nabma

the voice of local authority markets

Pedlars – Issues & Impacts

March 2013

South Derbyshire District Council
Councillor John Lemmon, Chair of Housing and Community Services Committee

Thank you for the opportunity to respond to the above consultation. I am Chairman of the Housing and Community Services Committee which overseas Swadlincote Market, winner of the 2013 Best Small Outdoor Market in the UK, establishing Swadlincote as the Market Town of the National Forest. Whilst there are some areas of the street trading that might broadly benefit from updating the legislation, we are wholly against the proposals outlined for the repeal and replacement of the Pedlary Laws. I cannot stand by and watch all the years of hard work be undone. Until relatively recently I was unaware of just how dangerous these proposals were to the livelihood of small markets like Swadlincote.

The market has begun to grow, mainly as a result of taking it back into the High Street, a recommendation promulgated by the Mary Portas Review. The market is more than just a street retail zone controlled by regulations, it is an institution which puts life into the town centre and supports the community in a myriad of ways. The Pedlar exemption will destroy many of the smaller markets like ours: anyone could literally move up and down the High Street, selling identical goods to those of our loyal stall holders, taking business away and giving nothing back to the community.

The proposed regulations for controlling pedlary, by making them move on are unworkable. Even if a means could be devised to monitor compliance there is no body with the means or resources to police this.

The resultant lack of a "level playing field" undermine any business reasons for staying on the market and institutions which has been around since the middle ages could quite literally be destroyed.

There are further worries about the lack of consumer protection. The current legislation and regulations give local authorities and their market managers a framework for protection of consumer and their rights. This cannot exist within the measures your document wishes to see brought in, consumers will have no opportunity of redress when they are sold defective, counterfeit or unsafe goods. Pedlars will be accountable to nobody.

Finally the SDDC on has spent over £2m to create a positive environment to attract businesses and shoppers into the High Street, for which we have received recognition by our peers We have also made what we consider sensible alterations to vehicle movement and traffic flows. If these proposals came into being the town could quickly become unsightly and the streets, already quite narrow, clogged up by slowly moving mobile stalls.

For these reasons I must object most strongly to this "ill-thought out" change of legislation and the serious adverse impact on our thriving outdoor market.

Under the Department for Business, Innovation and Skills (BIS) proposals, a special case is being made out for pedlars.

Newbury Town Council,
Mrs. Julie Csala, Newbury Market Working Party, Newbury Town Council

Newbury is a market town and we need to ensure that the market remains an important part of Newbury's future. These proposals put market traders in a more restrictive position than pedlars, so they jeopardise the future of Newbury's market.

By implementing the proposals put forward by BIS, we are likely to have a situation where market and street traders are operating alongside pedlars with market and street traders paying significant fees and being subject to licensing regulation and pedlars paying nothing and being subject to no control at all, given that BIS is saying that enforcement action will be considered at some unspecified time in the future.

Given that there is no limit on the number of pedlars that can operate in any town centre, there is a risk that the existing market will face a challenge from a group of pedlars who might be seen as constituting a temporary market. While the prospect of such a situation might seem remote under the BIS proposals, it cannot be discounted.

There is currently an exemption in existing street trading legislation to cover pedlars.

BIS make the point that an authorisation scheme, as currently provided in the 1871 Act, cannot be justified under the European Services Directive. We accept that this is correct, particularly in terms of the residency requirement, but we do not believe that the BIS approach is necessarily correct in respect of the "good character" test.

We do not believe that there is anything in the European Services Directive which prevents pedlars being incorporated within the street trading legislation. It therefore comes down to the basic issue of why pedlars are being treated as a special case.

We have nothing against bonafide pedlars provided that they operate in a legitimate way but there is lots of evidence around regarding so called pedlars who operate on an illegal basis. It is these people that give rise to the greatest concern.

While the new definition of pedlars prescribes the size of the receptacle that can be used by pedlars and also seeks to provide limits in respect of the period of trading, these proposals must be treated with a degree of contempt in circumstances where there are no enforcement provisions offered to manage these requirements.

We feel that pedlars should be included within the remit of the street trading provisions.

Newcastle Upon Tyne City Council
Gerard J H Smith, Senior Licensing Officer, Trading Standards and Licensing

Although I have no pictures to hand we still have a large number of traders operating under the auspices of pedlar certificates in Newcastle City Centre.

