



<b>Subject:</b>	<b>Review of Street Trading and Pedlary Laws Update</b>
<b>Date:</b>	20 <sup>th</sup> May, 2015
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

<b>Is this report restricted?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	At your meeting of the 17 <sup>th</sup> December 2014, you considered the report regarding the proposed changes being introduced by the Department for Social Development (DSD) to the Pedlars Acts 1871 and the Street Trading Act (N.I.) 2001.
1.2	Officers of the Service reported to you that the Minister had decided to implement the changes and highlighted to you the detrimental and negative impacts that the changes were likely to create for the city.
1.3	The Committee, after considering the matter endorsed the comments set out within the report and agreed, in addition to writing to the Minister for Social Development to express its concerns at the proposed changes to the legislation, that the Minister be invited to meet with an All-Party delegation from the Committee and relevant council officers to discuss the matter.
1.4	A letter was subsequently sent to the Minister on behalf of the Committee on 13 <sup>th</sup> January 2015 to express your concerns and is attached as Appendix 1.
1.5	The Minister responded to your letter and stated that it may be more beneficial, in the first instance, if a meeting was convened at officer level to discuss your concerns. Committee subsequently agreed that officers should meet with Social Development officials to discuss the Council's concerns.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to consider the comments arising from the meeting with DSD and to consider writing to the Minister once again raising the Council's concerns on the proposed changes along with any amendments arising from your discussion.

3.0	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>A meeting was held on 24<sup>th</sup> March 2015 with Mr Liam Quinn, Head of Social Policy, Department for Social Development and a delegation of Council Officers.</p> <p>3.2 There was considerable discussion around the proposed changes including the major issue of removing the ‘house to house’ restriction regarding pedlars in Northern Ireland.</p> <p>3.3 In effect, those proposals will allow a pedlar to trade in the city centre, outside entertainment venues and a host of tourist destinations across the city, even if the Council has designated them as prohibited areas. As long as the pedlar isn’t pushing or pulling a trolley they can trade from a bag or trade from a tray worn around the neck.</p> <p>3.4 A brief summary of the discussions are detailed below:</p> <ol style="list-style-type: none"> <li>1. The DSD propose to introduce the changes in October 2015 in line with the rest of the UK;</li> <li>2. The PSNI will continue to licence Pedlars and take enforcement for licence offences. However the police have no power to suspend, revoke or seize a pedlar’s certificate. Councils will be responsible for enforcement against Pedlars who are engaged in illegal street trading who aren’t acting as a pedlar;</li> <li>3. For consistency across the United Kingdom, the Association of Chief Police Officers will introduce guidance for police. There will be <u>no</u> input from councils;</li> <li>4. To repeal the Pedlars Act would take between 6 to 12 months and to review the Street Trading Act would take approximately 2 years. Both will require a body of evidence of problems following the introduced changes. Realistically this could mean that it could take much more than 2 years to resolve any problems in the City that may occur following the changes;</li> <li>5. The Council will seek legal advice on what is a Pedlar and what Pedlars are allowed to do, as there is considerable case law following the introduction of the Pedlar legislation in the 1800s;</li> <li>6. The Council will also approach the Institute of Licensing to assist in building a body of evidence of problems associated with Pedlars across the United Kingdom.</li> </ol> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>3.5 None</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>3.6 There are no equality or good relations issues associated with this report.</p>
4.0	<b>Appendices – Documents Attached</b>
4.1	<ul style="list-style-type: none"> <li>• Appendix 1 – Original letter to the Minister.</li> </ul>