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M

1. a) Your Name

Melanie Smallman

2. b) What organisation do you represent (if any)?

none

3. c) E-mail address:

4. d) Please tick the box below that best describes you as a respondent to this consultation

Individual

1. Question 1: Do you agree with the proposed repeal of the Pedlars Acts 1871 and 1881 UK- wide? (Consultation document page 15)

No

I would agree with an amendment which deals with the issues of legality regarding age limits, residence limits, and the vague definition of 'good character', but I am totally opposed to the blanket repeal. We need to have a system of controlled licensing for all pedlars. My concerns are largely these: 1, that vulnerable individuals will be at increased risk from door to door fraudulent traders selling bogus or shoddy goods at inflated prices, as well as to distraction burglaries and other offences; 2, that in removing the age limitation you are offering an opportunity for the exploitation of juveniles by traffickers as pedlars, and exposing young persons to risk of robbery and assault while they practise street selling; 3. that there is no means of obtaining reimbursement from a nomadic pedlar should goods prove faulty, bogus or stolen and that the public will therefore be at increased risk; 4, that no system of taxation can be enforced on these pedlars, since they will be so mobile as to be untraceable; 5, that competition among these traders could lead to repetitions of such things as the so-called Ice Cream Wars (my own local police have had to set up a post at the main railway station to deal with taxi drivers literally fighting over fares, and I believe it will be even likelier among unrestricted and unidentified pedlars); 6, that it will lead to infringement of copyright and trademarks on a large scale, since policing will be impossible; 7, that it will lead to wholesale evasion of legal duties and taxes as pedlars will be easily able to sell such things as alcohol and tobacco at the door; 8, it will make the sale of drugs and stolen goods easier as the offender will be able to pose as a pedlar and conceal their illegal trade under cover of one you are legitimising. I have other fears, but those are the main ones.

2. Question 1.1: If you are a police force: i) What is the approximate annual cost of administering the pedlar certification scheme? ii) What impacts would repeal of the Acts have in terms of cost, time and/ or other factors? (Consultation document page 15)

No Response

3. Question 1.2: If you are a pedlar: What do you consider are the impacts of repeal, both in terms of costs, time, and/or any other factors? (Consultation document page 15)

No Response

4. Question 1.3: Do you consider that repeal would have an impact on any other organisation, individual or group? If so, please provide details of that organisation etc and what you consider the impacts on them would be. (Consultation document page 15)

Organisation

Individual

Group

It will impact on all charities and organisations currently legitimately operating door to door as people will become reluctant to answer the door at all; it will put unacceptable pressure on the elderly and otherwise vulnerable, exposing them to terrible risk of crime from low level fraud to actual assault; and it will have a dreadful impact on trafficked juveniles who are likely to be forced into street peddling by the gang masters.

1. Question 2: Do you agree with our proposed new definition of a pedlar for the purposes of the pedlar exemption from the "national" street trading regime in England and Wales? Please fully explain your reasons for agreeing or disagreeing with any element of the proposed definition. (Consultation document page 18)

Yes

2. Question 3: If you are a local authority, do you envisage that there might be circumstances in which you would be able to designate a street as a licence/ consent street in relation to established traders but not in relation to temporary traders? (Consultation document Page 18)

No Response

3. Question 4: Do you agree that only one photo needs to be submitted with street trading applications which are made electronically? (Consultation document page 19)

Yes

4. Question 5: Do you agree with this proposal to replace this mandatory refusal ground? If not, please explain why you do not think that the 1933 Act provides adequate protection and why the minimum age requirement of 17 needs to be retained. (Consultation document page 20)

Yes

5. Question 5.1: If you are a local authority, can you indicate the approximate number of those applications you would expect to be made from those under 17 years of age? Consultation document page 20)

No Response

6. Question 6: Would it be helpful for BIS to issue guidance on the circumstances in which the discretionary grounds in 3(6) (a), (d), (e) and (f) can be used? (Consultation document page 20)

Yes

7. Question 7: Do you think there are any circumstances in which the existing paragraph 3(6)(b) ground could be used compatibly with the Directive and, if so, please give reasons? (Consultation document page 21)

No Response

8. Question 7.1: Do you consider that it is necessary to insert a new replacement "suitability" refusal ground into paragraph 3(6)? (Consultation document page 21)

Yes

It seems to me that there is no inbuilt grounds for refusal on the basis of danger to children, the elderly, or specific groups; of past criminal fraud or misrepresentation, etc.

