

<p><u>Certification Process</u> Question 1: do you agree that the definition is in need of updating and clarifying? If not, please provide your reasons.</p>	<p>Yes City of York Council agrees that the legislation is w of date. Many of the problems with pedlars stem from a old law that allows them to take advantage of a rule tha very difficult for the police and local councils to move th exempts them from more recent trading laws.</p>
<p>Question 2:Do you think anything should be taken out or added to the list and why?</p>	<p>There clearly needs to be a new definition in relation to reflect modern times – An issue for York is in relation to trolleys used in the narrow street and the sheer number who trade in one street. Present law allows pedlars to t days a week in one city – Definition should reflect travel town to town – and limiting time in one town or city.</p>
<p>Question 3: Do you think the permitted size of a trolley should be set out in the definition. Please provide reasons for your answer and an indication of any size you think appropriate.</p>	<p>The permitted size of the trolleys is a real issue. The siz design should be regulated and limited. York experienc from wall pasting tables on wheels to supermarket cage trolleys are used subject to recommend size, design an should have public liability insurance – the same as ma</p>
<p>Question 4: Do you have alternative suggestions? Please provide them.</p>	<p>Trolley sizes should if not banned and brought under m legislation should be stipulated and the subject of being covered by public liability insurance. Be of safe constru approved.</p>
<p>Question 5: In your view, will updating the certificate as described above make verification and identification of lawful pedlars easier for enforcement officers? Please give reasons for your answer.</p>	<p>Current pedlars certificates are based on a paper certifi limited detail. They are easily copied or forged. There is consistency with the issuing police forces. There needs the details as outlined in the report – together with date photograph in smart type card with security measures. to ensure meaningful enforcement.</p>
<p>Question 6: In your view, is the list of information to be included in a modified certificate complete? If not, please state what information you believe should be added/removed and why.</p>	<p>Should include the commodities allowed to be sold by i pedlars and the eligibility of foreign nationals to work.</p>
<p>Question 7: Do you think that a national database of pedlar's certificates will improve the current system of enforcement and certification?</p>	<p>It is vital if local authorities are to tackle the issue. Curre no way of verifying pedlars certificate or their eligibility t Many certificate do not include a date of birth. Pedlars i priory for the police</p>
<p>Question 8: Do you agree that the list of information to be held on the database is complete and correct? If not, please state what information you would remove/add and why.</p>	<p>Should also include foreign nationals eligibility to work</p>
<p>Question 9: Would you support the reintroduction of certification for pedlar service providers? If so, please say why and provide any evidence in support of your view. If not, please say why.</p>	<p>City of York Council supports the reintroduction of certifi will establish whether a person is fit and proper to hold certificate. Certificate should be granted where the appl resided in the local area for 1 month – age limit 17 of g character and have signed up to a code of conduct.</p>

<p>Question 10: Do you think the proposed criteria will offer clarity of what is expected of a pedlar in terms of their suitability to hold a certificate?</p>	<p>Yes there has been a wealth of case law over the years should be reflected in what is expected of certificate holders. Authority we provide guidance notes – but they need to be consistent with other authorities.</p>
<p>Question 11: Do you think the proposed criteria will lead to a more consistent approach to refusal of applications from issuing authorities?</p>	<p>It is vital that each police force/local authority has a consistent approach.</p>
<p>Question 12: in your view, should responsibility for issuing pedlar's certificates be transferred from the police to local authorities? Please give reasons for your answer.</p>	<p>Yes local authorities are better qualified to deal with pedlars because we already deal with and issue permits for street trading. It is of low priority with police forces that do not own the streets. More and more legislation is being transferred to local authorities for example Licensing and Gambling – Pedlar should be included.</p>
<p>Question 13: Do you think that clear terms for refusal of applications in the legislation, coupled with a right of appeal, are sufficient safeguards to ensure a fair and non-discriminatory certification regime? If not, what alternative or additional safeguards do you think are required?</p>	<p>Yes the same procedure should apply to the issuing of certificates as to the issuing of personal licences in the Licensing Act 2003 – a right of appeal to the Licensing and Gambling Committee /Magistrates</p>
<p>Question 14: What are your views on the above option, and how this might affect street trading or pedlar activity?</p>	<p>It is time to update the legislation in respect of pedlars giving local authorities the power to adopt and regulate.</p>
<p>Question 15: With further work, do you think this option is viable? Please give reasons for your answer.</p>	<p>Yes it would bring street trading under one piece of up to date legislation giving a consistent approach and protection for street traders. Schedule 3 of the LGMA 1982 is an adoptive power to legislate. It would then be down to each authority to adopt the legislation.</p>
<p>Question 16: Are there other ways of maintaining the national access to pedlar certificates other than under the pedlars act?</p>	<p>As above bring the issue of pedlars under the LGMA 1982</p>
<p>Question 17: What are your views on the above option? Please give reasons for your answer.</p>	<p>There has to be a local input to reflect local trading issues. For example to exempt trading in some adopted streets or where streets are congested at Festivals or Christmas periods. Pedlars need to be placed on streets as you can have up to 10 pedlars on one street.</p>
<p style="text-align: center;"><u>Enforcement</u></p> <p>Question 18: Which of the above options do you favour?</p>	<p>Option D</p>
<p>Question 19: Should Local Authority Enforcement officers be given powers to:</p> <ul style="list-style-type: none"> I. Issue fixed penalty notices II. Seize goods, with forfeiture by order of the Court? <p>Please give reasons for your answer</p>	<p>City of York Council favours Option D . this will provide authority enforcement officers with power to issue FPN with power of seizure with forfeiture order. Offences are low value and suitable to be dealt with by way of FPN. Councils need enforcement officers who are able to seize goods fake or not. Current Trading Standards Officers have this power. It should be given to some authorities do not have Trading Standard Officers</p>
<p>Question 20: if you favour introducing new powers for local</p>	<p>Trying to enforce current pedlar legislation is very time consuming with offences being taken to the Magistrates Court. For</p>

