Pedlar

Evans David (CCP)

From: Frank Brook [frank.n.brook@gmail.com]
Sent: 15 March 2013 23:58
To: Street Trading and Services Directive Compliance Consultation
Subject: Consultation on Street Trading and Pedlary Laws – Compliance with the requirements of the European Services Directive

Attachments: 12-605rf-street-trading-FB.doc

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Interesting that you assume everyone has Microsoft Word.

Might I suggest PDF forms that have enterable fields in future?

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Frank Brook - Pedlar

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:

I have written an email to you (BIS) on 6 February 2013. The response failed to address my email. Instead I received a "stock letter" that demonstrated a failure to understand Pedlary, was suggestive of "having ears" only for the representations of Local Authorities but none for certified Pedlars. In overall terms the response gave me a clear impression of "incompetents on the loose".

I responded to your "stock letter" and my responses provide much information about why I do not see the "government position" (aka "BIS position" aka "What Local Government would like to happen"). I also noted how the House of Lords appear to have a better understanding of Pedlary and the national nature of Pedlary than the BIS/Government have.

I wrote to my MP and got a different "stock letter" that also suggests HM Government (especially BIS) has no clear understanding of Pedlary at any level.

So, I do not wish the Pedlary Acts to be repealed on the grounds of

1. a failure to properly communicate with pedlars (and with prospective pedlars like myself). If the BIS is failing to communicate effectively with myself (as a prospective pedlar) and established pedlars are complaining that they are not being properly consulted then there is a clear case of failure to consult and ESPECIALLY to LISTEN effectively.
2. incompetent and/or defective understanding of Pedlary (in the broadest sense). This seriously undermines the entire process of consultation.
3. an apparent over-reliance and over-familiarity within BIS on Local Authority opinions, even though they are, in the most part, little more than pure speculation and wild nonsense. This has lead to serious bias in the consultation so far as I can see the situation.

4. I have looked to but I have not found anything that remotely looks like a well-considered impact assessment. I note that recent activities in the House of Lords demonstrates that THEY have the measure of Pedlary and the adverse behaviours of Local Government. Interesting that BIS are self-evidently clueless about Pedlary, listen only to Local Government and are unable to produce a competent impact assessment.
5. Finally, as pointed out in my email response, I see no rational reason for repeal when I, like established certified pedlars, see merit in AMENDMENT of the pedlary legislation rather than repeal. I note the BIS are not proposing amendment to the legislation as an option which again demonstrates bias and/or incompetence.

Refer to my email response to your "babble" for further clarification.

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:

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

I am a prospective pedlar. The only thing stopping me from becoming an actual pedlar is the uncertainty of what is happening which in turn is in consequence of what I see to be completely bizarre behaviours and attitudes coming out of your (BIS) department.

I have NO wish for repeal of the Pedlary Acts as they provide (minimial) protection from the nasty-minded behaviours and actions of Local Authorities that are not only demonstrably there (vis court cases) but have been "clocked" by the House of Lords in their recent work relating to the ever-increasing numbers of Private Bills.

Repeal will do nothing more than increase the nasty-minded behaviours of Local Authorities in their ever-increasing attempts to "control the streets". With no Pedlary Acts there is no protection from them. They will spend more on "policing" with ill-trained staff that results in even higher incidence of equally ill-considered litigation that as usual costs the taxpayer more and more money.

Look closely and analyse the behaviours and attitudes of the Local Authorities both in terms of their submissions to the consultations over the years and also to their private bills. You will see there is a clear intent to "control" rather than to "serve" the public.

For certified Pedlars I understand the threat to be physical and psychological (ie bullying and harassment from Local Authority ill-trained staff but less so with Police) as well as the threat and costs associated with an increased incidence of unwarranted interference, unwarranted confiscation of goods, unwarranted litigation against the pedlars and in consequence loss of trade and excessive costs to protect against the over-zealous ill-mannered ill-trained aggressive nasty-minded local authority "jobsworths" that represent local authorities in their attempts to "control the streets".

Refer to my email response to your "babble" for further clarification.

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.

Comments

Yes. By repealing the Pedlary Act I would definitely NOT consider trading as a pedlar. It affects any person who is eligible to trade as a pedlar. How many adults are there in the UK? How many make things as a hobby and cannot afford hundreds of pounds for a static street trading license from a local authority? How many of them might only wish to wander around a few times a year to sell the results of a hobby?

Repeal removes the minimal protection from the nasty-minded behaviours of Local Authorities that are not only demonstrably there (vis court cases) but have been "clocked" by the House of Lords in their recent work relating to the ever-increasing numbers of Private Bills.

And, at this late stage in your consultation, over several years, is it not rather a disgrace that you are asking who might be affected? This research should have been completed years ago!

You might start by taking to and LISTENING to pedlars. They are the real and major stakeholders and you do not appear to be doing this!

Refer to my email response to your "babble" for further clarification.

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:

You have not listed your definition in this document. Tut tut.

Why is the existing definition no longer acceptable?

Why do you believe an over-specified definition IS acceptable?

Refer to my email response to your "babble" for further clarification.

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:

Question 4: **Do you agree that only one photo needs to be submitted with street trading applications which are made electronically?**

☐ Yes ☐ No

Comments:

Are you asking about static trading or pedlary??????

Why are you asking such a TRIVIAL question when you can't apparently get the BIG PICTURE right????

My local police (Cheshire) ask for two ACTUAL passport-sized photos for a pedlary certificate.

Question 5: **Do you agree with the proposal to replace the mandatory refusal ground? If not, please explain why you do not think that the 1933 Act provides adequate protection and why the minimum age requirement of 17 needs to be retained.** (see paragraph 1.32).

☐ Yes ☐ No

Comments:

Who are you asking this question of?

Question 5.1: **If you are a local authority, can you indicate the approximate number of applications you would expect to be made from those under 17 years of age?**

Comments: