

The Struggling Retailer

☛ Price List ☛

Books

CATACOMBS OF TERROR!	Stanley Donwood	£5.00
AWASH WITH ALE	Swift & Elliott	£12.00
BATH PUBS	Swift & Elliott	£12.00
SCHNEWS ANNUALS	Schnews	£5.00
WRITING THE LAND	Manwaring (Ed.)	£5.00
The IMC - A New Model	Indymedia	£10.00
DR. DEE & THE MAD ABBOT OF BATH	Dr. E Pericoloso Sporgersi	.50p
KING BLADUD & HIS REIGN OF BLOOD	Nao Wakarimasen	.50p

CDs

EAST TO WEST	Baka Beyond	£12.00
LIVE & PEDAL POWERED	Baka Beyond	£12.00
LIVE AT GLASTONBURY	Rinky-Dink	£12.00
ETE	Ete	£12.00
MUSICISTI SCREDITATI	Hodmadodderly	£12.00

Posters

INTERNATIONAL TERRORISTS	Sold Out
--------------------------	----------

T-Shirts

WALCOT DECLARATION OF INDEPENDENCE	£10.00
WALCOT NATION 2004 (YOU ARE HERE...)	£10.00

HAND CARVED NECKLACES	by Al	£5 & £7
-----------------------	-------	---------

(More stock is always being added....)

The Struggling Retailer

The Bell Hotel, 103 Walcot Street, Walcot-Upon-Avon, Nr. Bath, Somerset
Telephone 07969 041322

An Everyday Record Of
Local Government Misdemeanor

A Pedlar's Tale

FROM BATH, SOMERSET



This personal account by
Dr. Ambrose Blimfield
Publisher, Hedonist Books

FIRST PUBLISHED BY HEDONIST PRESS
SEPTEMBER 2004



Hedonist Press

Walcot . Amsterdam . New York

Hedonist Press Presents

The Struggling Retailer



CALLING ALL MUSICIANS AND ARTISTS

A new outlet for your material - we can sell your:

**Books, Records, Paintings,
Photographs, CDs, DVDs, &c**

Do you produce anything our charming cousins from abroad would like to buy? Then contact the *Struggling Retailer* now. The *Struggling Retailer* is a mobile market stall that will be selling locally-made goods to discerning shoppers during the height of the tourist season. Here at the *Struggling Retailer* we know how hard it is to persuade conventional shopkeepers to stock locally made goods - no shops wanted to stock our books or t-shirts, so we simply set up shop ourselves and they've been flying off the shelves.

The *Struggling Retailer* is a Dutch "Bok Fiets" (*box bike*) and operates on a peddler's licence, so we can roll around the city's busy streets to take your artifacts directly into the hands of people who are here in Bath desperate to consume locally-made arts.

The Struggling Retailer

BECAUSE TOURISTS ARE MONEY

For more info please call Blimfield on 07969 041 322



storytelling but also a phobia of dirt and as unformed as this unborn narrator's. Looking back through 'the placenta of

Jenny
Harper

Life of PI You might not know his name, but chances are you own his work, for Stanley Donwood is the award-winning creator of sleeves for Radiohead. He's also a scribe, with a fine line in comically despairing slices of existential melancholy.



'Catacombs of Terror!' (£13) is pulp pastiche that sets low-rent PI Martin Valpolicella on the trail of a secret sect about to take over the world. **'Slowly Downward'** (£10), apart from being the moniker of Donwood's homepage, is a slim volume of rich pickings, containing dozens of first-person parables that blend absurdity with bedsit philosophising. If the prices seem a little high-end, be aware that these beautifully designed limited editions are printed on hemp paper and could be collectables before you can say Radio... who? *Gareth Evans*
Available from
www.waste.uk.com

Arthur
ical to
is looking
as an exci
day of his
cracks, p
strength
bizarrely,
a project t
City of Cul
ple' includ
expert Sv
middle-age
Cathy; upi
coolly effi
What a p
based mo
deeper lay
our most p
the names
beautiful C
his arch-riv
Fay and is
ous, ubiqui
clever story
dane with tl
rable tale.
loveable as
and it's imp
their bid to w

Contents

INTRODUCTION	3
TUESDAY 17TH AUGUST 2004	5
WEDNESDAY 18TH AUGUST 2004	14
THURSDAY 19TH AUGUST 2004	15
TUESDAY 24 AUGUST 2004	18
AN ANALYSIS	19
THE PEDLARS' ACT 1871	21
THE PEDLARS' ACT 1881	33
DOCUMENTS PERTAINING TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982	
<i>B&NES Report</i> 27 July 2000	35
<i>Street Trading Policy</i> 23/06/2004	38
BATH CHRONICLE, 27 AUGUST 2004	41
TIME OUT, 29 APRIL 2003	44
RETAILER POSTER	45
PRICE LIST	46



council which allows them to operate from a permanent pitch.

Sgt Kevan Rowlands of Bath police said: "The people we are dealing with are not pedlars; they are street traders who are operating under a pedlar's licence and putting a couple of castor wheels on the stands.

"Peddling has been banned in places like London and they are all coming to Bath thinking it's a soft touch, but it's not any more."

Sgt Rowlands said Bath police had received complaints from members of

the public about pedlars setting up permanent stalls.

Street trader Sue Bond, who has a permanent stand at the junction of Union Street and Westage Street, said there was no animosity between the street traders and the genuine pedlars. "I think there's a shared bond about the difficulties of working on the street," she said.

"They bring a lot of colour to the streets. They interact well with people and aren't forcing things on them."

PEDLARS CHALLENGE POLICE OVER TRADE

BY DAVID LEWINS

11:00 - 27 August 2004

Pedlars have challenged police in a row over their "right to roam" in Bath city centre. Travelling traders say they are effectively being driven out of the city even though they are obeying local rules governing street selling.

But Bath police say they are targeting only pedlars who are defying those rules and vow the city will no longer be a soft touch for nuisance street traders.

The Pedlars Act of 1871 allows someone to trade with a low cost licence, providing they do not set up a stationary stall.

A pedlar's licence, which costs £12.25, permits traders to sell, as long as they are on the move when not serving customers.

Guidelines issued by Bath and North East Somerset Council specify a maximum waiting time of 15 minutes and say a pedlar "may use a wheeled trolley in order to transport goods".

Mickey Houston, who sells low-cost fashion watches around the city, said the vast majority of pedlars stuck to the guidelines when operating in Bath.

But in the past week, he said they had been told by police to pack up and leave because they were breaking the law.

"A policeman said to one of the pedlars 'you've got ten minutes to pack up and leave and don't come back to

Bath or I'll confiscate your wheels'," said Mr Houston, from Weston.

"I spoke to two other pedlars who said they were told the same thing.

"For the past two weeks people are being told they can't peddle their wares on wheels and if they do, they have to leave Bath and not come back."

Mr Houston, who has lived in Bath for 14 years, made his way to the city centre yesterday prepared to make a stand.

When he was told by a police officer that he was breaking the law, he produced copies of the Pedlar's Act and the council's guidelines and asked which rule he was breaking.

"I said 'are you going to arrest me?' and he said he couldn't but he would report back to the council's enforcement officer.

"A lot of people have the wrong impression of pedlars. We're not itinerants, we're people with families and we have mortgages to pay and we contribute to the local economy.

"This is how we choose to make our living and it's not easy being out here in all weathers."

Mr Houston said the majority of pedlars adhered to the rules but admitted there were some who flouted them.

"You get good pedlars and bad pedlars and it is them who are giving the rest of us a bad name."

A pedlar differs from a street trader, because street traders have to buy a £5,000-a-year licence from the

☛ Introduction ☚

BOOKS. THAT'S WHAT WE MAKE here at Hedonist Press. It's all fine, everything's great, and thanks to the super folk at waste.uk.com we can sell them to people - especially- people on the internet, people sitting at home or in the office at computers.

But sometimes that is not enough. Blimfield, that eccentric M.D. of ours, reckons a book is not a book until its on sale in a bookshop. The only reason he's making books in the first place is because he's quite old fashioned and he still thinks its more comfortable to read bits of paper than computer screens. (*Some people will never catch on to the modern world, huh?*)

So old Blimfield sets out with a sales team and an armfull of books to visit his local bookshops in Bath, that oasis of culture, famed for its literary associations (we even have a Jane Austen Museum, no less).

But guess what - not one bookshop in Bath was prepared to stock any of our books. When our charming head of sales paid a visit to Waterstones clutching a copy of Catacombs Of Terror!, they said they didn't have anyone on the premises who was authorised to make decisions on which books to stock.

How d'ya like that? There's our sales manager at Waterstones in Bath with a book about Bath, published by a Bath publisher, written by a Bath author. It was typeset in Bath and the furthest any of these words have been before they reach your eyes is Chippenham, where the book was printed. On the counter is a copy of Bristol magazine Venue which contains a two page spread about the book. Waterstones have even got a special section of local interest books, but if you want your material included on it, you've gotta get hold of someone in London. Or Edinburgh.

Our sales team was so depressed it nearly gave up the publishing business altogether in favour of a life of farming. But fortunately our sales team didn't give up totally. They said "Bollocks, let's just sell them ourselves! Direct to the public! Hurrah for private enterprise!"

