

Amendments to Schedule 4 to the LG(MP)A

Question 3: **If you are a local authority, do you envisage that there might be circumstances in which you would be able to designate a street as a licence/ consent street in relation to established traders but not in relation to temporary traders?**

☐ Yes ☐ No

Comments:

REPLY 2

The Draft guidelines proposed by you to define pedlary would be a death blow. I along with many other pedlars provide a service selling flags, novelty toys, balloons, whistles etc to people at homecoming parades, carnivals, festivals etc, and walk up and down the routes lined by these people. Often we contribute or donate to the cause that is organising the event, and do not in most cases clash with fixed location retailers. The proposed definition you have put forward would mean we would be able to only walk up one side of the street, and as soon as we cross to return down the other side of a route we would be entering an effective exclusion zone, and then would be charged with street trading.

These parametres you propose would be the death knell for myself, my wife, and others and would prevent me from trading. Pedlars jointly agreed 2 years ago what to them would be acceptable terms with regard to movement, and I believe were submitted to you. Whether you received these I do not know, but am re-submitting what we feel is acceptable with regards to movement.

I will call this Draft A and it is attached

DRAFT A

	"Clause (2) The following are not street trading for the purposes of this Schedule – *(a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;* *(f) selling things, or offering or exposing them for sale, as a roundsman;"* **Proposed amendments to clause 2(a) & clause 2(f):** ***Clause** (2) The following are not street trading for the purposes of this Schedule –* ***(a)** trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 subject to the following:* *i. a pedlar's trade includes trading by means of visits from house to house* *ii. a pedlar's trade also includes other than trading only by means of visits from house to house and includes trading whilst in the street* *iii. trading "town to town or to other men's houses" and "only by means of visits from house to house" mean that pedlars are pedestrian and mobile in comparison with static licensed traders* *iv. a pedlar's goods or tools of handicraft must be carried on the person or in a trolley with a carrying capacity not exceeding one cubic metre which is pushed or pulled by the person, subject to the following points:* *1. a pedlar may not stop in one static position for more than fifteen [15] minutes unless engaged in displaying skill in handicraft, trading or stopped with just cause by an officer* *2. a pedlar must then move on at least twenty [20] metres from that static position interrupted only by stops to trade, display, to engage with an officer or in compliance with rights granted by the HRA* *3. a pedlar cannot move to a position within five [5] metres of any previous position within a one [1] hour period* *4. a pedlar must display a Pedlar's Certificate prominently* *5. the exception for pedlars is to be qualified to the effect that nothing in it shall be taken to extend the range of activities comprising acting as a pedlar* *(f) selling things, or offering or exposing them for sale, as a roundsman or:* *i. a hawker selling articles or things to occupiers of premises adjoining any street*