

To: General Purposes Licensing Committee

Date: 8 February 2010 **Item No:**

Report of: Head of Environmental Development

Title of Report: Government Consultation on Modernising Street Trading and Pedlar Legislation, and on Draft Guidance on the Current Regime

Summary and Recommendations

Purpose of report: To seeks Members' views of the Government consultation on street trading and pedlary laws.

Report Approved by:

Finance: Gillian Chandler
Legal: Daniel Smith

Policy Framework:

Recommendation(s):

Committee is recommended to:

- 1) note the contents of the report,**
- 2) comment on the consultation document,**
- 3) resolve whether to respond to the consultation, and**
- 4) ask the Head of Environmental Development to draft a response in consultation with the Chair of the General Purposes Licensing Committee.**

Background

1. In 2008 the Government commissioned Durham University to look at the way that licensing and enforcement practices were applied in relation to street trading and pedlary laws. This was in response to an increasing number of local authorities seeking to extend their enforcement options in relation to street trading and to limit the activities of certified pedlars within their areas.

2. On publication of the research in 2009, the Consumer Minister announced that the Government would launch a full public consultation on national guidance and options for possible legislative changes to street trading and pedlary laws.
3. The Government, through the Department for Business, Innovation and Skills, is consulting on the case for amending and modernising the law as it applies to the control of street trading and the certification of pedlars. They are seeking stakeholder views on the draft guidance for pedlars, street traders and enforcers. The relevant parts of the consultation document are appended to this report.

Consultation

5. The deadline for the receipt of consultation responses has been extended to the 12th February 2010. The extension has been made to allow stakeholders more time to respond to the consultation which was launched on the 6th November 2009.
4. The main areas covered by this consultation are:
 - Ways of making the street trading and pedlary regulatory regime more proportionate and effective.
 - Providing local authorities with additional enforcement options in respect of illegal street trading.
 - Updating the Pedlars Act 1871 to modernise the certification scheme and the definition of a pedlar.
 - Consider introducing a means by which local authorities might exert limits on certified pedlar activity in designated areas.
 - Options for revoking the Pedlars Act and providing for adequate regulation of itinerant traders within the street trading regime.
 - Draft guidance on the application of the current regime in England and Wales for enforcement officers, street traders and pedlars looking at what constitutes acceptable street trading and pedlary practice.

Officer Comments

6. From a licensing authority perspective it is vital to have modern legislation and guidance specifically designed to effectively regulate pedlars. Many of the problems with pedlars stem from a 100 year old law that allows them to take advantage of a rule that makes it very difficult for the police and local councils to move them on and exempts them from more recent trading laws.
7. Oxford has experienced problems with pedlars due to its popularity as a tourist and shopping centre. This is particularly noticeable in Cornmarket Street during the build up to Christmas each year with pedlars using large display trolleys. These actions may be contrary to the terms of their Pedlar's Certificate and create an obstruction.

Experience is that the time and effort spent by council officers and the police to try and control the pedlar problems is becoming unsustainable.

Financial Implications

9. None.

Legal Implications

10. In carrying out its licensing functions, the Licensing Authority must have regard to all legislation.

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Background papers:

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