The City of Newcastle of Tyne Act 2000 have helped immeasurably with the day time issue of illegal trading as pedlars, although able to work the city door to door are unable to work in prohibited streets. The night time economy unfortunately is still an issue with pedlars selling low quality hats and plastic roses etc causing blockages of the highways, arguments with those under the influence of alcohol over the quality of goods, deliberate obstruction and also the allegation of thefts from persons from those associated with the pedlar entourage. Illegal trading of trade marked goods or low quality goods associated with musicians playing the Metro Arena is also an issue.

As a department we still use regular patrols in and outside of office hours to combat this issue. Newcastle along with other destination cities are seen as honey pots for trading activity and a relaxation of current legislation would see a proliferation of illegal traders and pedlars of dubious criminal history (if the repeal of the fit and proper person test is removed) to swamp the City Centre with the inevitable result of shoppers leaving the City to shop in private malls. Town centres around the country need a helping hand to try an invigorate trade not deter shoppers by filling their every step with traders selling unwanted low grade and sometimes dangerous products.

London Borough of Southwark
John McHenry, Markets and Street Trading Manager, Public Realm

We do not have an issue with licenced pedlars, as these are limited to selling door to door.. However, we have lots of problems with illegal street traders selling peanuts, dvd,s, hotdogs, watches and perfume that would be caught by de-regulation of this legislation. These people carry their goods on their person or out of a suitcase, or with a small receptacle that would be acceptable under the proposed changes.
We have also had many issues with ice-cream vans in the past, with many instances where they exploited the 15 minute waiting rule to the point where injunctions had to be obtained against one individual trader.

The Royal Borough of Kensington and Chelsea
Mark Atkinson FIPM, Markets Development Officer

As far as I'm aware we currently have very little activity by traders calling themselves pedlars, save perhaps during Notting Hill Carnival. However, as just one example, it is likely that buskers who are selling CDs (and therefore illegal street traders) in Portobello and Golborne Road market could call themselves pedlars. We anticipate many problems ahead for Portobello and Golborne Road markets if peddling and street trading were to be deregulated to the extent implied at this week's AoLM meeting. So-called pedlars from all over the UK and Europe would flock to take advantage of our high visitor numbers, and I believe this would have a serious detrimental impact on a world-renowned icon. Several years ago we received a letter via Buckingham Palace from an overseas visitor who was worried about the future of Portobello and Golborne Road market. At that time the concern was unfounded and we were able to give reassurances. If the proposed changes to legislation go through, I'm afraid we would have to answer future queries very differently.

Derby Council
Councillor Mick Barker, Councillor for Oakwood

I believe it to be a totally retrograde step from BIS in removing any protection from the public as to this type of trader and indeed leaving the Police Service and Trading Standards totally toothless! Yet more interference from Europe to the detriment and protection of the public.

Institute of Licensing Northern Ireland Branch
James Cunningham, Regulatory Services Manager Belfast City Council

Prior to 2001, there was evidence that the Pedlars' exemption was being abused in a number of town centres. Belfast had over 50 illegal stalls in the city centre daily causing obstruction and generally leaving the City centre in a mess, many of these traders purported to act as pedlars, the majority actually sold fast food from fixed pitches. Belfast City Council was receiving on average 450 complaints a year from businesses, tourists and residents regarding the 'state' of the City Centre and taking on average 2500 prosecutions each year against illegal traders who were selling a wide range of goods including hot food and poor quality, counterfeit and stolen goods. The City was on the verge of losing vital inward investment.

The nature and extent of this illegal street trading persuaded the N.I. Assembly to adopt the severe measures enshrined in the Street Trading Act (N.I.) 2001. These included more extensive powers

including the seizure and forfeiture of goods. The scheme of the 2001 Act combined with more effective enforcement proved to be highly successful in combating illegal street trading which, for example, has been "eradicated" from the City centre.

Further, it must be remembered that the ability to trade on the public highway should not be regarded as a right in perpetuity, but a privilege, and there may at any time be competing interests, quite often important public interests, relating to free passage over the highway, safety, amenity of the area and others which must take precedence.