And so the Struggling Retailer was conceived. A mobile market stall

erected on a Dutch bok-fiets (box-bike) operating on a Pedlar's Certificate. It seemed like a great idea, and the Hedonist sales department got the train to Bristol to buy a pedlar's certificate from Police.

Then we put up posters offering out retailing service to other artists, who are finding it as difficult to sell their art as well, and everything's groovy. Bath is a shopper's paradise, and The Struggling Retailer is going to be selling all the best gear in Bath; Baka Beyond CDs, Walcot Nation T-shirts and loads of other stuff. All directly to our charming cousins from abroad who have come here especially to get a slice of our culture.



Everything's fine for a few days. People laugh and smile when they see The Retailer bimbbling down the road, and some people even buy stuff. Some even come back for more, and it's all good fun - until Tuesday 17th August, that is.

Travelling salesmen claim they are obeying rules for selling



Street traders Mickey and Deborah Houston

Pedlars challenge police over trade

PEDLARS have challenged police in a row over their "right to roam" in Bath city centre.

Travelling traders say they are effectively being driven out of the city even though they are obeying local rules governing street selling.

But Bath police say they are targeting only pedlars who are defying those rules and vow the city will no longer be a soft touch for nuisance street traders.

The Pedlars Act of 1871 allows someone to trade with a low cost licence, providing they do not set up a stationary stall.

A pedlar's licence, which costs £12.25, permits traders to sell, as long as they are on the move when not serving customers.

Guidelines issued by Bath and North East Somerset Council specify a maximum waiting time of 15 minutes and say a pedlar "may use a wheeled trolley in order to transport goods".

Mickey Houston, who sells low-cost fashion watches around the city, said the vast majority of pedlars stuck to the guidelines when operating in Bath.

But in the past week, he said they had been told by

By David Lewins

police to pack up and leave because they were breaking the law.

"A policeman said to one of the pedlars 'you've got ten minutes to pack up and leave and don't come back to Bath or I'll confiscate your wheels'," said Mr Houston, from Weston.

"I spoke to two other pedlars who said they were told the same thing.

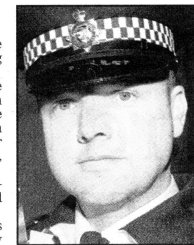
"For the past two weeks people are being told they can't peddle their wares on wheels and if they do, they have to leave Bath and not come back."

Mr Houston, who has lived in Bath for 14 years, made his way to the city centre yesterday prepared to make a stand.

When he was told by a police officer that he was breaking the law, he produced copies of the Pedlar's Act and the council's guidelines and asked which rule he was breaking.

"I said 'are you going to arrest me?' and he said he couldn't but he would report back to the council's enforcement officer."

"A lot of people have the wrong impression of pedlars. We're not itinerants, we're people with families



Sgt Kevan Rowlands

and we have mortgages to pay and we contribute to the local economy.

"This is how we choose to make our living and it's not easy being out here in all weathers."

Mr Houston said the majority of pedlars adhered to the rules but admitted there were some who flouted them.

"You get good pedlars and bad pedlars and it is them who are giving the rest of us a bad name."

A pedlar differs from a street trader, because street traders have to buy a £5,000-a-year licence from the council which allows them to operate from a permanent pitch.

Sgt Kevan Rowlands of Bath police said: "The people we are dealing with are not pedlars; they are street traders who are operating under a pedlar's licence and putting a couple of castor wheels on the stands."

"Peddling has been banned in places like London and they are all coming to Bath thinking it's a soft touch, but it's not any more."

Sgt Rowlands said Bath police had received complaints from members of the public about pedlars setting up permanent stalls.

Street trader Sue Bond, who has a permanent stand at the junction of Union Street and Westgate Street, said there was no animosity between the street traders and the genuine pedlars.

"I think there's a shared bond about the difficulties of working on the street," she said.

"They bring a lot of colour to the streets. They interact well with people and aren't forcing things on them."

notice will be carried by one or more of the following: local newspaper, local radio, Council website; it may also be carried by other local publications.

8.7 Applications will be determined by the Head of Environmental and Consumer Services in consultation with the Executive Members for Economic Development & Environment and for Community Safety, Housing and Consumer Services. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.

8.8 A consent will not be issued to a person who is not aged 17 years or over, or to anyone on account of misconduct or for any other appropriate reason is unsuitable to hold a consent.

9 Fee Structure

9.1 The fee structure will primarily reflect pitch location, trading days and hours. Other matters to be taken into consideration will include local needs shopping.

9.2 The Head of Environmental and Consumer Services in consultation with the Executive Member for Community Safety, Housing and Consumer Services has delegated authority to set fees and to annually review the fee structure.

10 Conditions and Enforcement

10.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

10.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

10.3 Failure to comply with conditions may

lead to revocation or non-renewal of a consent.

10.4 Persons trading without a consent and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action in accordance with the Environmental and Consumer Services Enforcement Policy.

11 Social Inclusion

11.1 The Council will, where possible, give priority to the provision of consents to disabled persons and to those from minority ethnic groups.

12 General

12.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

12.2 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.

12.3 This policy will be the subject of periodic monitoring and review.

12.4 This policy will inform the detailed conditions attached to every street trading consent.

12.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.

Contact Details

Name or Team Name:- Steven Nowell

Address:- 9-10 Bath Street Bath BA1 1SN

E-mail:- licensing@bathnes.gov.uk

Telephone:- 01225 477556

Fax:- 01225 477596

Minicom:- 01225 477647

Author:- Lorna McCardle

Published Date:- 23/06/2004 16:16:52

A Pedlar's Tale

☛ Tuesday 17th of August ☛

THE STRUGGLING RETAILER sets sail from its Walcot Street base at around 11.30am. It's only my fourth time out this summer, so I'm still enjoying it a lot and it's sunny so I'm looking forward to the day and I soon sell a copy of "Awash With Ale" by Swift & Elliott outside Nashers.

The Retailer rolls to the bottom of Walcot Street, right into Broad Street and then Green Street. We have a gentle bumble down Union Street until approached by a man. He looks as if he spends too much time under neon strip lights, and I'm not sure but maybe he has cobwebs around his face.

The man asks me if I have a Pedlars Certificate and I tell him yes I do. He hangs around for a bit so I say "Oh, would you like to see it?" and he says yes. I show him it.

The man - who is wearing a stripy nylon shirt - asks me all sorts of questions, most of which are already answered by the details on my Pedlar's Certificate. I ask him what he's up to, who he is and which hairdresser does he go to? He says he'll tell me in a minute when he's finished making a note of my details.

When he has finished writing he shows me his identity card. It's quite plain looking, laminated, typeface is Helvetica and it has the logo of the so-called Bath & North East Somerset Council (a dull six-pointed star in blue and green, colours that don't go together well at all). The card says his name is Mel O'hagan (small 'h'). I wonder if he's from Bath, or whether he drives here from Devizes or somewhere just to hassle people like me who do live here. I have certainly not met him in the pub before now.



RESTRICTED

Certificate No. 0146

AVON AND SOMERSET
CONSTABULARY

PEDLAR'S CERTIFICATE

Description and
Signature of Holder

Age 39
Height 5'11
Complexion clear
Eyes blue
Hair brown/grey
Build slim
Marks none

Signature
Ambrose Blimfield

In pursuance of "The Pedlars Acts, 1871 and 1881", I certify that

AMBROSE BLIMFIELD
of 103 WALCOT STREET, BATH
BAT1 5BW in the County of

is hereby authorised to act as a Pedlar for one year from the date of
this Certificate.

Certified this 15 day of DECEMBER 20 03

[Signature] Chief Superintendent

This Certificate will expire on the 14TH day of DECEMBER 20 04

Form 430 (06/2002)

RESTRICTED

P.T.O.

Aesthetically his identity card has all the appeal of his nylon shirt, and makes me hope I never have to carry an identity card with me too. (However all the indications are that the UK totalitarian state is now well established and I'm just gotta learn to live with it or leave the country.)

Then he says right, now you've got to stop. I say, "Hello mate I don't think so".

He says I am doing all sorts of things that contravene the conditions of my Pedlar's Certificate. I say, "I'm very sorry but I think you're mistaken mate".

He says he is surprised that the people who issued my license (Avon & Somerset Police) didn't tell me that I wasn't allowed to operate like this. He makes up a list of things I'm doing wrong including:

I'm not allowed to have umbrellas to provide shade in the sun

My tricycle is too big.

He says I'm not allowed to sell any of the stuff I'm selling under a

from the siting of the pitch or from customers visiting or leaving

* any loss of amenity caused by noise, traffic or smell

* existing Traffic Orders e.g. waiting restrictions

* any potential obstruction of pedestrian or vehicular access

* any obstruction to the safe passage of pedestrians

* the safe access and egress of customers and staff from the pitch and immediate vicinity

6 Consultation

6.1 Before a new pitch is created the Council will consult and seek written observations from:

* occupiers of premises immediately adjacent and opposite

* ward councillors

* parish or town council

* Avon & Somerset Constabulary

* Development Control (B&NES)

* Highways (B&NES)

The Council will also consider any responses received in relation to public notices on the highway.

