

Sent: Tue, December 22, 2009 8:09:17 PM

Please find enclosed my responses to the questions posed in the BIS document regarding street trading and Peddlery. I hope they my thoughts will be considered, to lend them weight i would ask you to consider that my wife and two children rely on the income i provide as a liscensed peddler, to me, and them, these are not abstract matters of debate .

Question 1

No, i do not feel the terminology and definitions of the peddlers act require further explanation insomuch as it very clearly defines a peddler as someone who sells things. This, in my opinion, was the spirit and the sum of the definition, the reason there are very few restrictions included in the act (notable exceptions being a prohibition of the use of beasts of burden) is because they are not meant to be there. Its amazes me that lawyers and prosecutors of today second guess their counterparts of the nineteenth century. Surely if the law makers of the time had intended 'town to town, street to street' to mean a peddler may not stop moving as he trades they would simply have said that. We are not discussing the translation of the bible from aramaic or deciphering hyroglyphics, the peddlers act is as clear as it needs to be, that is why it is seperate to the street trading laws passed decades later, they did not supercede it. Times have changed but the ascension of tesco's or primark to the forefront of retail have no bearing on the fact that as part of the great reform a freeman of proven good nature was endowed with the right to be liscensed to sell his wares to the public.

Question 2

I strongly disagree with any future additions to the definition of a peddler as someone who does not stop moving until they sell something. This is what i call a lie become fact by no means other than repetition, how absurd that a person would shuffle around all day long simply so council officials do not confuse them with a

street trader. From where does this concept come ? For the sake of argument shall we say that before the street trading laws came about a peddler could stand on the spot ? As an experienced peddler let me tell you that other than a few lines (Perhaps helium ballons, maybe some others) it is very hard to sell anything whilst on the move, the public may well assume you are moving off and not selling. Its true that i could shout and bawl as i walked down the street but many such as i prefer to let the public see my wares and decide with their eyes wether to purchase rather than hearing me shouting.

Without labouring the point i have felt humiliated many a time by being told to 'move on , move on', this lie by repetition serves no practical purpose to the law and does not serve the public interest, rather it is used as a tool by persons in authority who would rather peddlers didnt exist. I operate in this manner : I visit towns all over the country, when in a town i make sure that every 15 minutes i move a reasonable distance from the spot i was last stood, but please note that i certainly wont make a point of moving if i have a queue of people wanting to buy my wares !

I agree that a small means of transporting goods is not only acceptable but also should be encouraged ! I hope that the underlining of transporting in the report does not infer that said trolley should not also display the goods, if so then this is another absurdity. Remember that a peddler is one who sells for financial gain, even one with the most rudimentary grasp of selling will understand that goods sell much easier if they are displayed !

Question 3

I agree that if a trolley is so large it cause a genuine obstruction to the public then it is too large. In my experience, and that is only me from thousands of peddlers, a trolley somewhere in the region of 4 feet by 2 feet is adequate to transport and display, dont forget that many items don't neccesitate the use of a trolley.

Question 4

I suggest that we continue as we are, that if the council officials feel a person is using an outsized trolley from a regular pitch they should be prosecuted for illegal street trading.

Question 5

I agree with all of the above. The problem is that we could have DNA hologram fingerprint recognition permits and it would'nt make any difference as the police seldom if ever check our permits ! This is very annoying at certain events when there are many unlicensed sellers who go unchecked, the council then say ' oh, look how many peddlers there are ! Something must be done' when most of them would be gone if the police bothered to ask to see the peddlers liscense.

Question 6

Logic tells us that the information should make the person easily identifiable to the relevant authorities. Personally i alsway carry my passport and or driving liscense as a means of further identification.

I would like to pose the question as to why my peddlers liscense has the following in bold type across the top ' this is not a street trading liscense' as to the layman that means i cannot sell in the street. Is this council inspired subdefuge ? It is deliberately misleading and i would love to know who is behind it.

Question 7

The issue of people operating from fraudulent peddlers certificates is miniscule, i honestly believe that the liscensing officers i have encountered see no legitimacy what so ever in the peddlers certificate as a liscense to trade anyway. Would it hurt to have a uniform document that the average eleven year old couldn't forge using microsoft word ? I quite encourage it and as long as the cost isn't astronomical i would be more than happy to see the cost incurred to our annual liscense fee.

Question 8

Im curious to know why the database would hold previous street trading offences ? A member of trafford liscensing said that

they would ' prosecute as many peddlers as possible so they wouldn't get a peddlers liscense the next year' Any connection ?

Question 9

I provide goods and not services and do not know many service providers. However, if for instance someone wanted to shine city gents shoes under the provision of the peddlers act then i cant see why not ? Not that there is any call for it but the same applies to chair menders, or even mobile phone menders. No change is neccasary, there is not a national problem with peddlers providing services 1

Question 10

I do not see that the ' governments preffered option' is any different to the status quo. Regardless, i believe that a person should have a checkable police record and that the record should be devoid of any convictions for the previous five years, this should stand for british and foreign nationals, if no police record id available then certification should be withheld.