The provisions of the Street Trading Act (N.I.) 2001 ("Act") are broadly similar to the Local Government (Miscellaneous Provisions) Act 1982 (England and Wales), both being based around a system of street trader licences and designated streets, but the legislation in Northern Ireland has a more extensive and clearly delineated set of guidelines on the grounds for refusal or revocation. The Northern Ireland legislation is completely different in that we issue three completely different types of licence:

(a) Stationary licence to trade from a designated permanent pitch which the Council has designated for stationary street trading.

(b) Mobile licence to trade as a mobile trader which includes ice-cream vans, mobile shops, carts/barrows pushed by the trader to work within specific areas.

(c) Temporary licence which has been used for events such as St Patrick's Day, 12th July or outside sporting grounds for special events.

The purpose in the Act of limiting Pedlars to trading house-to-house was to ensure they did not fall foul of the Act by becoming mobile street traders and subjected to that regulatory regime.
The Institute believes that the proposed changes in the BIS document in particular regarding pedlars will have catastrophic consequences in Northern Ireland and it will completely undermine the existing Street Trading regime which was introduced in 2001 to counter serious problems associated with an over-proliferation of street trading in the City.

It would appear that, when considering the proposed changes, BIS and DSD have failed to recognise the unease that can be associated with itinerant business, which has been exemplified in recent years by concerns about face to face fundraisers and scrap metal and clothing collection.

Residents and businesses suffer from the cumulative impact of such activity and often want their council to respond to their concerns. We strongly believe that further thought needs to be given to what measures can be made easily available to councils where specific and persistent issues occur associated with pedlar activity.

The Institute truly believes that neither BIS or DSD understand what a pedlar actually is, it is not a person who lives 'hand to mouth' and needs this type of freedom in modern society at the detriment of others.

It is recognised that the legislation on Pedlars is outdated and in need of reform but it is also important that district councils are able to effectively manage their town centres and streets while protecting residents and visitors from fraud and nuisance.
If a Pedlar or any other trader wants to trade on the street, then they must apply for a street trading licence. The Institute believes it is important that local authorities are able to control the number of

street traders on any particular day and operating clear licensing arrangements will enable this to be done effectively.

Under the BIS/DSD proposals, district councils will be unable to address resident and business concerns about Pedlar activity. The proposals fail to recognise the unease that can be associated with itinerant business. There is anecdotal evidence of gangs of sellers operating late at night, particularly in Belfast and Bangor, under the guise of selling flowers, they have been found to be attempting to engage in 'distraction' theft where one person engages the victim while another picks his pocket or her handbag.

As with most regulatory activity, a balance needs to be struck between ensuring the free market intentions of the Directive are adhered to whilst at the same time respecting the needs of district councils and existing businesses.

St Albans City & District Council
Jeff Smyth, Markets Officer, Community Services

I would like to add my concerns over the raising of this issue and the rights of pedlars to operate within a chartered market, and the whole 3 hour restriction on returns. Effectively on a street market such as St Albans that is one long ¾ of a mile strip a pedlar would be able to walk and sell along the market nearly all day. Placing their wares on the ground to sell or wheeling a barrow would present a trading opportunity that would be unfair to our current traders, and cause situations and issues related to customer interference.

I am also not very happy with the situation regarding the exemption of news vendors as we are finding that this is being exploited by so called charities that purport to sell a magazine but in fact are just exploiting goodwill some are even pitching up in the middle of a busy thorough fare without any structure to control the pitch.

Mansfield District Council
Nick Turner, Town Centre Manager

We are having a few problems with buskers. We generally are very relaxed with buskers and allow them into the town and as long as we do not receive any complaints. However we have had the a couple of occasions with busker who have refused to move on when we have asked them to when they have set up outside a solicitors office, who clearly needs to concentrate and does not want a busker with an electric guitar outside whilst they are working.

We generally say to buskers that if we receive complaints then they should move on to a different location every 15 minutes which is the same as we would request pedlars to do.

Oswestry Town Council
David Preston, Town Clerk

Over the last 12 months we have experienced some serious problems with pedlars at our major town events.

Over the Christmas period they descended on the town for our Christmas Lights Switch On event and also our Christmas Live evening when we turn our town centre into a huge fun fair with late night shopping, street market etc. Their presence greatly upsets retailers, market traders and the fair operator. It is not a level playing field when pedlars can walk into events at prime trading periods thereby disadvantaging our regular supporters who pay the income that is needed to enable such activities to take place. There is no record of who these people are and from a trading standards view point then enforcement and potential action is impossible. The consumer is clearly placed at risk.