6.2 Any objection from consultees will be assessed against the criteria in 5.3 above and may be referred to the Regulatory (Licensing) Committee for determination.

6.3 Any proposed change to standard conditions (see 10.1 below) will be consulted with consent holders and others, if relevant.

7 Nature of Goods and Trading Hours

7.1 The nature of goods which may be sold from any pitch will be specified in the consultation process. Any subsequent substantial change will be subject to the level of consultation in 6.1 above.

7.2 The Council would not normally grant a consent for the sale of goods or services which

conflict with those provided by nearby shops.

7.3 Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types including services will be considered on a pitch by pitch basis and have particular regard to local needs shopping, product/ service diversity and balance.

7.4 Street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined on a pitch-by-pitch basis.

7.5 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Council's Head of Environmental and Consumer Services.

8 Issue of Street Trading Consents

8.1 Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for block bookings for the purpose of organised street markets and for mobile street artists.

8.2 Consents will be issued for a minimum of six days per week, unless the applicant can provide an alternative scheme acceptable to the Head of Environmental and Consumer Services.

8.3 Fees for consents must be paid in full in advance. In the case of renewals, payments must be made on a quarterly basis and be due on or before the following dates:

* 1 January

* 1 April

* 1 July

* 1 September

8.4 Failure to maintain payments as above may result in the consent not being renewed.

8.5 Where a consent has expired the pitch will become subject to paragraphs 8.6 and 8.7 below.

8.6 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch. The

<http://www.bathnes.gov.uk/BathNES/business/marketsandstreettrading/default.htm>

Street Trading Policy

Contents

1. Purpose
2. What is Street Trading?
3. Exemptions for the need to obtain a Consent
4. Street Trading Consents for which fees are not payable
5. Site Assessment
6. Consultation
7. Nature of Good and Trading Hours
8. Issue of Street Trading Consents
9. Fee Structure
10. Conditions and Enforcement
11. Social Inclusion
12. General

1 Purpose

1.1 The Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

2 What is Street Trading?

2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.

2.2 Bath & North East Somerset has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes.

2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.

3 Exemptions from the need to obtain a Consent

3.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- * a pedlar trading under the authority of a pedlars' certificate
- * trade carried out by roundsmen e.g. milkmen
- * trade carried on at a petrol filling station

4 Street Trading Consents for which fees are not payable

4.1 Bath & North East Somerset will not require the payment of fees for the following street trading activities:

- * fetes, carnivals or similar community based and run events
- * non-commercial or charitable events
- * farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- * sales of articles by householders on land contiguous with their homes

5 Site Assessment

5.1 The Council will identify suitable 'pitches' for street trading and will also consider applications from individuals to create new pitches in specific locations if the applicant can demonstrate a clear demand for the goods or service he/she would provide.

5.2 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.

5.3 In determining whether to create a street trading pitch the Council will have regard to:

- * any effect on road safety, either arising

Pedlar's Certificate.

He says I'm not allowed to play music (Bath's world music superstars Baka Beyond were on at the time, a bargain at £12.00).

I'm also selling T-shirts, CD's by Bath musicians, hand-made necklaces and books written by local authors. In fact everything I sell is made by Bath artists. It is my policy to only sell stuff made in Bath by people who live here.

He says I'm not allowed to use pedal power to move around! How d'ya like that? Maybe it would be ok if I had a petrol engine like you drive to work with then?

I say "Well I'd like to see your copy of the Pedlar's act 1871 mate, 'cos the copy I've seen doesn't have any of those stupid rules in it. In fact there's no way the Pedlar's Act 1871 can have anything about pedal power in it because no-one invented the bicycle until the 1890's.

Mal says there's a copy in the library and I say well I couldn't find it last time I looked so can I see a copy of yours please. He says it would take you all day to read the whole act and I say that's fine mate I'm a publisher. I like reading long bits of writing. He says well you've got to stop trading and I say "I don't think so mate, you're wrong. You're just a bully, and I'd like to see a copy of what you're saying in writing".

He says ok then I'll go and get you a photocopy of the Pedlar's Act 1871. I say great, see you later mate.

Despite my apparently calm appearance, by this time I am very tense, and can hardly write down notes about what he's said because I am shaking so much. Nonetheless I do make a note of what the twit has said, and head towards my friend Sue who has a pinata stall outside Dixons.

I sometimes find it difficult to deal with people who are apparently making up rules just to victimise me and consequently I find it difficult to stay calm while I'm telling Sue what has happened. Sue is amazed at the ridiculous behaviour of the man.

I am still telling Sue what had happened when the man in the nylon shirt comes back with some bits of paper. (I guess it's around 12.15pm by now) He does not have a copy of the Pedlar's act 1871 but one laser-printed memo on BANES headed notepaper (Helvetica again I'm afraid, with apparently random sections of it in Helvetica bold). The department concerned is called "Environmental & Consumer Services", the date is

"June 2004" (funny, it feels as though it has only just been printed, so surely it should be dated "17th August". It is not signed, but has apparently been written by Mal O'hagan, the man in the nylon shirt.

The memo is comprehensible in parts, but sections of it are difficult to understand or simply nonsense. For example, one paragraph reads: "Please note that this letter will constitute official notification of the requirements outlined above".

Eh? What does that mean I wonder.

Nonetheless there is no part of the memo that indicates I am doing anything wrong, and there is nothing in it that refers to the long list of things the man in the nylon shirt had said I was doing wrong earlier. He also has two other bits of paper for me which look as though they are abstracts from documents, the important parts of which are missing.

They are essentially nonsense without the missing bits. One is apparently a photocopy of the back of a Pedlar's certificate and the other could be a photocopy of a page of a council document (in Times this time, random sections of it in Times bold).

Mal gets out a cheap Polaroid camera and starts taking photographs of me and the Struggling Retailer while I try and make sense of the bits of paper he's given me. I ask him to get my good side please, and he does, but then he gets a picture of my bad side too. The man says I am to sign his form to say I have received the document and I tell him politely to forget it mate I'm not signing anything until I've read it.

I read the bits of paper and show them to my friend Sue. I ask him what will happen if I don't sign his form (Helvetica again by the way. Ugh!) , will I get arrested?, and he says no I won't be arrested for not signing his form so I say "Thanks mate I won't bother then, see ya later".

The man and his nylon shirt leave.

By this time I am quite upset and find it difficult to concentrate on my work. In fact it takes me hours to relax after this experience. I cannot explain exactly what it feels like, but I feel real physical discomfort and I am very shaky as a direct result of the man's ridiculous, threatening and stupid behaviour. I am also somewhat concerned that I may lose my livelihood and be unable to pay my rent.

vehicles referred to above I am not aware of any other regular and frequent trading on the street in North East Somerset which would fall within the scope of these provisions. Should controls be introduced which affect these vehicles, then officers would discuss with proprietors if and where trading pitches could be identified.

5.4 Any designation applied to streets where events such as the Midsomer Norton Carnival and Mardi Gras occur, would affect trading from stalls and vehicles at those events. Whilst a "consent street" designation would regulate trading the delegated power which already exists for the Head of Service to set fees in consultation with spokespersons would enable flexibility to ensure such charitable events maintain their income stream from this source.

6. CONSULTATION

6.1 All town and parish councils have been consulted, as have the Keynsham Business and Traders Forum, Keynsham Town Centre Steering Group, Midsomer Norton Town Traders Association, Radstock Town Traders Association and the North Radstock Link Group. Additionally views have also been sought from the proprietors of the three mobile hot food takeaway vehicles.

6.2 Their views are summarised as follows: Both Town Councils, the Radstock Town Traders Association, the Keynsham Business and Traders Forum and the Police favour option c). Of the positive responses received from Parish Councils seven favour option a) and four option c). One Parish Council considered it an issue for the urban areas and that hence the views of town councils should hold sway, and one was not against change to a regime of either consent or prohibited streets. Sinan Catering, currently trading in Radstock, wishes to continue trading and is

prepared to pay any necessary street trading consent fee.

7. CONCLUSIONS

7.1 The current situation highlights a fair trading imbalance, the potential for which exists in any area where there is no regulation of street trading.

7.2 The prohibition of trading on all or any street is unambiguous but rigid and final. The consent street provision offers flexibility.

7.3 Designation of all streets in North East Somerset as consent streets provides consistency and clarity. It eliminates any future need to consider extending control to additional streets in a piecemeal manner.

This page last modified Mon, 02 Aug 2004 18:35:20 GMT

sketching/painting and selling their own work.

4.3 Before any consent is issued officers ensure that the items to be offered for sale are not similar to those offered from nearby commercial premises e.g. a flower seller is not located near a florist shop.

4.4 Conditions are attached to the consent, principally to ensure the pitch is kept clean and tidy and the activity does not cause nuisance or annoyance to others. Officers also encourage good stall design and maintenance.

4.5 Some types of street trading are exempt from control notably pedlars, news vendors, and markets and fairs created by statute or grant.

4.6 The successive Councils have used the street trading consent process to add vibrance to the city and help enliven less popular areas. Local business and street traders coexist quite successfully. That there are no "prohibited streets" has not created a problem for either the Council or traders.