Question 11

Again, i am a little confused, as far as i am aware anyone with recent criminal convictions are currently refused a liscense.

Question 12

I am vehemently opposed to any powers, responsibilitys or further rights being extended to local authorities who have expressed an interest in outlawing peddlery. Word play and the like can be used to deny it but that was the sum of the foiled manchester act, that was the effect of the succesfully passed westminster bill. This would represent a conflict of interests pure and simple, allow me to use a crude analogy : it would be like asking the klu klux klan to run a racial equality department.

Question 13

A person with convictions in the previous five years would have no grounds for complaint and should find another way to make money.

Question 14

Once again i am opposed. 50 local authorities have sought to pass private bills outlawing peddling, passing control of peddlers to them would do this in one fell swoop. Repealing the peddlers act would see an end to peddlery plain and simple, the 'government' (that body referred to in the bis document) must decide if they want peddlers or not, this is the simple question at hand, i believe outlawing peddlers outright would be a far more honest and noble thing for the powers that be to do than to do it by slight of hand, if peddlery is left to the councils that have long sought to outlaw it it will be finished.

Our country is to all intents and purpose a democracy with a capitalist commerce system, it stands to reason then that a freeman of good standing is provided for by the law to sell his wares, the peddlers act fulfills this. Where is the need for modernisation ? I hear many buzzwords and much jargon but the issues are simple. I honestly believe the root of the councils problem with peddlers is nothing to do with public opinion, unfair trading, health and safety etc it is because a peddler is not under their regime, for some reason this sits very uncomfortably with these people. The hundreds of thousands of pounds that have gone into all of this fuss regarding peddlery is inexcusable. I should imagine it is nice to be Brian Iddon or Jim Battle (councillor for manchester) or for that matter any member of council liscensing teams who have expense accounts, pensions, paid holidays etc. Whats the worst crime that a liscensed peddler stands accused of ? Where is the outcry from the public that has brought about all of these bills reports and consultations ?

Question 15

It is not viable if peddlery is to continue, it is viable if the aim of all of this is to bring it to an end.

Question 16

Again refferencing repealing the peddlers act ! What use will a national certificate be if you are not allowed to sell anywhere in britain ? The councils will simply make any area worth trading on a consent street, and consent will assuradly not be given ! How many times have i offered to pay councils a fee to sell at christmas lights switch ons or council bonfires etc ! The answer is invariably no.

Question 16

There is no major problem with the status quo, why spend time and money putting another system in place ? As noted in the Durham report, many councils said they had no problem with peddlers but would apply for powers to use against them anyway as they would be useful to have ! The question should be asked of the councils making all this fuss to justify their complaints, where is the evidence ? Mr Battle of Manchester has inroads with the Manchester evening news and when my freind was prosecuted for illegal street trading (he has a valid peddlers liscense) he was quoted with the usual blarney about inferior goods, that its unfair to legitimate business etc, how on earth were his hats inferior ? And i dont think marks and spencers are overly concerned by my freind selling a few hats, but the odd customer that buys one may appreciate it and im sure my freinds family appreciate food on the table.

Question 17

I personally am proud to possess a peddlers liscense, i see no benefit in doing away with the liscense...The report seems to be greatly concerned with the cost time and effort of a national peddlers database. Bear one thing in mind, there really arent that many people that wish to be peddlers, i have attended events where there have been perhaps up to 30 peddlers and yes that is alot but then again these have been events catering to many thousands of people.

So, under this option we say that anyone who acts as a peddler (whose defanition ?) can be a peddler, the only exemptions will be those places that the local council

prohibit...which will certainly be almost everywhere. The past four questions have referenced revoking the peddlers act, is this a foregone conclusion ?

Question 18

Option A. It is shameful that we are hearing so much about the 'cost of prosecuting' ! That is our legal system, this is not a police state let alone a street warden state ! If someone is breaking the law let them be arrested and charged then let them have their day in court. Many things endeavoured by councils cost great sums of money, i wont be cruel and point out some of the more notorious expenditures but suffice to say that when prosecuting criminals is deemed to expensive we are all in danger.

On a personal level i would like you to understand how it feels to constantly be threatened with ' we'll take your gear ', it is an overused threat and it is not nice. I work hard, i buy stock to sell to exact a profit, it would be upsetting enough to lose my goods to a policeman let alone a street warden. If a street warden sees someone selling in town and without a peddlers liscense then let them call the police. will these super wardens be shutting down food stands too ? Perhaps they could close a shop down for breaches of consumer law ?

Question 19

No, as above.

