

ATTACHMENT (A)



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Mr Robert Campbell-Lloyd

Response by Mr Robert Campbell-Lloyd in Blue 29 January 2013 and Red 4 February 2013

(Mr Robert Campbell-Lloyd is the Roll B Parliamentary Agent supporting the stakeholder position)

Date 28 January 2013

Dear Mr Campbell-Lloyd

You have registered a number of complaints regarding the consultation on Street Trading and Pedlary Laws – Compliance with the European Services Directive. These cover the consultation process and approach to policy development led by the Consumer and Competition Policy team. As requested I have ensured that senior colleagues are aware of your concerns.

From the exchanges which I have seen your main concerns are that the Consumers and Competition Policy (CCP) team has failed to respond to requests for clarification and advice from pedlars; and failed to provide enough notification of the consultation. The CCP has consistently refused to answer questions raised by pedlars about reasons for change in government policy proposals from "modernisation" of the *Pedlars Act* to that of its repeal other than spurious "compliance" with the EU *Services Directive* into UK law that pedlars have warned about and government has agreed is likely to be found unjusticiable and contrary to International Convention.

Pedlars have not requested a further "consultation" neither do they consider it necessary.

Present government proposals effect not merely a narrowly defined segment of the population of UKGB but in fact the entire adult eligible population with a significant proportion unable to read or write. A fact ignored by this URN 12/605.

CCP response: Correspondence and queries

The proposed repeal of the Pedlars Acts and proposed amendment of street trading legislation has raised strong feeling in the industry and led to a heavy volume of correspondence for the CCP team. It may not be possible for the team to respond to all messages received in connection with the proposals over the consultation period. However when the consultation closes CCP will be expected to reply to the points raised by consultees in the government response. "Reply" made in "response" by government when the "consultation" closes is retrospective and as such unacceptable in law. This government is failing to administer fairly and has failed in terms of its own published protocol and code of conduct. There is only one option to this process and that is for the Secretary of State to call in this URN and to instruct how the UK law of pedlary is able to be compliant with the European *Services Directive*. This information has been given *pro bono* to BIS in the form of agreed updates to the general law of street trading and amendment to the *Pedlars Act* but the CCP team has decided to ignore this in favour of preferring chaos and disrepute. CCP has not responded to any correspondence. Onikosi has not carried out her own undertaking to respond after publication of the URN. Closure prior to response prohibits reasonable assessment or reply by the majority of people who are stakeholders in the UK. The people of UK are therefore to be made victims as a result.

The consultation is live from November 2012 to 15 February 2013. Onikosi rejects 3 month extension confirming arbitrary 2 week extension insufficient for the purpose of providing a considered response to yet awaited engagement. The views of stakeholders are still welcome and the suggested statutory amendments listed on Pedlars Info this is a non-existent entity – please use the correct title in all communications - www.pedlars.info can be taken into account. I would advise that unless you have already done so, you could confirm that these are part of your input to the consultation. Already done in June 2012 when Onikosi and Norman Lamb ignored stakeholder request to include Third Option proposals and replies to stakeholders concerns in the subsequent URN. I note that CCP will be arranging a meeting with pedlars in due course where these issues can be discussed. In due course is

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not accepted - such meeting must occur following BIS reply to points and Questions in Briefing Papers – and prior to closure of the consultation.

The CCP team has failed to provide enough notification of the consultation to pedlars. No! CCP has failed to engage with stakeholders concerns about change in policy since URN11/542 March 2011.

Our approach to consultations is drawn from the Cabinet Office consultation principles. This specifies that policy makers should think carefully about the organisations and individuals which need to be consulted **pedlars are the only victims and have been ignored**, and ensure the consultation captures the full range of potential stakeholders **48 million potential stakeholders are affected by BIS “new” policy to repeal a 315 year old civil liberty – they have not been consulted.**

On the day of the consultation launch, BIS issued a press release. There is a list of organisations and individuals informed of the consultation in Annex E to the consultation document. Consultees were invited to forward the documents to those who might wish to be involved **Pedlars at www.pedlars.info have no funding to do the work of government departments – it is unreasonable to expect them to notify 48 million stakeholders.** This is standard practice: policy teams are frequently reliant on stakeholder organisations (i.e. groups such as Pedlars Info **please see above – the home page of www.pedlars.info explains that pedlars have no organisation or paid up membership nor make any claim to represent the voice of pedlary though there are many pedlars who confirm endorsement to the authors of articles**) to draw the attention of industry counterparts to consultations. I would suggest that the range of responses and correspondence already received and the activity on your website indicates that there is a widespread awareness of the proposals in the industry **any such suggestion of awareness by 48 million people is erroneous and cannot be substantiated.**

The street trading and pedlary consultation documents continue to be available online from BIS and the Devolved Administrations.

We appreciate that some consultees may need more time to respond to the consultation **3 month request denied.** After discussing this with CCP I can confirm that any individual requests for further time to respond will be considered by CCP **to date denied by CCP.** However as I am sure you will appreciate the team will need to take into account the deadlines for transposition of the European Services Directive **pedlars understand that deadline was end December 2009 – please confirm if there is any other date and upon what terms.**

In summary, since the consultation is still open we would urge interested parties to take part and contribute their views **done but ignored by CCP**; in particular on the issue of the regulation of pedlary where industry has considerable expertise to offer **Pedlary is a self-regulated self-employed activity – to what industry do you refer?**. The link to the consultation document is below.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32722/12-605-street-trading-compliance-with-services-directive-consultation.pdf

Regards

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