4.7 A key action identified in the Environmental Health, Trading Standards and Licensing Service Plan 2000 - 2001 is to consider whether the regulation of street trading should be extended across the whole or part of North East Somerset. The need for such consideration has been highlighted over recent months by media reporting and debate on trading by three mobile hot food takeaway vehicles (one in Radstock and two in Midsomer Norton).

4.8 Should a Council resolve to designate streets then it must first publish its intention to do so in a local newspaper; the designation cannot take effect before a minimum of one month has elapsed from the date of the resolution.

4.9 In the absence of a local authority using the adoptive powers described above and provided no obstruction is caused to traffic or

pedestrian a person may trade freely on the street.

4.10 This Committee does not hold the appropriate delegated powers, hence any resolution to adopt the relevant schedule of the Local Government (Miscellaneous Provisions) Act 1982 must be made by Council. Its next meeting is 12 October. Following public notice of any resolution, and assuming Council has delegated its powers to this committee, the issue would be on your 27 November meeting agenda to determine the detail of any control.

5. WAY FORWARD - THE OPTIONS

5.1 Members will be asked to consider a number of options for the North Somerset area:

- a) No change - this would enable trading on any street without regulation provided no obstruction was caused.
- b) Designate all streets as "prohibited streets" - this simply prohibits trading on the street.
- c) Designate all streets as "consent streets" - this replicates the Bath situation described above.
- d) Designate specific or all streets in a particular area as "prohibited streets".
- e) Designate specific or all streets in a particular area as "consent streets".
- f) Designate a mix of specific "consent" and "prohibited streets".

5.2 All options, with the exception of a), have resource implications. Together with an increasing demand on the licensing service, the effect will be to slow the administrative process and limit the enforcement response at pinch points in the 'licensing year' e.g. taxi licence and public entertainment licence renewal periods. The Licensing Service has no capacity to absorb additional duties without the above mentioned knock-on effect.

5.3 Other than the three hot food takeaway



BATH & NORTH EAST SOMERSET

Environmental & Consumer Services
9-10 Bath Street, Bath BA1 1SN
Telephone: (01225) 477000 (main switchboard)

Date: JUNE 2004
Our ref: MOH/PN/2004/02
Your ref:
Direct line: (01225) 477556
Fax: (01225) 477596

Re: Local Government (Miscellaneous Provisions) Act 1982 Pedlars Act 1871

The Council is concerned at the growing number of pedlars who do not appear to be acting within the law. The Council controls street trading under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. It is an offence, subject to certain exemptions contained in the Act to trade in a consent street without the consent of the Council.

One of the exemptions is trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871. There have been a number of cases which help to define what a pedlar must do in order to come within this exemption. The Council has considered these cases and has provided the following for guidance.

1. A pedlar is required to travel from town to town, it is not sufficient for a pedlar to trade in the same town or city day after day.
2. A pedlar should not operate from a fixed stand or stall. A pedlar may use a wheeled trolley in order to transport his goods.
3. **A pedlar is one who sells whilst on the move - this definition is not satisfied by a trader who stands beside a portable stall waiting for customers.**
4. A pedlar is permitted to stop and trade but not to set up a stall in a pre-selected location. You should not occupy any position(s), which might be regarded as a pitch for any significant length of time.
5. **You should note that the Council will consider that you have established a pitch if, for example, you merely move to different locations within a discreet paved area.**
6. A pedlar may remain stationary whilst resting. It is recommended that for the avoidance of doubt a pedlar should not offer or expose his goods for sale whilst resting.

In order to trade legitimately as a pedlar all of the above requirements must be complied with. **The Council will monitor the activities of pedlars within Bath City Centre; this may include the use of CCTV.** Any pedlar who does not trade correctly will risk possible prosecution for illegal street trading in a consent street.

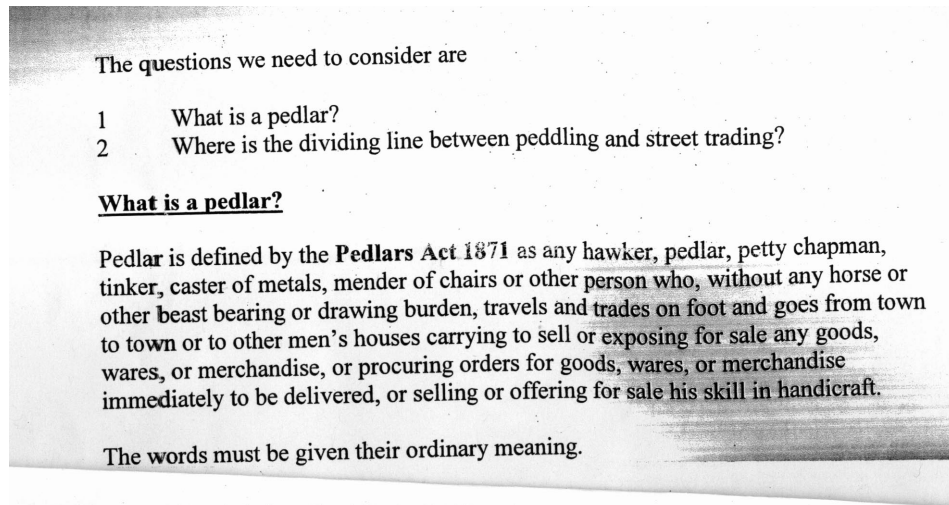
Please note that this letter will constitute official notification of the requirements outlined above.

Should you require any further information please contact Mr. Mal O'Hagan on the telephone number or address given above.

Yours sincerely

Mal O'hagan
Licensing Enforcement Officer

The bits of paper look like this:



Pedlars trade as they travel, as distinct from someone who merely travels to trade, thus a street trader who sells from a portable stand in a street could not claim to be a pedlar

Your Pedlars Certificate does not cover you to sell flowers food or drink, this is dealt with by the Local Authority.
Also prohibited are: medicines, Poisons, gunpowder, tobacco.

A pedlar must carry all goods for sale, keep moving between sales and only stop to rest.

A pedlar must NOT regularly trade in the same area or set out goods on a stall or book

A pedlars certificate does NOT entitle you to street trade.

Street Trading Consents can be obtained from the Local Authority.

WARNING

**This certificate is valid for use only by the person to whom it is issued.
 It is a criminal offence to use or attempt to use a certificate which has not been issued to you.
 If found please hand this certificate into a Police Station.**

http://www.bathnes.gov.uk/Committee_Papers/HPP/hp000727/17StreetTradg.htm

**Bath & North East Somerset Council*
 MEETING:*

**Housing & Public Protection Committee*
 MEETING DATE: *27 July 2000**

REPORT AUTHOR:

Howard Nowell, Head of Environmental & Consumer Services

(Telephone 01225 477502)

RESPONSIBLE OFFICER:

As above

TITLE:

**Street Trading in North East Somerset*
 WARD:*

All in North East Somerset

BACKGROUND PAPERS: Environmental Health, Trading Standards and Licensing Service Plan 2000 - 2001

**AN OPEN PUBLIC ITEM **

1. SUMMARY

1.1 This report invites the Committee to consider recommending that Council adopts the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to enable the control of street trading in North East Somerset.

2. RECOMMENDATION

2.1 That the Committee recommends that Council resolves:

a) under Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading in the area of North East Somerset from 13 October 2000.

b) to delegate all its powers and duties in respect of a) above to the Housing and Public Protection Committee.

3. RESOURCE AND CORPORATE POLICY IMPLICATIONS (Where necessary, the views of the Council's Statutory Officers are reflected in the comments below)

3.1 Financial*:*

Anticipated to be relatively insignificant provided there remains only a small number of street traders (see paragraph 5.3) in North East Somerset.

3.2 Staffing and Equalities*: Incorporated within the report.*

3.3 Economic and Environment*:*

An opportunity to regulate trading which might otherwise have negative local impact.

3.4 Council Wide Impacts*: None.*

4. BACKGROUND AND LEGAL FRAMEWORK

4.1 In the 1980s the former Bath City Council used its discretionary powers under the Local Government (Miscellaneous Provisions) Act 1982 to adopt a code for the regulation and control of street trading within the area. It chose to designate all streets (the definition includes footway) within the city boundary as "consent streets". The effect was that any person wishing to trade on the street must first obtain a consent from the Council to do so. Another option, not used by the Council, was to designate particular streets as "prohibited streets"; all street trading therein would be prohibited.

4.2 B&NES inherited this arrangement. There are currently thirty three designated pitches, all within the city centre, for which the trader pays a fee and receives a "consent" which is renewed quarterly. The one exception to allocated pitches applies to mobile street artists who obtain a consent to enable them to move from location to location

[CH. 45.]

Pedlars Act, 1881.

[44 & 45 VICT.]

A.D. 1881.

SCHEDULE.ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 96. -	The Pedlars Act, 1871 -	Section four, from "or acts as a pedlar in any district" down to "this Act"; section six from "a pedlar's certificate" down to "taken out"; section seven; in section eight the words "and of the indorsement of certificates" and the words "and made"; section twelve so far as it relates to an indorsement, and section fifteen so far as it relates to an indorsement.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.

