2 responses from Joe Turner!

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IP Address: 87.115.90.24
Response Started: Tuesday, February 5, 2013 8:24:42 PM
Response Modified: Tuesday, February 5, 2013 9:11:48 PM

1. a) Your Name

Joe Turner

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

No Response

3. c) E-mail address:

j

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

Pedlar

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

Yes

A qualified yes, in that it is essential that at the same time as this is repealed, all sections of local authority legistlation that is not consistent with the European Service Directive are also changed. If this means that no local authority will be able to use their private legislation to claim there is a difference between Pedlars who trade door-to-door and those who trade from town to town, then I agree with the Government response of 2011. If those other legislations are not also changed to create a uniform right to Peddle throughout the UK, then no, I do not agree with the change as that would make it even more difficult for lawful Pedlars to operate.

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)

n/a

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)

I think there would be a significant improvement in the time and costs involved in becoming a Pedlar, and reduced stress from less confusion about the right to Peddle. This is providing that all the local authority legislation is also made to be within the Services Directive as discussed above.

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

I think there maybe considerable confusion regarding identification of (specifically) door-to-door Pedlars. Currently older people are told by several organisations to ask anyone who is trying to sell items door to door for their Pedlar certificate, and there have been cases where traders have been prosecuted for operating without the Pedlar certificate. Under the new regime, this advice will no longer (presumably) apply, and hence older people may feel that they have lost a way to report suspicious traders to the police. At present this is a minor issue, but I do not think it is too hard to imagine regular gangs of traders on rounds of households - and older people might find that threatening. At the very least, this could be really annoying.

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)

Other

I agree with some of this. The size seems to me to be more than adequate, but there needs to be more precision about what is actually allowed. For example, is a cart on the front of a bike allowed or not? What is included in the measurements? I also believe there needs to be a decision about whether food can be sold by Pedlars. My own view is that there should be no restriction on the items which can be sold, so it is entirely consistent for a human-powered cart to include a simple machine - such as an espresso coffee machine or pancake griddle - within the size parameters and subject to the usual food hygiene regime as all other food outlets. One can imagine customers stopping a mobile food outlet to cook simple food in this way. At present there is considerable confusion between local authorities about whether the Pedlars Act allows the sale of food or not. I would just like to point out that icecream trikes are one of the most traditional forms of British peddling. Regarding the timings, the proposal indicates that Pedlars will only be able to stay in one place for 10 minutes waiting for a customer, must move at least 50m and not return within 3 hours. As far as I am concerned, this will make Peddling essentially impossible as a day of work in most places as there is often less than a few hundred metres of trading street in a town. I suggest that the time limit should be reduced to 1 hour and the waiting period to 15 minutes. Once a Pedlar has left, he should not be seen within 50 metres of the same place within an hour. I also believe the proposed legislation should be clearer about the way that Pedlars are expected to arrive in the town they plan to trade in (some local authorities are currently trying to suggest that a Pedlar can only arrive on foot or that he is not permitted to leave stock in a nearby parked car) and the frequency that an individual Pedlar can visit an individual town. My view is that it is entirely consistent to have an itinerant tradesman regularly walking a round and so he may well be seen regularly in a particular town. The point is surely not about the frequency of his visit, but whether on any given occasion he is overstaying his welcome. I think that restrictions on how a Pedlar arrives or stores his stock is an unreasonable restriction on his ability to trade effectively. If he is meeting the criteria above and is a mobile, itinerant trader, it should not make any difference where he is keeping his stock.

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)

n/a

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)

n/a

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)

n/a

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)

n/a

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)

n/a

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)

n/a

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)

n/a

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)

n/a

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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)

n/a

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

n/a

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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)

n/a

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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)

n/a

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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)

n/a

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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)

n/a

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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

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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

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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)

n/a

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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)

n/a

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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)

n/a

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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)

n/a

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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)

n/a

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)

n/a

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

n/a

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.

Undue weight has been given throughout this process to self-appointed 'representatives' of Pedlars. If, as I said above, the end result is that there is more consistency and understanding about what constitutes Peddling, I believe that the vast majority of Pedlars would be in favour of the proposals and there it would represent a valid way for people to consider starting in business. This should have been communicated better to those affected. In addition, it seems to be madness to conduct this consultation whilst there is local authority legislation, which it would appear will not be consistent with the Service Directorate, at a late stage in Parliament.

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Collector: Live Link (Web Link)
Custom Value: *empty*
IP Address: 86.128.92.240
Response Started: Monday, February 4, 2013 2:04:51 PM
Response Modified: Tuesday, February 5, 2013 12:24:20 PM

1. a) Your Name

Joe Turner

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

No Response

3. c) E-mail address:

joe@fea.st

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

Pedlar

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

Yes

A qualified yes - as long as local private legislation is repealed to ensure that there is freedom to trade across all areas as a Pedlar without restrictions as per the Services Directive. I believe this means that there can be no local legislation restricting Pedling to door-to-door selling as per the Government response of 2011.

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)

n/a

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)

Provided that there is concurrent repeal of restrictive provisions local legislation, I believe that this change should make Pedling easier - given that it lays out clearly what Pedling is uniformly across the country. Where local restrictions apply they must be for a good reason and displayed in a sensible place. As long as everyone understands this and is consistent in their application of it as national law, I can't see that there would be much impact on Pedling. Pedlars could peddle without constant interference from local authorities.

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

I believe there is some value in having a Pedlar certificate to show the public that one is legitimately trading. Therefore removing the need to have a certificate would remove one valuable way that Pedlars engage with the public.

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)

No

I think the definition should specifically mention food, particularly hot cooked food. This is a subject on which Pedlars are usually united in believing that the Pedlars Act gives them a right to sell, whereas local authorities commonly believe it does not. To reform the definition of Pedling without clarifying this issue is a mistake, as far as I am concerned.

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)

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No Response

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No Response

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No Response

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No Response