The presence of large numbers of pedlars at such events also creates a tense atmosphere and a potential hot spot for problems if local traders decide to try and personally move the pedlars from the prime locations that they push into.

Hitchin Initiative
Keith Hoskins, Town Centre Manager

We've been asked by ATCM to let you know of any issues regarding pedlars:

1) An influx of pedlars unexpectedly at Christmas Lights switch-on selling glow sticks at fairly extortionate prices thus undermining the charities that had planned to sell them. And not just 2 or 3 people!! A big white van turned up, about a dozen people equipped with old supermarket trolleys and loads of stock plus signage indicating that they were 'Official Sellers.' It was like a well-planned raid.

2) Paintballers – tried to set up a stall originally but were told to clear off.

3) Characters costumed as 'superheroes' (have you ever seen Superman with a beer-gut??) pushing direct debits for charities

4) Ladies selling religious tracts who have pedlars licences and shopping trollies but don't understand that they have to move around,

5) Some chain stores authorise in-store collections but then tell the collectors to go outside because of lack of space!!

6) A lady who goes round shops and offices selling cakes ostensibly for charity – not even made locally.

Burnley Borough Council
Councillor Andrew Tatchell, Executive Member for Regeneration and Economic Development.

As Burnley Council's Executive Member for Regeneration and Economic Development., I wish to draw your attention to the above proposed draft regulations that if implemented in full, will I believe seriously damage the vibrancy of our high street.

At this critical stage in retail recovery the proposed measures can only undo any other initiatives that the Government may be implementing in terms of High Street recovery.

In terms of "Red Tape "challenge we support the reduction of restrictions on business to enable them to flourish, but in this instance we feel that this goes too far and effectively places Pedlars with a totally unjustified advantage.

These draft regulations if implemented would effectively discriminates against any other type of street trading, whether through licenced or consent street trading status, market traders, or high street premises owners, whether they be a large multiple or a small independent trader.

The Portas Review and the Governments Response did recognise the value of markets and how they can be the catalyst to rejuvenating some local trading areas, especially in small urban areas – the typical market town.

Mary Portas's drive was to reduce barriers for traders to set up but also understood the principle of charging for use of space and the benefit of establishing as Market. She championed the valuable role that Markets can play, and was a consistent theme, that resulted in a National Markets Day, in practice for some a fortnight, and a national "love your market" campaign that saw over 400 new traders take up stalls.

This was such a success that it is being repeated this year and indeed the Government has only just last week, at the National Association of British Market Authorities (NABMA) one day conference, contributed £25,000 towards the industry campaign for this year, where reference was also made to the advances being made in Retail Apprentices through Markets.

It is against this very positive stance to encourage Markets and new business start up in retail trading, that we find it incomprehensible that the draft legislation, if implemented, would in practice deliver a free for all on our high street, with no means of enforcement to even move toward being able to control the limited trading rules being proposed.

NABMA and the National Market traders Federation (NMTF) , with some 30,000 members, have been involved with your department in forwarding their concerns, but it would appear that the views of the Markets Industries two most professional bodies ,are being ignored and hence why we are writing to you direct on this matter and also asking our MP Gordon Birtwistle to support our case.

Whilst we do not understand why representations of Nabma and NMTF appear to have been in the main ignored, we do not approach this from a protectionist point of view, but from issues concerning, consumer rights, public safety, public order, economic viability of existing businesses, misuse of our high streets, interference with trade, planning policy, potential fraud, and not least financial impact on already overstretched local authority budgets.

Before we turn to each argument may I first of all remind you what in essence the proposed legislative change means:-

- Free trading for Pedlars
- No registration of contact details - No traceability for faulty/counterfeit goods sold
- No requirement to have public liability insurance cover
- No means of enforcement other than potentially the use of Police
- No restriction at all on what sold
- No restriction at all in any area for public use
- No rights to remove for obstructing entrance to other premises.
- Pedlars can sell live things

Effectively this provides the opportunity for a Pedlar to engage in a free for all to take place.
Trading Regulations

It is proposed that:-

- A Pedlar Trades with pedestrians while travelling through streets.
- A Pedlar can however stay in one place to trade from for 10 minutes, but does not have to move if actually trading with someone at the end of ten minutes, only where there is a break in trading activity.
- A Pedlar on moving, has to move at least 50 metres from the previous trading slot.
- That distance is to be measured in a straight line except where the ground is not level or passage along that line is obstructed.
- A Pedlar cannot return to that slot to recommence trading within three hours
- A pedlar may use a receptacle on wheels to maximum size of 1 metre square and 2 metres high.