A short while later I'm outside WH Smith, and I notice John Dowding (also from the "Environmental & Consumer Services Department" walking up the street past me and The Struggling Retailer. I say "Oh, Hi John, have you got a minute, I'm being pissed about by one of your staff" and he says "No, I can't stop now I'm going to a meeting..." and scurries up Union Street towards Carphone Warehouse or somewhere.

It is unfortunate that Dowding was too busy to stop and talk to me about what was going on. I wonder what is so important about the meeting he is going to. I know John from another job I once had as a rickshaw rider because he put the rickshaw operation out of business too. If you have ever wondered why Cycles Maximus tricycles don't operate in Bath any more despite being so popular in London and Edinburgh, it is because John Dowding's department of the increasingly deranged BANES "Council" has told us that we are not allowed to operate here. Apparently rickshaws were threatening the livelihoods of all our hard-working taxi drivers! Yep, it's true. Next time you sit in the back of one of our city's fabulous taxis, perhaps in the back seat of a Ford Mondeo or a Mercedes Benz, have look at the driver's flabby neck and try and work out just how he thinks a pedal-powered trike is going to dent his mortgage repayments.

Later I remember that Dowding used to hang out in the Hat & Feather (back in the good old days when it was kicking pub) have a few beers, and then go up to the Hub Club for some acid house or something. I wonder what he does in the evenings now. I know he doesn't go to the Hub anymore because his colleagues at BANES put that out of business too.

I have almost regained my composure when I see a couple of cops heading towards me. From their body language I can tell they are interested in me, and sure enough the more masculine of the two asks me if I have a Pedlar's Certificate. I say "Wow I could really do with a friend around at the moment", but I don't know anyone nearby. I ask bystanders if they can help and listen to what this police wants to say to me. A lovely woman comes along and says yes she will, asks if I am alright and I say I'm too shakey to write, can you write down what this police says to me. She does. I think her name was Kate. So then I say yes, I have got a Pedlar's license and he tells me "Ok mate you've got to stop trading" . I say "Hello mate but I think you're mistaken", and he says "No, It's a new

rule, the council made it up this morning - from now on pedlars are not allowed to trade in Bath". He is not specific. He is vague. It sounds as if he's making it up as he goes along, but as far as I could tell from his obscure police-talk he seemed to be saying that I was not allowed to be a pedlar here simply because the council had decided that this morning.

He said they had told everyone else with a Pedlar's license to go away too. He says I am in breach of conditions of my Pedlar's Certificate because I had a "semi-permanent" stall. I say "Don't be ridiculous mate, something is either permanent or not. Nothing can be 'semi-permanent', its either one thing or the other". The more female of the police laughs a little at this, and I notice she's quite attractive in a way. Later on in the pub I wonder if the cops will ever try and get a female police to chat me up in a bar in order so she can arrest me for something. My mate laughs tells about someone who once shagged a police round the back of Goldiggers in Chippenham. She was apparently off-duty at the time, and he slapped her ass while they did it. That was when he found out, that was when she said "Stop it, I'm a police".

The cops tell me they have made all the other pedlars piss off too. I just stay where I am. As I understand it, I am still allowed to be there, just not allowed to trade anything with anyone. The cops tell me I've got to go and see Mr. O'hagan (the man in the nylon shirt) and tell me where his office is. I guess I'm just supposed to go there with £150 like the people who pay for a static street traders license. I ask the cops if it will be alright if I just wedge them up, and how much do they want?

Later we went to Mr. O'hagan's office, but guess what - he was out! What a surprise! It wouldn't matter anyway if I could afford £150 a month for a Street Trader's License because I heard that there are already nearly 100 people on the waiting list for places. I consider various options like getting Sue to sell my stuff for me if anyone wants anything, but that idea too silly. I later decide to let people steal things they want from The Retailer and meet me in the pub later and buy me a drink. I guess that would be illegal too Mr. O'hagan? I give the woman who helped me a copy of *Catacombs Of Terror!* by Stanley Donwood to say thanks. I wonder if I'm allowed to do that even. The book is about seedy council officials and corrupt CCTV operatives.

I look up and notice one of the cameras is looking right at me so I give

[44 & 45 VICT.]

Pedlars Act, 1881.

[CH. 45.]



CHAPTER 45.

An Act to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as Pedlar. A.D. 1881.
[22nd August 1881.]

WHEREAS by the Pedlars Act, 1871, it is provided that any pedlar who has obtained a pedlar's certificate desires to act as a pedlar in any other police district than that in which the certificate is taken out must obtain an indorsement of such certificate by the chief officer of police of such other district: 34 & 35 Vict. c. 96.

And whereas it is expedient to remove the necessity for such indorsement:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pedlars Act, 1881. Short title.
- This Act and the Pedlars Act, 1871, may be cited together as the Pedlars Acts, 1871 and 1881.

2. A pedlar's certificate granted under the Pedlars Act, 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom.

The Pedlars Certificate Act, 1871, is repealed to the extent in the third column of the schedule to this Act mentioned.

Alteration of 34 & 35 Vict. c. 96. so far as regards requiring indorsement of a pedlar's certificate.

[Public. 45.]

[CH. 96.] *Pedlars Certificates.* [34 & 35 VICT.]

A.D. 1871.

FORM C.

FORM OF INDORSEMENT OF PEDLAR'S CERTIFICATE.

The within-named, [*here insert Christian and surname of pedlar*]
 is hereby authorised to act as pedlar up to and until the
 day of _____, the day on which his certificate expires within
 the police district of _____

(Signed) _____ [*Here insert name and description
 of the chief officer of police by
 whom the certificate is indorsed.*]

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1871.

it a one-fingered salute and it pans away from me. I guess they get embarrassed when you give them the finger.

Whenever anyone was interested in my locally-made goods I told them what twits the council were and they all said "Yes we know, council officers are all apparently complete idiots". Some people mentioned the Spa and we all thought it might be a much better use of O'hagan's time if he went and helped them sort out that fiasco. Some people muttered the word "wankers".

I remained on the street until about 5pm when it started raining and then I go to the pub where I bump into Andrew and Kirsten, the authors of some of the books I've got on sale. Naturally they are interested in my story as their books are one of the most popular items I sell.

Kirsten And Andrew's books are about life in Bath so naturally they are interested to hear about my experiences, and this gives me an excellent opportunity to make more detailed notes about the day while I tell them the story. Am anxious to write it down while its all fresh in my mind, so I make two more pages of notes while we have a pint or two. Andrew and Kirsten tell me about a bloke they know on the council who usually helpful. I say yeah that'll be a first then, but 5 minutes later the guy walks into the bar. How fortuitous. Kirsten goes off for a natter with him, and when she comes back she says I should drop in to his office on George Street in the morning with the stuff. The Helpful Councillor is an Estate Agent it seems.

ON WEDNESDAY I wrote most what you've read up to here on my computer. By the time I'm done its about 2pm, and I head straight round to the Helpful Councillors Estate Agency with copies of all the details.

It's quite a posh Estate Agency - Ringhams - and the Helpful Councillor is busy on the phone when I arrive, so I leaf through some of the magazines full of estate agents' adverts he's got in the office and see how much houses cost around here. He's also got the Chronicle and I have a look through there to see if there's anything about this new policy BANES have apparently adopted. There isn't. There's just something about a swarm of wasps.

After a while Mr. Ringham cups his hand over the receiver and asks me whether it's him I'm there to see, is it about a rental? I guess I don't look the type to be one of his housebuyers and I say don't worry mate I've got plenty of time, finish your conversation. So he does, and then I begin to tell him my story.

Mr Ringham - Mick - is sympathetic but says he's a councillor for Landsdown and so can't help. He is apparently not very surprised at the behaviour of our local public servants, and implies that he thinks some Council officers are out of control. He says BANES is "an officer-led" council. He says I must call one of the City Centre Councillors, and he says their names are Sarah Webb (usually very helpful apparently but on holiday for the next three weeks, so not much good) and Brian Webber. Oh, he says and you could mention it to Don Foster, he's in town at the moment. That's a good idea I think. Foster seems ok, and is always friendly, so I trundle off to James Street West and drop my story and the documents in for Don.

Foster is not in his office when I call, but Cat his assistant says he's due back soon so I say that's ok, I don't need any action from him just now I just want to let him know what's going on in his constituency and I say "I don't want to spend the night in jail, cheerio."

By now it's about 4.30 and I've been trying to sort this out all day. Next stop Guildhall Records Office to see if they've got a copy of the 1881 and 1871 Pedlars' acts. They have (*reproduced here on pages 21 - 34*).

35 VICT.]

Pedlars Certificates.

[CH. 96.]

A.D. 1871.

SCHEDULE TWO.

FORM A.

FORM OF APPLICATION FOR PEDLAR'S CERTIFICATE.

1. I *A.B.* [*Christian and surname of applicant in full*] have during the last calendar month resided at _____ in the parish of _____ in the county of _____
 2. I am by trade and occupation a [*here state trade and occupation of applicant, e.g., that he is a hawker, pedlar, &c.*]
 3. I am _____ years of age.
 4. I apply for a certificate under The Pedlars Act, 1871, authorising me to act as a pedlar within the _____ police district.
- Dated the _____ day of _____
- (Signed) *A.B.* [*Here insert Christian and surname of applicant.*]

FORM B.

