



BUCKINGHAM TOWN COUNCIL

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Town Clerk: Mr C P Wayman



Rt. Hon. John Bercow MP
Speaker's House
House of Commons
London
SW1A 0AA

19 February 2013

Our ref: 709.2/12

Dear Mr. Bercow

Re: Department for Business, Innovation and Skills (BIS) Consultation on Pedlars and Street Trading

At the Town Centre and Events Committee Meeting of 4th February 2013, Members considered correspondence from the National Association of British Market Authorities.

This correspondence referred to the BIS consultation which states that an authorisation scheme, as currently provided under the Pedlars Act 1871, cannot be justified under the European Services Directive and outlined a scenario that street pedlars will soon have the luxury of operating without control and could be likely to undermine the position of market and street traders. The correspondence implies that a special case will effectively be created for pedlars and it is important to emphasise that the creation of a special case for pedlars cannot be justified.

By implementing proposals put forward by BIS, there is the strong likelihood that a situation will emerge where market and street traders trade alongside pedlars, with the market and street trader being subject to licensing regulation and paying significant fees, when the pedlars pay nothing and being subject to no control at all though BIS state that enforcement action will be considered at some unspecified time in the future, when the real damage to street markets and market traders has been done.

When the fact that there is no limit on the amount of pedlars that can operate in a town centre is considered, there is a real risk that the established market may face a threat from a group of pedlars which could be seen as a temporary market, undermining the fee paying market. Whilst this may seem remote under the BIS proposals, it cannot be ignored.

Whilst there is currently an exemption in existing street trading legislation to cover pedlars, and it is understood that this was enacted because the Pedlars Act 1871 was in force, when it is considered that this Act is being repealed the Council does not feel that continuation of this exemption is justified.

The Council is slightly confused as to why pedlars are treated as a special case as there appears to be nothing in the European Services Directive that prevents pedlars from inclusion within the street trading legislation. The fact that this is not the case will both disadvantage and, in the Council's opinion, discriminate against licensed markets and fee paying market traders.



The Council has nothing against genuine certified pedlars, provided they operate in a legitimate way, but there appears to be evidence regarding so called pedlars who operate on an illegal basis, and it is these people that give rise to the most concern.

On inspection, the proposals put forward by BIS seek to remove effective controls on pedlars and this concerns the Council when seeking to protect its established markets.

I therefore ask that provision is made to include pedlars within the remit of street trading provision as a priority as the proposals put forward by BIS appear to significantly weaken the position of local authorities as the current enforcement powers both in London and contained in various legislation will need to comply with the requirements of the European Service Directive.

The strain on both town centres and street markets has never been more apparent as it is now, with the decline in town centres and markets at the forefront of media at the moment. The Council feels that the removal of restrictions on pedlars will further strain the already delicate condition of this symbiotic relationship and ask that this is addressed before further damage occurs.

Yours sincerely,



Mr C P Wayman
Town Clerk