What in practice is likely to happen?

- Receptacles may be limited to 1 metre square but with arm extensions to display stock , in practice as seen already, can result in stalls on wheels up to 3 metres in length and possibly more, although at present not usually in depth.

- The proposal only looks at Pedlars moving, not the receptacle. In the event that groups of Pedlars arrive, which they do, then the receptacle could stay in the same place and Pedlars just move between each other. If that was the case then in theory ,and we expect in practice, up to a 3 metre square stall, possibly more could be set up and remain in situe all day.

- They will locate themselves wherever they see the greatest extent of footfall and that could include directly outside high street names, and particularly if their product line is directly competing with the shop line – for example phone cases and accessories outside Carphone Warehouse or flags, sports goods outside JD sports.

- Even if one their own, to stay in the most lucrative spot, they could have another person with them always conducting a transaction so that the 10 minute limit is continually extended.

Enforcement

Given the above loopholes, to identify whether there has been any breach, council officers would need to be supplied with GPS locating and laser measurement equipment, detailed scaled drawings to the trading area and a body of officers to monitor for any breach.

Even if they were able to then spot a breach, there is no enforcement power to move Pedlars on, and therefore it would be down to the Police to agree that there indeed has been a breach. Can you realistically see the Police engaging on this or indeed would Government through this unworkable proposal , seriously want to waste Police resource in this way. The result in practice would be that the Police will always have other priority business to attend to.

Even the current enforcement powers are insufficient to control trading as it is and why many local authorities, at their expense and cost to the ratepayer, have deemed this to be of sufficient priority, that they have spent hundreds of thousands of pounds in passing Local Acts, in order to tighten up street trading control to ensure a level playing field for all trading and better protection for the public .

Consumer Protection

Successive Governments have quite righty sought to improve the rights of the consumer and indeed the European Services Directive does strive towards improving customer rights.

Should faulty product be sold, or indeed counterfeit product be sold by any high street premises owner or any local authority market operated trader, then name and address details are available in order for traceability. Trading standards have worked in partnership with many Local Authorities, including Burnley, to implement their "Real Deal" campaign against counterfeit goods.

Even the current Pedlar system requires a certificate to be issued, so that there is at least some check as to bona fide residence in this country.

At a time of increasing consumer protection against the potential of faulty, unsafe or counterfeit items being sold (and with this aspect money laundering potential and crime related funding), it is totally incomprehensible that no registration scheme is to be in place.

Anybody whether legally in this country or not, can simply turn up and trade, with the inevitable result that gangs will develop.

Public order

The high street, particularly in the larger and medium sized towns could result in a "turf war" to make that town as theirs. Add to this the conflict that could arise when Pedlars locate themselves right next to paying and licenced market traders and the potential for conflict increases.

You may see this as "far- fetched" but the reality is that peoples livelihoods could be affected and encroaching on an established traders living will raise emotions.

If you extend this concept further, a dozen or so Pedlars, with 3 metre square portable stalls could literally change occupiers every ten minutes and en bloc gradually move around the town, effectively as a moving market to maximise footfall at different areas and at different times.
Obstruction of entrances

We already have to try to move Pedlars on from blocking entrances to shops and especially when trading in the same line – they aim to catch that shops customer first.
This causes enormous resentment from that rate paying shop owner or manager trying to make their own living. The potential that this proposal offers is to increase the likelihood of further tension.

It would be interesting to see Governments response to the likes of Marks and Spencers if they started to raise this as an issue affecting their trade. At present because we can enforce a little on this, this is not always an issue, we move them on, but if this proposal goes forward, the opportunity to camp outside our main high street multiples and block entrances will have been opened, and then over time this could have a serious impact.

By way of further evidence, we regularly get asked by the Shopping Centre Manager, who because of private ownership does not let Pedlars into their area, to move Pedlars on, that literally almost block the entrances into the centre.