FORM OF PEDLAR'S CERTIFICATE.

In pursuance of The Pedlars Act, 1871, I certify that *A.B.* [*name of applicant*] of _____ in the county of _____ aged _____ years, is hereby authorised to act as a pedlar within the _____ police district for a year from the date of this certificate. [*To be altered, if necessary, to correspond to any order of the Secretary of State or Lord Lieutenant of Ireland as to time of expiration of licenses.*]

Certified this _____ day of _____ A.D. _____

(Signed) _____ [*Here insert name and description of the officer signing the certificate.*]

This certificate will expire on the _____ day of _____ A.D. _____

A.D. 1871.

SCHEDULE ONE.

Police Districts.	Chief Officer of Police.
IN ENGLAND.	
The city of London, and the liberties thereof, exclusive of Southwark.	The Commissioner of Police of the City.
The Metropolitan Police District	The Commissioner of Police of the Metropolis.
Any county, any riding, parts, division, or liberty of a county, any borough, or town maintaining a separate police force.	The chief constable or head constable, or other officer, by whatever name called, having the chief command of the police in the district.
IN SCOTLAND.	
Any area maintaining a separate police force.	The chief constable, superintendent of police, or other officer, by whatever name called, having the chief command of the police in the district.
IN IRELAND.	
The police district of Dublin metropolis	Either of the commissioners of police for the district.
Any district, whether city, town, or country, over which is appointed a sub-inspector of the Royal Irish Constabulary.	The sub-inspector.

NOTE.—All the police under one chief constable shall be deemed to constitute one police force for the purposes of this schedule.

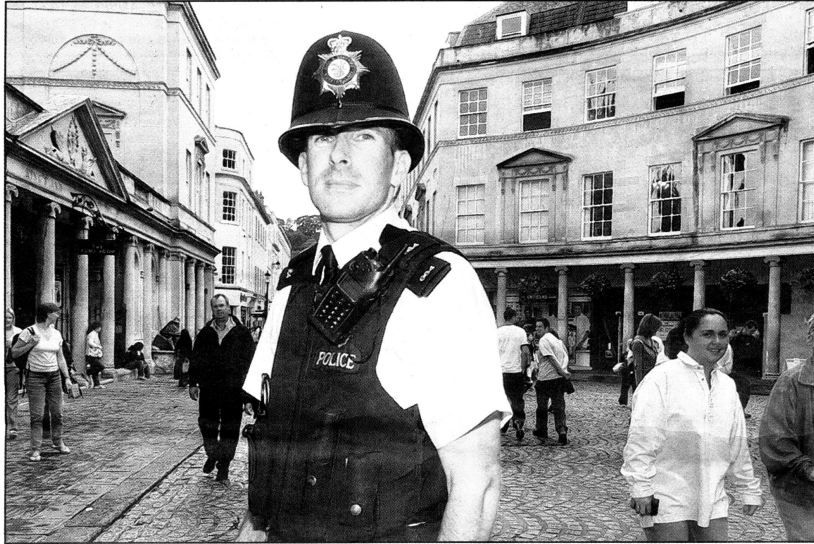
THE NEXT DAY I see Sue again and we have a laugh and say yep, they've gotta be joking, but it turns out the cops have been round hassling people again. They've made the Appy Daze stall go away and Faviola has been told she's not allowed to use wheels on her jewellery stall.

Without her wheels, Faviola is now a struggling retailer herself, as she's trying to carry a huge display board on her shoulder, and having to prop it up on street furniture whenever someone wants to look at her jewellery. I tell her don't worry, you can use wheels, look, and show her the copies of the documents I've collected.

Then Bob from Appy Daze comes along and borrows my copy of the '71 and '81 Acts to photocopy it. He's a bit miffed because he is already paying business rates and council tax and all that because he's got a shop in Walcot Street. He comes back later after talking to a solicitor, and apparently the cops or the council haven't got a leg to stand on. Next time we get any bollocks from the Council we have been advised to ask them "Which piece of statutory legislation are you relying on to prevent me peddling my wares?"

That night I see a copy of our notoriously unreliable local paper and one page contains the story reproduced here on pages 16 and 17. It is riddled with inaccuracies. Apart from anything else, Bob from Appy Daze is pissed off because they are talking about his coffin, and it is made of wood (not plastic) and he doesn't sell jokes, he sells "*Smoking paraphernalia for novelty purposes only*".

By staying in one place, hawkers are flouting the terms of their certificates



TAKING ACTION:
Pc Durnford on patrol in Stall Street
PICTURE:
Richard Lee

CUFFIN MADE WOOD
DONT SELL JOKES
WE SELL SMITHING PARAPHERAL
4 NOVELTY PURPOSES ONLY

Police to crack down on unlicensed traders

POLICE are launching a crackdown on unlicensed street traders, following an influx of peddlers to the city from across the country.

Hawkers from as far afield as London and Derbyshire, selling everything from cheap jewellery to henna tattoos, have descended on the city.

But officers say many of the peddlers, most of whom tout their wares in Stall Street and Abbey Church Yard, are breaking the terms of their licences by using stands.

It costs £5,000 annually to have a Bath and North East Somerset Council street trading licence, which entitles the owner to have a stall on the pavement.

However, officers say peddlers are paying for the much cheaper police-issued peddler's certificate, and then using it as though it were a full street trading licence.

The £12.25 peddler's certificate allows the bearer to sell goods in the city only if he or she does not set up a stationary stall.

But Pc Richard Durnford, a beat manager in Bath city centre, who is overseeing the clampdown on illegal street traders, said that the hawkers were flouting the terms of their certificates by not constantly moving.

On Tuesday, Pc Durnford warned eight peddlers that they were breaking the law and faced

By Tom Bradshaw

prosecution by B&NES if they refused to mend their ways.

He said: "It's become clear that the peddlers are migrating from everywhere to come to Bath.

"We've had quite a few complaints about them recently.

"If people come to Georgian Bath, they don't want to see somebody selling jokes out of plastic coffins on some kind of porter's trolley."

"We have had some reports from the public that they really don't like this.

"If the peddlers are not obeying the law, we will pass the details on to Bath and North East Somerset Council.

Once they get the message that Bath isn't a soft touch, then they will either have to get shipshape or get shipped out."

Insp Paul Mogg, of Bath police, said: "We are being tougher in terms of the certificates that we grant.

"We are cracking down and making sure that the peddlers don't go out and act as street traders."

A spokesman for the council said: "There is ongoing communication between ourselves and the police about this issue.

"There have been a couple more prosecutions this year compared to last year."

t.bradshaw@bathchron.co.uk

Bath Chronicle 19th August 2004

Pedlars Certificates.

[CH. 96.]

Nothing in this Act shall render it necessary for a certificate obtained by the following persons as such; (that is to say.)

1. Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein and who buy to sell again, or selling or seeking orders for books as agents authorised in writing by the publishers of such books:

2. Sellers of vegetables, fish, fruit, or victuals:

3. Persons selling or exposing to sale goods, wares, or merchandise in any public mart, market, or fair legally established.

24. Nothing in this Act shall take away or diminish any of the powers vested in any local authority by any general or local Act in force in the district of such local authority.

A.D. 1871.

Certificate not required by commercial travellers, sellers of fish, or sellers in fairs.

Reservation of powers of local authority.

Repeal.

25. The Pedlars Act, 1870, is hereby repealed; provided that,—
(1.) Any license granted under that Act shall continue in force as if it was granted under this Act:

As to repeal of Pedlars Act, 1870.

(2.) This repeal shall not affect,

(a.) Anything duly done or suffered under the said Act before the commencement of this Act:

(b.) Any right or privilege acquired or any liability incurred under the said Act before the commencement of this Act:

(c.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against the said Act before the commencement of this Act:

(d.) The institution or prosecution of any investigation or legal proceeding, or any other remedy, for ascertaining, enforcing, recovering, or imposing any such liability, penalty, forfeiture, or punishment as aforesaid.

[CH. 96.]

Pedlars Certificates,

[34 & 35 VICT.]

A.D. 1871. or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

4. Penalties recovered in the metropolitan police district shall be applied in manner directed by the Acts relating to the metropolitan police.

5. Penalties recovered in Ireland shall be applied according to The Fines Act (Ireland), 1851, or any Act amending the same.

6. In Scotland the following enactments shall have effect:

(1.) All penalties imposed under this Act may, in default of payment, be enforced by imprisonment for a term not exceeding three months:

(2.) All penalties recovered under this Act shall be paid to the clerk of the court of summary jurisdiction, and by him accounted for and paid—

(a.) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the Sheriff's Court:

(b.) To the collector of county rates, in aid of the county general assessment, when the court is the Justice of Peace Court:

(c.) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(d.) To the treasurer of the Board of Police or Commissioners of Police, in aid of the police funds, when the court is a police court.

Application
of fees.

21. All fees received under this Act in England and Ireland shall be applied in manner in which penalties recoverable under this Act are applicable.

All fees received under this Act in Scotland shall be accounted for and paid to the collector of the police assessment levied for support of the police of the district in which they are received, in aid of such assessment.

Miscellaneous.

