

## **PRESS RELEASE: ATCM / NABMA Conference 2012**

Association of Town Centre Management, ATCM & National Association  
of British Market Authorities, NABMA Conference 26 Jan 2012

**Minutes** prepared by Nic McGerr & Robert Campbell-Lloyd – admin at pedlars.info

- 1 Funds for pedlars.info to attend this conference were donated by pedlars who understand that it is necessary for stakeholders to be pro-active and agree that BIS has to bring forward fair and useful Street Trading and Pedlar legislation based on the principles established by the House of Lords in Paper 242<sup>1</sup>.
  - 2 The ATCM/NABMA conference heard several submissions seeking insight and leadership to re-invigorate economic activity in “The Changing High Street”. The background of the 200 attendees included Market Organisers, Local Authorities and the numerous political lobbyists from the Local Government Association, the National Federation of Market Traders and organisers of local markets. There was an absence of direct stakeholders with the exception of pedlars.info.
  - 3 The motive for the conference was clearly to increase/stimulate direct revenue streams from licensed pitches for cash-hungry local authorities. Business rates are collected by councils for central government but revenue from street trading and markets remains with councils. The policy of excluding pedlars would enable councils to double licensing fees with total control as for example has occurred with the famous Dublin flower-sellers in recent months. Market traders cannot stop such action by councils.
  - 4 Part of the reason for pedlars.info to attend the conference was to alter the opinion of Graham Wilson, the Chief Executive of NABMA, who prior to the conference described pedlars as a “blight”<sup>2</sup>.
  - 5 The conference programme had announced there was to be an update from BIS on its consultation into “Street Trading and Pedlar Law” and about the impact of the European Services Directive on legislation but BIS has not yet published the draft regulations and therefore did not appear at the conference. The draft is now re-scheduled for release via consultation in Spring 2012.
  - 6 NABMA reaffirmed its policy of seeking repeal of the Pedlars Act but recognising the problems associated with deregulation of pedlary and in a tactical policy change are now pushing the anomalous notion of local licensing for pedlars as exists in Northern Ireland<sup>3</sup>.
  - 7 During the lunch-break all 200 attendees were circulated with flyers directing their attention to the latest Press Releases from pedlars.info that raise fundamental questions to both NABMA & BIS – see .pdf attached.
  - 8 At the end of the last session pedlars.info thanked the organisers for the opportunity to participate and proposed that regulatory changes should be formulated in consensus by all stakeholders collaborating to provide BIS with workable solutions rather than awaiting unjusticible meddling by incompetent civil servants.
  - 9 Councils have recognised pedlars.info is able to participate in useful discussion and welcome beginning on a more formal basis.
  - 10 pedlars.info accepts that this is a guiding principle.
  - 11 This conference activity has incurred out-of-pocket expenses for pedlars.info of £566.30.
  - 12 This article is widely circulated – please feel free to broaden that circulation.
- End

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<sup>1</sup> <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldprivbill/242/24202.htm>

<sup>2</sup> [www.fedmedia.co.uk/mt/MarketTimesDecember2011](http://www.fedmedia.co.uk/mt/MarketTimesDecember2011) - December 2011 “blight of pedlars” page 36

<sup>3</sup> <http://www.legislation.gov.uk/nia/2001/8/section/2>



pedlars.info

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Resource  
Centre

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pedlary is entrepreneurship in the UK

### **Pride in the Principle of Pedlary**

*“to provide common law privilege to any eligible pedestrian person to trade with complete freedom based on purely individual decisions within any part of the UK”*

For the attention of all concerned about Street Trading and Pedlary Law – Lords, Ministers & MP’s, Legal Counsel for UK Local Authorities, Chief Licensing Officers, CPO’s, APPG, LGA, ATCM, IoL, NABMA, NFMT, ACPO, BIS, HMG, EU, pedlars and 48 million people above 17 whom this affects should they choose to trade as a pedlar.

### **PRESS RELEASE: 18 January 2012**

#### **Person of the Year**

London Times leading article 28th December 2011

*"This fruit seller did not aim to change the world"* but it is clear that Mohamed Bouazizi who set himself alight was suffering oppression by his local authorities...[read more www.pedlars.info/news.html](http://www.pedlars.info/news.html)

### **PRESS RELEASE: 23 December 2011**

#### **Lords caution Councils seeking private bills that harm Pedlary**

A Special Report HL Paper 242 from the House of Lords Select Committee on four private Street Trading bills published 20<sup>th</sup> December found no justification for those Councils seeking penalties of Seizure, Confiscation and Forfeiture against ambulant traders known as pedlars – such measures were expunged from the bills as disproportionate. The Report sends a strong message to other Councils and Local Authorities that may consider pursuing similar private street trading legislation ...[read more www.pedlars.info/news.html](http://www.pedlars.info/news.html)

