

Browse Responses

Filter Responses

Download Responses

View Summary »

Displaying 48 of 49 respondents

« Prev

Next »

Jump To: 48

Go »

Respondent Type: Normal Response

Collector: Live Link (Web Link)

Custom Value: empty

IP Address: 212.137.45.109

Response Started: Friday, February 15, 2013 1:57:45 PM

Response Modified: Friday, February 15, 2013 3:29:52 PM

1. a) Your Name

Inspector Hocking-Brown

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

Gwent Police

3. c) E-mail address:

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

Local government

Police Service

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

Yes

Gwent Police aims to act in a non-discriminatory manner and as such would support measures being taken in order to repeal discriminatory legislation that is out-dated and no longer reflects the communities that make up the Gwent Police area. This is the case as we recognise that the nature of those who seek to apply for pedlar licenses is that they may well come from outside the Gwent Police area.

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)

i) Less than ten certificates are issued on an annual basis and therefore the administration costs to the organisation are minimal. ii) In view of the answer above the impact of the repeal to this legislation in terms of cost would again be minimal and not quantifiable.

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)

N/A

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)

Group

The repealing of the existing legislation may lead to an increase in street trading and this may have a detrimental impact on existing retail outlets in some areas.

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

Gwent Police does agree with this change. Again, this is in order to align the legislation with our aim of acting in a non-discriminatory manner towards our communities and those who seek to peddle their goods within the Gwent Police area.

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)

N/A

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

This will reduce bureaucracy for those who have to administer the scheme.

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

Gwent Police seeks to act in a non-discriminatory manner. As long as the age requirements of the application for a licence are in accordance with Children and Young Persons Act 1933, which provides adequate legislation protection to children. We would have concerns where it became apparent that significant numbers of children were engaged in peddling contravening the Children and Young Persons Act 1933

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)

N/A

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

Any guidance that is available in relation to the application of changes to the legislation would be helpful

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

No additional comments in relation to this question.

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)

No

This may be a consideration for the local authority.

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)

This again would be a consideration for the local authority.

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)

Yes

All guidance that is available would be helpful, particularly in relation to any changes to the legislation.

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

This would be a decision to be made by the Local Authority.

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)

Repeal the grounds completely

This would be a decision for consideration by the Local Authorities, however there should be a consistent approach to both temporary traders and established traders.

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

This would be a decision for consideration by Local Authorities

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)

Yes

There is the potential for community tensions if new traders from member states are seen to move into areas which have been traditionally used by traders/existing licensees.

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)

Yes

As per the previous comment.

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)

Yes

Due to the restriction of residency outlined in the current pedlar definition.

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

The granting of licences for an extended or indefinite period will limit access to newcomers to the market.

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)

N/A

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)

N/A

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)

Yes

Any guidance that is available would be helpful.

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)

This would be a decision for consideration by the Local Authorities, however there should be a consistent approach to both temporary traders and established traders.

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)

There should be a consistent approach to both temporary traders and established traders. The continuation for the grounds for established traders will be a consideration for Local Authorities.

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

The grounds for the revocation of a licence are already being used with established traders and are compatible with the proposed directive.

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)

(i) If regulation 19(5) is disapplied this may cause an unnecessary delay in the granting or review of the application (ii) Local Authorities would need to take responsibility for changes and these would need to be proportionate and fair to all parties and therefore we could not foresee any problems with the proposals.

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)

Yes

There is the potential for tensions between established retail outlets and traders if they are permitted to utilise vehicles whilst in the course of their trading. This would be to the detriment of those established retail outlets. However, local authorities would need to manage this situation.

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

No

The establishment of the breach as an offence will allow for regulation. Consideration will need to be given to which authority will administer any breach of the regulation.

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)

N/A

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)

N/A

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)

N/A

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)

N/A

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.

No
