

STREET TRADING AND PEDLARY LAWS – RESPONSE OF SUNDERLAND CITY COUNCIL TO CONSULTATION DOCUMENT – JANUARY 2013

The views of Sunderland City Council with regard to the two questions in the consultation document which most concern us are set out below.

- Q2 We disagree with the proposed new definition of a pedlar, in particular the proposed paragraph 1(2A)(b) of Schedule 4 of the 1982 Act.

Our objection is based upon our experience of the activities of licensed pedlars who travel in large numbers to this City from other parts of England and trade in consent streets during and/or prior to events which attract large number of people e.g. our air show, Christmas Lights Switch On and music concerts at a football stadium. These organised gangs set up, in effect, illegal street trading pitches and necessitate our committing a considerable amount of enforcement resources in response. Their activities have a negative impact upon the Council's efforts to stage successful events, and thus attract investment to the City, and constitute unfair competition for the legitimate traders who have paid for the necessary consents.

The current law, which provides no power of seizure or obstruction offence, is already inadequate to deal with the activities of these gangs and we believe that its effectiveness will be lessened further by the proposed amendment. We find it easy to foresee, in a similar way to that which happens here at present, numbers of traders each pushing a trolley laden with goods for sale through crowds of people at an event, standing still for a period of time (it would be the task of the local authority to observe and time these pauses) then moving some distance along the road (it would be the task of local authority to measure the distance travelled – in all likelihood impossible at the time due to the number of people along the route). After 'peddling' with the trolleys for a while, the sellers could hand them to accomplices who could repeat the procedure (it would be the task of the local authority to prove that two or more people were collectively engaged in street trading).

The practical problems associated with proving that a street trader was not a 'pedlar' in the terms of the proposed definition (especially when faced with multiple traders at events) would make the offence of trading in a consent street without authorisation more difficult to enforce.

- Q3 We do not envisage a situation where a street should be designated as a consent street for established but not temporary traders. In practice, temporary traders usually want to use streets when they are at their busiest or are being used for purposes other than the passage of pedestrians e.g. the viewing of entertainments. It is important to the local authority to be able to manage the use of consent streets at such times for the purposes of ensuring the safety of people in the street and, also, encouraging economic vitality.