Deputy of
chief officer
of police.

22. Any act or thing by this Act authorised to be done by the chief officer of police may be done by any police officer under his command authorised by him in that behalf, and the term "chief officer of police" in this Act includes, in relation to any such act or thing, the police officer so authorised.

POLICE TO CRACK DOWN ON UNLICENSED TRADERS

BY TOM BRADSHAW

Police are launching a crackdown on unlicensed street traders, following an influx of peddlers to the city from across the country. Hawkers from as far afield as London and Derbyshire, selling everything from cheap jewellery to henna tattoos, have descended on the city. But officers say many of the peddlers, most of whom tout their wares in Stall Street and Abbey Church Yard, are breaking the terms of their licenses by using stands. It costs £5,000 annually to have a Bath and North East Somerset Council street trading license, which entitles the owner to have a stall on the pavement. However, officers say peddlers are paying for the much cheaper police-issued peddler's certificate, and then using it as though it were a full street trading license.

The £12.25 peddler's certificate allows the bearer to sell goods in the city only if he or she does not set up a stationary stall. But Pc Richard Durnford, a beat manager in Bath city centre, who is overseeing the clampdown on illegal street traders, said that the hawkers were flouting the terms of their certificates by not constantly moving. On Tuesday, Pc Durnford warned eight peddlers that they were breaking the law and faced prosecution by B&NES if they refused to mend their ways.

He said: "It's become clear that the

peddlers are migrating from everywhere to come to Bath.

"We've had quite a few complaints about them recently. "If people come to Georgian Bath, they don't want to see somebody selling jokes out of plastic coffins on some kind of porter's trolley.

"We have had some reports from the public that they really don't like this.

"If the peddlers are not obeying the law, we will pass the details on to Bath and North East Somerset Council.

"Once they get the message that Bath isn't a soft touch, then they will either have to get shipshape or get shipped out."

Insp Paul Mogg, of Bath police, said: "We are being tougher in terms of the certificates that we grant.

"We are cracking down and making sure that the peddlers don't go out and act as street traders."

A spokesman for the council said: "There is ongoing communication between ourselves and the police about this issue. "There have been a couple more prosecutions this year compared to last year."

t.bradshaw@bathchron.co.uk

THAT WEEKEND I've other things to do, but on the following Tuesday I'm in town and I see Faviola busy trying to avoid the man in the nylon shirt and Police. She says they're out hassling people again, and sure enough I soon come across O'hagan and the cop hassling a girl with the watch-selling operation.

I say "Excuse me madam, are these gentlemen bothering you?" and she laughs. I tell her that she is to ask them "which statutory legislation are they using to deprive her of her livelihood?"

"It's bollocks what they're talking" I say, and the copper says he'll arrest me if I say 'bollocks' again. Fortunately I know this trick of theirs so instead I say "I'll be back in 5 minutes with copies of the relevant legislation" and the cop says "I'll be in O'hagan's office".

I get on my bike (two wheels this time) and ride back to Walcot Street to get the documents. It is not far, and I do not even have to look for the documents because they are on my desk, right where I left them. I cycle back to town but the cop has gone, so I go to O'hagan's office. It has taken me 12 minutes at the most.

Guess what? O'hagan is not there again. And neither is the cop. The receptionist says I should calm down and I say It's difficult being calm when you've just had your living taken away from you for the second time by the same Council department. Dowding appears. I ask him if O'hagan or the cop are here and he says no, so I ask him which piece of statutory legislation is he using to deprive me of my livelihood and he says the Local Government (Miscellaneous Provisions) Act 1982. I say can I have a look at that then please and he says he will not show me any documents at all, but I can find them in the library.

In so many words I say "Mate, you are not a very nice man are you?" and leave the building. I go to the library and I spend a long time on the internet. Needless to say, the documents relating to the Local Government (Miscellaneous Provisions) Act 1982 make no mention of any of the rubbish these twits have been burbling. Their texts are reproduced here on pages 35 - 40.

In Scotland all offences and penalties under this Act shall be executed and recovered before a court of summary jurisdiction under the provisions of the Summary Procedure Act, 1864, and all necessary powers are hereby conferred on such court. A.D. 1871.

Provided as follows :

1. The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted in some of the following manners ; that is to say,
 - (a.) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice ; that is to say, the Lord Mayor, or any alderman of the city of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace ; or,
 - (b.) In Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice ; that is to say, the sheriff of the county or his substitute, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace :
 - (c.) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of the said district, sitting at a police court within the said district ; and elsewhere, of a stipendiary magistrate sitting alone or with others, or of any two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions.
2. The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in
3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act, may be proved by the defendant, but need not be specified

[CH. 96.]

Pedlars Certificates.

[34 & 35 VICT.]

A.D. 1871. if he or they think fit, deprive such pedlar of his certificate; and any such court shall deprive such pedlar of his certificate if he is convicted of begging.

Any court of summary jurisdiction may summon a pedlar holding a certificate under this Act to appear before them, and if he fail to appear, or on appearance to satisfy the court that he is in good faith carrying on the business of a pedlar, shall deprive him of his certificate.

Duties of Pedlars.

17. Any pedlar shall at all times, on demand, produce and show his certificate to any of the following persons; (that is to say,)

1. Any justice of the peace; or,
2. Any constable or officer of police; or
3. Any person to whom such pedlar offers his goods for sale; or
4. Any person in whose private grounds or premises such pedlar is found:

And any pedlar who refuses, on demand, to show his certificate to, and allow it to be read and a copy thereof to be taken by, any of the persons hereby authorised to demand it, shall for each offence be liable to a penalty not exceeding five shillings.

18. Where a person acting as a pedlar either refuses to show his certificate or has no certificate, or refuses to allow or prevents or attempts to prevent any such opening or inspection of his pack, box, bag, trunk, or case as is authorised under this Act, it shall be lawful for any of the persons authorised to demand the production of the certificate, and also for any other person acting by his order or at his request and in his aid, to apprehend such offender, and forthwith to convey or cause him to be conveyed before a justice of the peace. In Scotland such justice of the peace may commit such offender for trial if he think fit.

19. It shall be lawful for any constable or officer of police at any time to open and inspect any pack, box, bag, trunk, or case in which a pedlar carries his goods, wares, and merchandise; and any pedlar who refuses to allow such constable or officer to open or inspect such pack, box, bag, trunk, or case, or prevents or attempts to prevent him from opening or inspecting the same, shall be liable for each offence to a penalty not exceeding twenty shillings.

Legal Proceedings.

20. In England and Ireland all offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction.

THE COUNCIL'S STRATEGY is apparently to fatigue people into submission by terrorising us with vague threats so we have to go and find whatever piece of legislation it they're claiming to enforce and go back to them and say "no mate, look, here is the document", and then they fling some other bullshit at you. The difficulty is they are being paid some huge salary to sit around and make up this bollocks (paid by us council tax payers) while I earn nothing while I run around on a paper chase.

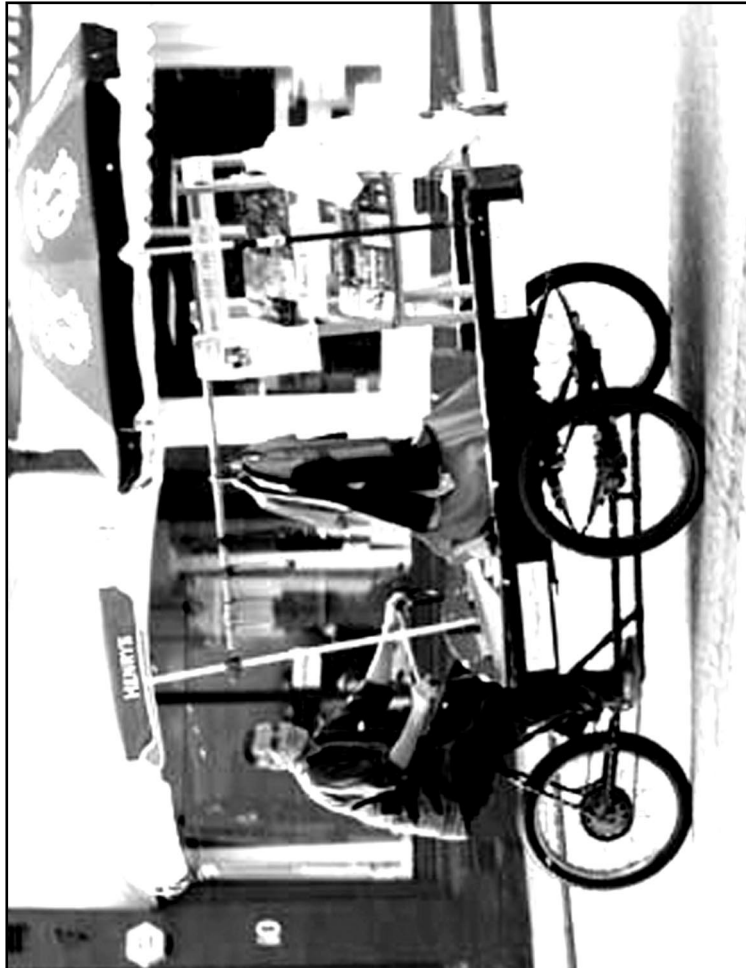
The Council and the cop are clearly wrong. They are the school bullies who grew up and got jobs.