Question 20

As i do not support this view i can only provide you with anecdotal evidence : I have been threatened by local authority enforcement (LAE) I have been racially abused by LAE (pikey, gypo etc), I have met many LAE who are completely unaware of the law as it stands now. Incidentally i have met some nice ones too !

Question 21

I do not agree with FPN's

Question 22

What is the tariff they gave to the woman who dropped an apple ? Or for the ten year old boy who spat on the pavement ? Who knows how a financial sum would be reconciled with these offences, the irony is that the perpetrator was presumably in need of money to have done it so its a rum thing to do to charge him ! If an offence is serious enough to warrant a fine then it is serious enough to warrant a court room as is right and proper.

Question 23

I agree with the general perception. An interesting fact for you to consider is that almost every peddler i know charges more on like for like items than a market trader or independantly owned shop, we are not undercutting anyone. As for inferior items, i have heard this charge many times yet still await even one example. The market trader who sees what a peddler does could in theory become a peddler, the reason he does not is because he does not want to, nevertheless that is his choice. In issues of unfair competition the peddler is somewhere near the bottom of the list, by my reckoning supermarkets, pound shops, charity shops and imports from china are near the top.

Question 24

Sadly i do not think it would resolve their issues. As i have said, i really and honestly do not see a big problem and yet still they hound us, that tells me that unless attitudes are changed in town halls there will be no satisfying them. I would not be the first to say that almost every high street in britain looks the same now, the same shops and coffee chains and burger chains and no independant shops, further out of town you will see independant

shops, they are the ones that are boarded up. Whoever created this mess it certainly wasn't the peddler.

Question 25

As I have said, at certain events you will find many peddlers (Manchester Christmas lights I counted perhaps 25) but I really think they were conducive to the atmosphere, the public weren't being hassled. I will concede that I have seen some town centers around Christmas that perhaps have too many peddlers - Leeds being an example - but this is bad management on their part, tell the peddler that if he continues to turn out every day, continues to have an oversized trolley, continues not to move at all the whole day he will be prosecuted. Most fellows like me would heed the warning and straighten up, the powers are already there. A good example is Pontefract Christmas lights switch on, they charged us all £20 to trade that night, now, deep down I'm sure that wasn't strictly legal but I was happy to pay as it represented a compromise under the existing system, some Romanian friends chose not to pay and were told they had to stick to the perimeter, fair enough.

Question 26

Unfortunately I disagree with all of the reasons. I have never seen a genuine case of the number of peddlers causing a risk to the public. It is very easy for the councils to say ' No ' to anything, who would I appeal to when they say no ? Who can argue with the infamous catch all's of health and safety or obstruction ? The councils would not let us work anywhere that was worth working.

Question 27

I think that these ideas are very good ones, my only concern is that in practicality the answer would always be no. As an example, I work at Old Trafford selling Manchester United merchandise, if Trafford Licensing (Who have told me numerous times they don't want any peddlers there) have the power to veto

peddlers attending then they will, why would they let us back on for a day license ? They already have over 20 street trading pitches chalked out, we are just a nuisance to them (interestingly they always tell us that man utd are sick of us but the 20 stalls they sanction are taking alot more money from the man utd megastore tills than we are, i wonder how the club feel about that !)

Question 28

These matters are a little confusing to me, i do not fully understand the implications of any of the options. Regardless, the westminster act has done exactly nothing to deter people illegally street trading in that vicinity, i deeply resent the act as it was the passed in a very underhand manner and has formed the precedent for the bills that followed (Liverpool, Newcastle etc)

Question 29

Questions 30, 31, 33

My main objection is the notion that a peddler must move continually, as i have said, this is nowhere to be found in the peddlers act. Now, if the government see fit to start afresh and make it legislation that a peddler must not stop moving i must ask what on earth that will acheive ! As has been noted by wise magistrates through the years (caselaw attests) a peddler can remain still for a reasonable amount of time, often cited as between 15 and 20 minutes, before moving on a reasonable distance. Please dont think me flippant when i say that it makes as much sense as making us all stand on our heads the whole time, just because i stand still a few minutes no one will ever confuse me with a burger van or with a 20 foot flower stall or a fruit and vegetable stall or any other council pitch. The greater problem than this is when a peddler does not go town to town or street to street at all but stays in one spot all the time, if he does that, prosecute him. Britain has more cctv than any other nation so they are always straight forward cases, then dont give that fellow another peddlers license.

I truly hope that the powers that be will listen to the peddlers side of the story but more than this i would ask them to consider there is no public desire to see the peddlers act tinkered with or repealed, civil servants throughout the whole structure must serve the public interest, there is simply no case to be made that peddlers are in any way harming the public. If you want us to approach the public on the street and not have them approach us (this is another lie by repetition that has crept into council prosecutors tool box) then walking down a high street could become a very unpleasant experience, then you will hear an outcry. Simply put, there are a multitude of sins and wrongdoings in our great nation, far too many people are being paid to consider the mote whilst disregarding the beam.

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