Health and Safety

Outdoor markets and indeed single licenced street traders, are subject to Health and Safety requirements and regular inspection to ensure that their set up is safe in terms of stability, likelihood to blow over or lift off in the event of high winds. We also exercise control over such things as generators for power generation for lighting rigs.

Local authorities actively manage these issues in order to protect the public.

By allowing Pedlars to trade from a 1 metre square platform, that by its very nature may be unstable if only at this size, if then with a 3 metre wide displays and rain covers potentially providing a wind sail effect, the potential for this to lift off or tip over to cause injury in inclement weather conditions ,cannot be overlooked.

In terms of subsequent injury compensation, the harm will have taken place on public highway and then place an even further burden on local authorities for injury claims. Even more so when the pedlar is not required to trade with any Public Liability cover in place.

Taxation and Benefit Fraud

The existing Pedlar system of registration already leaves much to be desired in terms of such traders being accountable for declaring income from street sales.

The proposed system provides absolutely no control over this and leaves the high street open as a place to generate unaccounted sales from.

Compare that to the National Fraud Initiative that requires Local Authorities to provide name and address details of all traders trading on Local Authority markets to data match against benefit, taxation and vat records in order to track fraud.

Shop retailers through business rates registration provide their contact details for matching as well , so it is completely out of line and totally discriminatory that Pedlars are proposed to be exempt from this requirement.

Business Viability – High Street, Independent Retailers and Markets

It is widely acknowledged that a significant overhead cost for retailers relates to the cost of Business Rates. In paying these rates, businesses understand that they are contributing to the infrastructure costs for the area they trade from. Market traders on outdoor markets contribute via their rent payments because of operators liability for rates, whilst indoor Market Tenants pay individual business rates.

If you also add in to the equation Pedlars potentially obtaining prime site location, obstructing entrances to shops, locating in competing goods against brand names, and not paying for use of any infrastructure, the Pedlars benefit from such a significant reduction in overheads to other retailers, that this enable them to sell bona fide goods at much lower costs, let alone if also counterfeit goods cost based.

In terms of direct benefit to the local economy there is none, not even employment income recirculated as spend within the economy or any enabling of apprenticeships.

Planning – Local Neighbourhoods

Under the Localism agenda the Government has signalled its support for local Neighbourhoods to be established – for example a town centre possibly via a Partnership or Town Team and as part of this to be able consider the mix and vibrancy of its retail offer.

By doing so, there is the potential that such a Neighbourhood would influence or limit the number of similar type outlets, in order to provide a more balanced and therefore more viable and sustainable offer for all retailers. This in practice is already carried out on a day to day basis by Markets up and down the country, when they consider their own internal and external trading environments before allocating stalls.

Whilst this ambition has yet to be challenged by anyone being refused permission on this basis, nevertheless by the Government signalling it is in favour of such a move, the Pedlars proposal, especially if en bloc to effectively set up a market ,completely over rules any possible drive by Government to let local people decide what their Town Centre retail offer should look like.

Local Authority Markets Operational Investment and Financial Return.

For all of the very positive reasons outlined by Mary Portas, Markets can provide not only energy, vitality, and social use to the town centre, but also as act as a healthy eating option with its fresh food offer as well as a low cost entry into business creation. As a bi-product, it also in many cases, provides a very much needed financial surplus to the local ratepayer.

Government has for many years been concerned about the monopolistic stance of many Markets in terms of protection from Rival Markets setting up, by the use of "Market Rights".

Whilst it is still the case in both British and European law that these rights remain extant, there is an appreciation through the European Services Directive, that this is perhaps anachronistic and many Authorities now licence under agreement Rival Markets to operate, especially, if they provide an offer not currently provided.

However in doing so, there are licence conditions that ensure all of the issues mentioned above are addressed, whilst also continuing to provide some financial return by way of Licence fees, to assist Local Authorities in meeting their budget requirements.

Of course not all Markets do provide a financial return and sometimes a conscious decision to run what is a non- statutory function is taken, in order to support Town Centre vitality, albeit at ratepayer subsidy. As with all retail, Markets are also struggling and for some that financial return is either lessening, or subsidy increasing. It is a difficult decision to continue providing a market when operating at a cost to the Ratepayer.