### **PRESS RELEASE: 2 December 2011**

#### **Government considers all Street Trading Regulation ILLEGAL**

On 2<sup>nd</sup> 3<sup>rd</sup> & 9<sup>th</sup> November 2011 the House of Lords sat in Select Committee to consider 4 Private Bills in 4 separate jurisdictions namely Canterbury, Leeds, Reading & Nottingham. The bills seek powers to restrict “service” providers known as pedlars under the Pedlars Act 1871 & 1881 through amendment to local street trading regulation under the Local Government (Miscellaneous Provisions) Act 1982, LGMPA, that grants explicit exemption to “Certified traders acting as a pedlar” ...[read more www.pedlars.info/news.html](http://www.pedlars.info/news.html)

### **PRINCIPLE OF THE PEDLARS ACT: 20 July 2011**

The generic description of ‘street trader’ applies to both licensed and certified traders who operate in the street whether designated or not. There is however some confusion about regulating street trading which can lead to wrongful summons for prosecution of law abiding pedlars. The following is intended to assist clarification of the various points of law in a proper context ...[read more www.pedlars.info/pedlar-research.html](http://www.pedlars.info/pedlar-research.html)

### **PRESS RELEASE: 17 July 2011**

#### **314 Year-old Statute being given the Boot?**

Since 1697 high street consumers have experienced the joy of *pedlars* providing goods and entertainment throughout the United Kingdom. Whether selling balloons at a street carnival or tuning in to an episode of “Only Fools and Horses”, pedlars have become something of a traditional icon for the nation. Can those who choose such an **iconic cultural tradition** be in for a tragic end? ” ...[read more www.pedlars.info/news.html](http://www.pedlars.info/news.html)

**MORE INFO & COMMENT**

**email: [pedlars.admin@gmail.com](mailto:pedlars.admin@gmail.com)**

### **Question from pedlars.info to Mr Wilson, NABMA:**

The House of Lords Reported in **Paper 242**<sup>1</sup> on the Reading, Leeds, Canterbury and Nottingham Bills that sanctions of **seizure, confiscation and forfeiture** be expunged from the bills; and directed all councils in future to be aware of the following points:

- pedlars trading on the streets are recognised in common law;
- the public welcome the diversity of trading by pedlars;
- councils may not protect licensed traders from certified pedlars;
- it is not the role of local authorities to decide what is fair or unfair competition in the urban environment;
- pedlars may trade in the street including designated areas;
- pedlars are not limited to house to house trading;
- councils may not seek to prohibit pedlars from displaying goods;
- pedlars like other pedestrians may use a small trolley.

Q1: Will NABMA & ATCM accept the Lords ruling and so end the campaign<sup>2</sup> against pedlary and then work with pedlars to guide BIS legislative policy formulation on street trading?

Q2: Will you agree that this BIS policy to deregulate pedlary will expose the High Streets to uncontrollable and unauthorised trading?

### **Question from pedlars.info to Mr Branton, BIS:**

In your 2<sup>nd</sup> Report<sup>3</sup> to the Lords on the 4 private bills, you admitted... “**limited understanding of the urban environment**” and in giving evidence you admitted that your Department BIS “**interpreted the SD... not in a correct way**” and you gave evidence why all street trading legislation being incompatible with the SD made it “**already illegal**” - e.g. the LGMPA and all legislation modelled on the City of Westminster Act are currently “**illegal**”.

In 2009 BIS consulted stakeholders on policy to **amend**<sup>4</sup> the Pedlars Act.

In 2011 that widely accepted policy was radically reversed by BIS to a suspicious social-engineering policy of **de-regulation**<sup>5</sup>.

Q1: Will you accept that BIS has **not consulted stakeholders** on the merits of deregulation and repeal of the Pedlars Act, and has **not consulted stakeholders** on how the Pedlars Act can indeed be amended to satisfy the SD?

Q2: Will HMG & BIS abide by the important precedents set out in HL Paper 242<sup>6</sup> and also abide by Article 1.5<sup>7</sup> of the SD to **protect a common law trading right** of pedlars from **restrictive criminal law provisions** under street trading regulation?

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<sup>1</sup> <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldprivbill/242/24203.htm#note1> 21.12.2011

<sup>2</sup> [www.fedmedia.co.uk/mt/MarketTimesDecember2011](http://www.fedmedia.co.uk/mt/MarketTimesDecember2011) - December 2011 “blight of pedlars” page 36

<sup>3</sup> <http://services.parliament.uk/bills/2010-11/readingboroughcouncil/documents.html> 08.11.2011

<sup>4</sup> URN09/1074

<sup>5</sup> URN11/542

<sup>6</sup> <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldprivbill/242/24203.htm#note1> 21.12.2011

<sup>7</sup> <http://www.pedlars.info/images/stories/roberts/sd.pdf> published 2006 and remains unaltered