Ambrose Blimfield was born in Bath, and only sells material created in Bath. How is it that he's supposed to pay council tax to people who want to stop him trading legally in his own home town?

Also, it was Avon and Somerset Police who issued Blimfield with his Pedlar's Certificate, so they were acting fraudulently if they now say it is not valid. The police apparently took my money under false pretenses.

Blimfield is almost at his wits' end, and really rather hungry. He's considering signing on the dole, though you may doubt they would believe the reasons he has been put out of business.

It certainly looks as if the Council do not have a legitimate leg to stand on, but are simply content to make life so unpleasant for legitimate pedlars they will no longer want to continue. Perhaps Blimfield's best option is to continue trading until the council brings a case against him in court. I doubt they would actually take him to court for any good reason, but are more likely to keep on using their tactic of being very unpleasant to people to justify their inflated salaries.



1871 VICT.]

Pedlars Certificates.

[CH. 96.]

1. Travels with, produces, or shows any such forged or counterfeited certificate or indorsement, A.D. 1871.
and for the first offence be liable to a penalty not exceeding two pounds, and for any subsequent offence, either instead of or in addition to such penalty, to be imprisoned for any term not exceeding six months, with or without hard labour.

13. A person shall not be exempt from the provisions of any Act relative to idle and disorderly persons, rogues, and vagabonds, by reason only that he holds a certificate under this Act, or assists or is accompanying a pedlar holding a certificate under this Act. No exemption from vagrant law.

14. If any pedlar is convicted of any offence under this Act, the court before which he is convicted shall indorse or cause to be indorsed on his certificate a record of such conviction. Convictions to be indorsed on certificate.

The indorsements made under this Act on a pedlar's certificate shall be evidence of the facts stated therein.

15. If the chief officer of police refuses to grant or indorse a certificate, the applicant may appeal to a court of summary jurisdiction having jurisdiction in the place where such grant or indorsement was refused, in accordance with the following provisions: Appeal against refusal of certificate by chief officer of police.

1. The applicant shall, within one week after the refusal, give to the chief officer of police notice in writing of the appeal:

2. The appeal shall be heard at the sitting of the court which happens next after the expiration of the said week, but the court may, on the application of either party, adjourn the case:

3. The court shall hear and determine the matter of the appeal, and make such order thereon, with or without costs to either party, as to the court seems just:

4. An appeal under this Act to a court of summary jurisdiction in England or Ireland shall be deemed to be a matter on which that court has authority by law to make an order in pursuance of the Summary Jurisdiction Acts, and in Scotland the court may adjudicate on matters arising under this section, in accordance with the enactments relating to the exercise of their ordinary jurisdiction:

5. Any certificate, or indorsement of a certificate, granted or made in pursuance of an order of the court, shall have the same effect as if it had been originally granted or made by the chief officer of police.

16. Any court before which any pedlar is convicted of any offence, whether under this or any other Act, or otherwise, may, Deprivation of pedlar of certificate by court.

[CH. 96.]

Pedlars Certificates.

[34 & 35 VICT.]

A.D. 1871. — and have in all respects the same effect as a certificate granted under this Act by an officer of such district to a person resident therein would have.

The indorsement shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit.

Register of certificates to be kept in each district.

8. There shall be kept in each police district a register of the certificates and of the indorsement of certificates granted and made in such district under this Act, in such form and with such particulars as may from time to time be directed in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

The entries in such register, and any copy of any of such entries, certified by the chief officer of police to be a true copy, shall be evidence of the facts stated therein.

Forms of application to be kept at chief police office.

9. Forms of applications for certificates shall be kept at every police office in every police district, and shall be given gratis to any person applying for the same; and all applications for certificates shall be delivered at the police office of the division or subdivision of the police district within which the applicant resides, and certificates, when duly signed by the chief officer of police, shall be issued at such office.

Certificate not to be assigned.

10. A person to whom a pedlar's certificate is granted under this Act shall not lend, transfer, or assign the same to any other person, and any person who lends, transfers, or assigns such certificate to any other person shall for each offence be liable to a penalty not exceeding twenty shillings.

Certificate not to be borrowed.

11. No person shall borrow or make use of a pedlar's certificate granted to any other person, and any person who borrows or makes use of such certificate shall for each offence be liable to a penalty not exceeding twenty shillings.

Penalty for forging certificate.

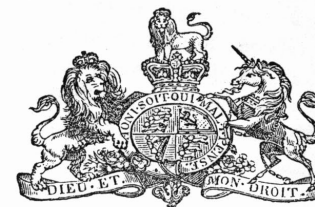
12. Any person who commits any of the following offences; (that is to say,)

1. Makes false representations with a view to obtain a pedlar's certificate under this Act:
2. Forges or counterfeits a pedlar's certificate granted under this Act:
3. Forges or counterfeits an indorsement made under this Act on such a certificate:
4. Aids in making or procures to be made such forged or counterfeited certificate or indorsement:

[34 & 35 VICT.]

Pedlars Certificates.

[CH. 96.]



CHAP. 96.

An Act for granting Certificates to Pedlars.

A.D. 1871.

[21st August 1871.]

WHEREAS it is expedient to amend the law relating to pedlars:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Pedlars Act, 1871. Short title.
2. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-two, which date in this Act referred to as the commencement of this Act. Commencement of Act.
3. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say, Interpretation of certain terms in this Act.

The term "pedlar" means any hawkker, pedlar, petty chapman, tinkler, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft: "Pedlar."

The term "police district" means any of the districts mentioned in schedule one to this Act, and the term "chief officer of police" with reference to any police district means the officer mentioned in relation to that district in the said schedule, and such schedule with the notes thereto shall have effect as if it were enacted in this section: "Police district."

[Public.-96.]

A

1

[CH. 96.]

Pedlars Certificates.

[34 & 35 VICT.]

A.D. 1871.

"Summary
Jurisdiction
Acts."

The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same:

As to Scotland, "The Summary Procedure Act, 1864:"

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Court of
summary
jurisdiction."

The term "Court of Summary Jurisdiction" means and includes any justice or justices of the peace, sheriff or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable.

*Certificates to be obtained by Pedlars.*No one to
act as a ped-
lar without
certificate.

4. No person shall act as a pedlar without such certificate as in this Act mentioned, or in any district where he is not authorised by his certificate so to act.

Any person who—

- (1.) acts as a pedlar without having obtained a certificate under this Act authorising him so to act; or
- (2.) acts as a pedlar in any district in which he is not authorised so to act by a certificate under this Act,

shall be liable for a first offence to a penalty not exceeding ten shillings, and for any subsequent offence to a penalty not exceeding one pound.

Grant of
certificate.

5. The following regulations shall be made with respect to the grant of pedlars certificates:

1. Subject as in this Act mentioned, a pedlar's certificate shall be granted to any person by the chief officer of police of the police district in which the person applying for a certificate has, during one month previous to such application, resided, on such officer being satisfied that the applicant is above seventeen years of age, is a person of good character, and in good faith intends to carry on the trade of a pedlar:

2

[34 & 35 VICT.]

Pedlars Certificates.

[CH. 96.]

A.D. 1871.

2. An application for a pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:

3. There shall be paid for a pedlar's certificate previously to the delivery thereof to the applicant a fee of five shillings:

4. A pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:

5. A pedlar's certificate shall remain in force for one year from the date of the issue thereof, and no longer:

6. On the delivery up of the old certificate, or on sufficient evidence being produced to the satisfaction of the chief officer of police that the old certificate has been lost, that officer may, either at the expiration of the current year, or during the currency of any year, grant a new certificate in the same manner as upon a first application for a pedlar's certificate. In Great Britain one of Her Majesty's Principal Secretaries of State, and in Ireland the Lord Lieutenant or other chief governor or governors of Ireland for the time being, may from time to time provide for the expiration of all pedlars certificates at the same period of each year, and in doing so shall provide for the apportionment of the fees payable in respect of any such certificate.

6. A pedlar's certificate granted under this Act shall, during the time for which it continues in force, authorise the person to whom it is granted to act as a pedlar within the police district in which the certificate is taken out.

Effect of
certificate.

For the purpose of the Markets and Fairs Clauses Act, 1847, and any Act incorporating the same, a certificate under this Act shall have the same effect, within the district for which it is granted, as a hawker's license, and the term "licensed hawker" in the first-mentioned Act shall be construed to include a pedlar holding such certificate.

10 & 11 Vict.
c. 14.

7. Any pedlar who, having obtained a pedlar's certificate, desires to act as a pedlar in any other police district than that in which the certificate is taken out, may, while his certificate remains in force, apply to the chief officer of police of such other district to indorse his certificate, and such officer shall, if satisfied that the applicant is above seventeen years of age, is a person of good character, and in good faith intends to carry on the trade of a pedlar, and on payment by the pedlar of a fee not exceeding sixpence, indorse such certificate, and such indorsed certificate shall, while it continues in force, authorise the pedlar to act as a pedlar in such other district,

Extension of
certificate by
indorsement
to other
districts
than that for
which it was
granted.

A 2

3