9. Question 7.2: In relation to this new ground, can you tell us: (i) In what circumstances you would use this ground and how often? (ii) Whether this ground would produce costs on you as a local authority, or on you as a business and what these costs are likely to be? (Consultation document page 21)

No Response

10. Question 7.3: Would it be helpful for BIS to issue guidance on the circumstances in which this replacement ground could be used? (Consultation document page 22)

No Response

11. Question 8: Do you think there are any circumstances in which either of these grounds could be used compatibly with the Directive in relation to temporary traders? (Consultation document page 22)

No Response

12. Question 8.1: Do you think it would be preferable to pursue our proposed approach of expressly preventing the grounds from being used in relation to temporary traders or to repeal the grounds completely? (Consultation document page 22)

No Response

13. Question 8.2: Will local authorities continue to use these grounds in relation to established traders? (Consultation document page 23)

No Response

14. Question 8.3: Do you foresee any difficulties with our proposals to limit the circumstances in which these grounds can be used in relation to established traders? (Consultation document page 23)

No Response

15. Question 9: Do you foresee any problem resulting from the proposed repeal of paragraph 3(8) of Schedule 4 to the LG(MP)A? (Consultation document page 23)

No Response

16. Question 9.1: Do you agree with our assumption that those who may benefit from this provision are more likely to be UK nationals than nationals of other Member States? (Consultation document page 23)

No

The majority of persons operating as street pedlars within the rest of the EU are not nationals of those states and I see no reason to suppose it would be different here.

17. Question 10: Do you foresee any problems with our proposal to give local authorities flexibility to grant licences for longer than 12 months or indefinitely? (Consultation document page 24)

Yes

Local authorities are not perfect and might in error give an indefinite or extended license to a person whose fitness might later be questioned. Twelve months is a perfectly adequate time period.

18. Question 10.1: If you are a local authority can you further tell us: Whether lengthening the duration of licences would have a positive, negative or neutral impact on the ability of new street traders to obtain licences to trade in your licence streets? (Consultation document page 24)

No Response

19. Question 10.2: If you are a local authority can you further tell us: (i) Whether you are likely to issue licences for more than a 12 month period of indefinitely? (ii) If you are likely to issue licences for a defined period which is longer than 12 months, what period you are likely to choose? (Consultation document page 24)

No Response

20. Question 11: Would it be helpful for BIS to issue guidance as to how the PSR may affect a local authority's ability to use some or all of the revocation grounds contained in paragraphs 5(1)(a) to (c) in relation to established traders/temporary traders? (Consultation document page 25)

No Response

21. Question 11.1: Do you think there are circumstances in which the paragraph 5(1)(d) ground could be used compatibly with the Directive in relation to temporary traders? (Consultation document page 25)

No Response

22. Question 11.2: Do you think it would be preferable to pursue our proposed approach of expressly preventing that ground from being used in relation to temporary traders or to repeal the ground completely? Will local authorities continue to use that ground in relation to established traders? (Consultation document page 25)

No Response

23. Question 11.3: Do you foresee any difficulties with our proposals to limit the circumstances in which that ground can be used in relation to established traders? (Consultation document page 25)

No Response

24. Question 12: Do you foresee any problems with our proposals - (i) To disapply regulation 19(5) of the PSR where a mandatory ground for refusal of the application exists; or (ii) To leave it to local authorities to decide whether to put arrangements in place to disapply regulation 19(5) in other circumstances, or to specify what conditions will automatically attach to a licence which is deemed to have been granted under regulation 19(5)? Please give reasons for your views. (Consultation document page 26)

No Response

25. Question 13: Do you foresee any problems with our proposals to allow local authorities to relax the prohibition in paragraph 7(7) in its entirety where appropriate? (Consultation document page 27)

No Response

26. Question 14: Do you foresee any problems with our proposals to amend paragraph 10(1)(d)? (Consultation document page 27)

No Response

1. Question 15: Please can local authorities tell us about any other local Acts regulating street trading which are not listed at Annex B of the consultation document (or any other Acts listed in Annex B which have in fact been repealed). (Consultation document page 29)

No Response

2. Question 15.1: Please can local authorities tell us- (a) Whether, having screened your local street trading Acts for compliance with the Directive, amendments /repeals need to be made to that legislation; (b) If such amendments/repeals are needed whether you wish us to include them in our regulations. (Consultation document page 29)

No Response

3. Question 16: Please can local authorities tell us- (i) what consequential amendments are needed to the provisions listed in Annex C as a result of the repeal of the Pedlars Acts (and provide appropriately drafted provisions); (ii) whether any consequential amendments are needed to other provisions of Local Acts as a result of the repeal of the Pedlars Acts (and, if so, provide appropriately drafted provisions); (iii) if any of the provisions listed in Annex C are no longer in force. (Consultation document page 31)

No Response

4. Question 17: Please can local authorities tell us- (i) What consequential amendments are required to the provisions of local acts listed at paragraph 1.73 as a result of our proposed amendments to Schedule 4 to the LG(MP)A, and provide appropriately drafted provisions? (ii) Whether (and, if so, what) consequential amendments are required to any other provisions of local Acts as a result of our proposed amendments to schedule 4 to the LG(MP)A (and again provide appropriately drafted provisions)? (Consultation document page 32)

No Response

5. Do you have any other comments that might aid the consultation process as a whole? Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

The questions are not always clearly defined as intended for specific persons, groups etc; that should be clarified.