

Rachel Onikosi
BIS

4 February 2013

Dear Ms Onikosi,

BIS CONSULTATION ON PEDLARS AND STREET TRADING

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

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.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.C. Csala', written in a cursive style.

Mrs. Julie Csala
Chair, Newbury Market Working Party
On behalf of Newbury Town Council