<p>authority enforcement officers, can you provide evidence to support this view, particularly in terms of increasing the effectiveness of enforcement in this or other areas? If you do not support further powers, can you provide evidence to support this view?</p>	<p>can cost over £1000 to secure a conviction- with the penalty fine £120.</p>
<p>Question 21: Is this list of offences in respect of fixed penalty notices complete and correct? If not, please state which offences you would add or takeaway, and why.</p>	<p>New offences need to be created in respect of trolleys, a trolley public liability insurance.</p>
<p>Question 22: At what levels do you think the fixed penalties should be set? Please give reasons for your answer.</p>	<p>£80 to £100</p>
<p>Question 23: Do you agree with the Department's general perception. As set out above? If not, please explain.</p>	<p>Agree with the Department's perception – better legislation give local authorities the power to examine the goods of market traders to make sure not fake.</p>
<p>Question 24: Do you agree that if provision for more enforcement options against illegal street trading and a sufficient demarcation between legitimate pedlary and other street trading was established (along the lines discussed elsewhere in this document) that this would address the issues of concern to some local authorities in relation</p>	<p>Yes tighter legislation, controls and checks would address the issues of concern for market traders, local businesses. Local authorities and the public. It would provide extra protection for all.</p>
<p>Question 25: Do you agree that, in some circumstances, restrictions on the number of legitimate pedlars in specified areas and at specified times are justifiable? If not please explain why you do not agree.</p>	<p>It is vital that the number of pedlars is limited at specific times in identified street. In York's narrow streets we often find illegal trading with large trolleys at the times when the streets are congested.</p>
<p>Question 26: Do you agree that the list above illustrates the circumstances under which restriction on numbers is justifiable? Do you disagree with any of the listed circumstances, if so why? Would you add any circumstances to the list, if so, which and why?</p>	<p>Agree with list. Sheer volume of pedlars with large trolleys cause unnecessary obstructions and access for emergency vehicles. When pedestrian streets reopen to traffic they cause obstructions.</p>
<p>Question 27: Do you have any observations in relation to the ideas aired in the final paragraph above on methodology and notice?</p>	<p>Similar to the policy adopted on street collections in York should be a limit on the numbers in each street.</p>
<p>Question 28: Should street trading appeals in London be determined by</p>	<p>N/A</p>

<p>the Magistrates Court or the Secretary of State? Please give reasons for your answer.</p>	
<p><u>Services Directive</u> Question 29: If you are aware of any evidence to suggest that the conclusions set out above do not reflect the actual position either in respect of our perceptions of numbers of pedlars of services only in respect of our understanding of the requirements of the services directive, please provide it. <i>Note that a pedlar of goods and services will need to be certified in order to trade as a pedlar of goods.</i></p>	<p>None</p>
<p><u>Draft Guidance</u> Question 30: Is the checklist at the front of the guidance an adequate one-page summary detailing what street selling looks like? Please give reasons for your answer including anything you would like see added or removed.</p>	<p>No it does not reflect the issues being experienced in Y pedlars on the streets below are the real issues</p> <ul style="list-style-type: none"> • Shoddy and dangerous goods being sold • Harrassment of the public • Trade being taken away from retailers • Street pedlars detract from the shopping on offer centre • Market traders and specialist markets pay for the trading in the city, pedlars appear at events and days to take advantage of footfall especially over Christmas period effecting traders.
<p>Question 31: Do you think the draft guidance meets the needs of the target audience, i.e. enforcers and traders, including pedlars? Please give reasons for your answer.</p>	<p>The draft guidance is useful bringing together the wealth law.</p>
<p>Question 32: Do you have suggestions for amendments to the guidance/ If so, please specify how the guidance might be reformatted, added to or subtracted form, and why.</p>	<p>None other than the law is woefully out of date and need up to date.</p>
<p>Question 33: If you have any other comments or observations, in particular any information on possible costs relating to options (see Impact Assessment), we are happy to receive them as well.</p>	<p>None</p>