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AD(S&G)/PFT/ENF/1/4

Ms Rachel Onikosi
Consumer and Competition Policy
Markets and Local Growth
3rd floor, Orchard 2
Department of Business, Innovation & Skills
1 Victoria Street
London
SW1V 0ET

14 March 2013

Dear Rachel,

Street Trading and Pedlary Consultation

I refer to the consultation on changes to street trading and pedlary laws to ensure compliance with the European Services Directive.

In response to BIS proposals, I would comment on the numbered questions as follows;

1. It is agreed that there is a need to review the legislation of the Pedlars Acts 1871 and 1881, but not to the proposals put forward.
2. It is accepted that a pedlar can travel from house to house to trade. But, if a pedlar wishes to trade on the street, then why should they be treated as any other licensed street trader, why should they be a special case? The dimensions proposed for receptacles should be for the finished display, otherwise this requirement will be easily abused. The proposals around timing and relocating, may seem reasonable but on a practical basis are just not enforceable. Local authorities do not have the resources to enable this proposal to be managed. Legislation is already in place to enable a pedlar to apply for a temporary one-day street trading licence and if granted this would enable the pedlar to trade all day if they so wish.
3. The London Borough of Bromley implemented the London Local Authorities Act 1990 (as amended), for the purposes of controlling street trading activities. We only designate individual pitches as "licensed streets", where full street trading licences can be issued to long established traders. We have a number of individual street traders currently operating with temporary street trading licences and their pitches have not been designated as "licensed streets".
4. Yes

5. To encourage school leavers to become market/street traders, it should be considered appropriate for applications to be considered from persons aged 16 onwards. This would then avoid persons having to wait after leaving school.
 - 5.1 Only one in the last three years.
6. Any form of guidance is always useful.
7. Unless it is a very specialist market, for example, flower or book market, the attraction of most markets is their variety of goods and the licensing authority must maintain their ability to achieve this.
 - 7.1 This would be acceptable, but could be open to many interpretations.
 - 7.2 (i) Perhaps related to the type of goods eg alcohol, tobacco, fireworks etc.
 - 7.2(ii) Unlikely to incur costs.
 - 7.3 Any form of guidance is always useful.
8. Licences identify the days trading. There is no reason why the pitch can be used by different traders on different days, which maximises the use of the pitch.
 - 8.1 Repeal the grounds completely.
 - 8.2 There should be no differentiation between established and temporary traders.
 - 8.3 No
9. No
 - 9.1 No
10. No. The London Local Authorities Act 1990 already enables full street trading licences to be granted for a period up to 3 years and for temporary street trading licences to be issued for any period up to 6 months. This arrangement has worked perfectly well in Bromley since 1991.
 - 10.1 The present ability to issue temporary licences enables new traders the opportunity to test their business before becoming committed to a permanent licence.
 - 10.2(i) and (ii) the existing regime for London works perfectly well.
11. Any form of guidance is always useful.
 - 11.1 and 11.2 there should be no differentiation.
 - 11.3 No.
12. (i) and (ii) Do not foresee any problems with these proposals.
13. Do not foresee any problems with these proposals.
14. Do not foresee any problems with these proposals.

I currently chair the London Street Trading Benchmarking Group that meets quarterly to discuss issues around street trading matters, including street markets, that take place in London. Generally, all the London authorities embrace the current street trading legislation to enable them to manage street trading activities. Without such management, most town centres would be blighted with uncontrolled on-street trading. Consumers would have no

protection on purchase with no recourse, pedestrian safety would be put at risk with mobile units and other receptacles placed on footways, the street scene cluttered with shop windows visually blocked and increase the likelihood for the criminal element to take control of certain areas.

Town centres around the country are suffering from the present effects of the economic climate. Following the Mary Portas government review on town centres, one of the main recommendations was to revitalise high streets with the return of street markets. This has been done in many places, including Bromley, with great success, but they need to be managed appropriately. If uncontrolled street trading activities were to be allowed, then these markets would suffer from unfair competition and long established street and market traders would not be able to survive.

In summary, all that is being asked is for a "level playing field" for all traders that operate on the street. Local authorities need to retain the ability to control activities that take place on the street. Any new legislation needs to be easy to interpret and enforce as many authorities are now having to manage such activities with ever reducing resources.

Yours sincerely

Peter Turvey
Head of Street Regulation
Streetscene and Greenspace