Whilst the decision to close a street market is difficult enough, if there is a need to close a Market Hall, then very often these are significant buildings that are often not easily convertible, may indeed be listed, likely to be in a prominent place that also support nearby retailers as an attraction for footfall, and likely to employ many people as well as provide employment to its supply chain. Markets have for many Authorities, provided very significant financial returns for many years that have substantially benefitted the ratepayer. In addition millions of pounds of investment have been made in markets infrastructure, especially in Market Halls, and indeed such is the importance of markets to some cities even now that further capital investment is being made.

Against this apparent strength of an industry, we are concerned that the view of B.I.S is that by completely relaxing Pedlars regulation this cannot do any harm to the Markets or High Street structure.

Markets have provided not only entrepreneurial growth to enable movement into shops and then chains and no better example than that of Marks and Spencer, and by that very nature of growth, indicates that historically good money has been made from markets and street trading activity. Whilst the growth of Supermarkets, discount stores and the internet have all eaten into that viability and has affected the viability of Markets and shops up and down the country, being able to set up in prime areas, with lower priced goods and with little or no overhead, including potentially no payment of taxes, this will still present a very attractive financially viable option to set up "Quasi" Markets on our streets.

Whilst the purpose of European Service Directive is to free up movement to trade across borders, we also appreciate that B.I.S wants to enable and encourage new business growth through relaxation of Red Tape.

There is however an unbelievable lack of commercial nouse being shown by what is supposed to be the Business Champions part of Government, that this image of a single person peddling just a small amount of wares from a small receptacle and just about eking out a living, will actually be the case. It is quite frankly staggering in its naivety.

If this proposal is implemented, and reality kicks in and big business then seeks to influence a change in Governments direction on this, for many of the independent high street retailers, street traders and market traders it will be too late, the damage will already have been done.

Far from revitalising the high street, potentially this could accelerate their decline and place an increasingly onerous burden then onto local authorities, who as the front line that delivers this proposal then suffers the blame for what can only be described as a piece of Central Government madness.

NABMA, NMTF, Market Tenants up and down the country, licenced street traders and even Trading Standards, do not support this. We have to question whether in your consultation you have directly approached all retailers about their views on this, or representative trade bodies such the Chamber of Trade or even HMRC for their views given the potential to see an increase in tax evasion.

We question whether in your consultation with the Police that they are aware that in foregoing the administrative burden of having to issue Pedlars certificate , which Local Authorities are happy to take on, they will then be the only means of enforcement, and if not responding when required, will face increasing criticism from Local Authorities and Retailers alike for not trying to enforce legislation- albeit we know from a practical point of delivery it is fundamentally flawed for all the reasons outlined above.

We see this as potentially one of the biggest structural changes and threats to how our high streets and markets continue. Whilst from the perspective of Burnley, we anticipate that it will be the target cities that are hit first, even this perception may be wrong given three specific instances which we wish to leave you with to consider.

When Burnley Football Club were promoted and Burnley is a football mad town, on reaching the play off final we saw over 20 Pedlars all selling counterfeit product descend on our streets and even in front of the Football club itself on the match day before the week leading up to the final. Our local sport retailers, who had stocked up with licenced product from Burnley Football club, had a disastrous trading period.

The majority of Pedlars appeared from their Pedlars Certificates to be of Eastern European origin and during busy trading, were regularly replenished with stock from a nearby van and a man servicing all of these Pedlars.

When Burnley was honoured to be chosen for a Royal visit during the Diamond Jubilee celebrations, 9 Pedlars descended on our streets all selling the same lines and again with stock being replenished from a nearby van

Finally at each of our Christmas Lights switch on events, as these become more successful and attract increasing crowds, Pedlars numbers are increasing.

These three examples relate to one off high footfall attraction events for Burnley, but the principle of collaborative working between gangs of Pedlars is firmly evidenced in Burnley, and mirrored by many other Local Authorities, who experience the same and have said so in their consultation responses to B.I.S.

It is but a small step with this sort of organisational resource behind it to establish a quasi and unregulated market operation, that would completely undermine the safe and professional delivery of existing markets, and in doing so potentially undermine also what at the moment is a very fragile high street retailing sector.

We would ask you therefore to fundamentally revisit this proposal in light of all of the reasons outlined above.