

CONSULTATION ON PEDLARS AND STREET TRADING

Under the BIS proposals a special case is being made out for pedlars. Effectively they will be allowed to operate without any control and, in many places, they are likely to undermine the position of market and street traders. It is vitally important that we make it clear that the creation of a special case for pedlars cannot be justified.

by implementing the proposals put forward by BIS, you 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.

This situation has occurred during special events such as Xmas light turn on events, where swarms of 'pedlars' descend on city centres and cause imbalance of trade, block thoroughfares, and refuse any form of 'interference' from event organisers.

As you know, there is currently an exemption in existing street trading legislation to cover pedlars. At the time the legislation was enacted, the 1871 Pedlars Act was in force. On the basis that the 1871 Act is being repealed, I do not see any justification for a continuation of the exemption.

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

I 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.

St Albans Markets 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. Such as illegal traders in DVD's and CDs 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 there are no enforcement provisions offered to manage these requirements.

In respect to the change of legislation it would also be of particular interest to address the situation regarding the exemption of News vendors, during the last year the market has been visited by a couple of so called news vendors that purport to support a charity, namely 'help kids beat cancer' they walk the line between not registering as a charity because of the newsvendor exemption, their so called publication is an A4 sheet with a price and issue number on it and yet still approach people as a charity, and no controls are available to police, market organisers or local authorities, these vendors are exploiting good will and loopholes in legislation and are given training to explain their exemptions.