

BRIEFING PAPER

SUBJECT: Peddlers in the City
DATE: 14 April 2016
RECIPIENT: Overview and Scrutiny Management Committee

THIS IS NOT A DECISION PAPER

SUMMARY:

To advise Overview and Scrutiny Management Committee of measures that the Council are taking to reduce illegal sales in the City centre

BACKGROUND and BRIEFING DETAILS:

- 1 In recent years, the Council has received increasing complaints from local shops and businesses in the City that the level of uncontrolled sellers in the City centre including peddlers in the precinct has a detrimental effect on the image of the City.
- 2 In 1983 the Council had made a Control of Sales Order (CSO) that covers the precinct and prevents people from selling in this area. This legislation was considered sufficient to begin investigating the situation and begin action against these unauthorised traders.
- 3 Officers made a number of visits to the precinct at different times of the day and on different days of the week to assess the extent of the problem and impact that the traders were having on free movement of pedestrians in the precinct.
- 4 Having established that the vast majority of these traders held peddler certificates, officers checked that these certificates did not exempt them from the Control of Sales Order.
- 5 In November 2013 Officers began to issue enforcement notices on traders in the area. This continued throughout the Christmas period with evidence being collected against repeat offenders who continued to operate despite the notices.
- 6 As the first cases were prepared for Court, an error was identified in the original Order which required it to be redrafted and advertised. Central Government had repealed the Act under which the original Order was made requiring the Council to remake it under the replacement legislation.
- 7 Once the Order was effective, Officers reissued the enforcement notices and the first cases were taken to Magistrates Court in April 2014
- 8 The Magistrates agreed that the traders in this area are in contravention of the Order and we have continued to prosecute offenders regularly since then.
- 9 Since April 2014, 20 notices of breach of CSO have been served, That means 20 individuals have been served. The vast majority no longer trade illegally. Of that 20 we have prosecuted 6 individuals a total of 20 times and there are 3 prosecutions pending.

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RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

- 10 Staff from Highways, Licencing and Legal have been involved in the various actions against the traders, including attendance at Court where necessary.
- 11 The enforcement activity is completely in line with the Councils vision of being a Regional Shopping destination. The traders often create a nuisance to shoppers and by remaining in the same place for much of the time, they cause an impediment to free movement in the busy areas, including the main entrance to the West Quay Shopping Centre.
- 12 It is noted that many of the traders that have been prosecuted are holders of peddler certificates issued by various police forces.
- 13 Over the years we have seen an increase in the number of street traders in the City. Evidence supports the vast majority of these traders abused the Street Trading legislation as the exemptions in the legislation, prior to the CSO being made, was for peddlers acting as a peddler to be exempt.
- 14 The principal of a peddler is that they move to their customer rather than setting up stall and letting the customer travel to them. Officer observation is that, without a constant presence, the majority of traders do not pedal, they street trade and in such numbers it prevents the free flow of traffic (pedestrians) along the Highway and is recognised as a risk should there be an evacuation of premises nearby.
- 15 The decision to take action against the illegal traders in the street was made at Management Team level and continues as resources are available.

OPTIONS and TIMESCALES:

- 16 The alternative to enforcing against these traders would be to ignore them and let them continue to trade unimpeded. This would lead to Southampton becoming a magnet for these traders and the associated problems will increase.
- 17 Officers are currently developing proposals to extend the existing Control of Sales Order to cover a wider area of the City, particularly north of the precinct where the footways are narrow, and also Guildhall Square where events could be compromised if traders start to congregate in this area as an alternative to the precinct.

Appendices/Supporting Information: none

Further Information Available

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