

Allerdale Borough Council

Guidance for Pedlars

Allerdale Borough Council is applying a clearer definition of pedlary to enable genuine pedlars to continue to trade. The definition is taken from a Government consultation on Street Trading and Pedlary and recent case law. The guidance is given below:

1. As a Pedlar, you must 'go from town to town' so you must not frequent one particular town centre in Allerdale every day.
2. A pedlar can remain static in the same location for a maximum of 10 minutes after arrival. As a pedlar, you should then move on (at a reasonable speed) to a location which is at least 50 metres away from the first location, and again you should not remain in that second location for more than 10 minutes. You cannot immediately return to the first location since you cannot return to a location you have previously occupied within three hours. Nor can you occupy a location within 50 metres of any location he has occupied during the previous 3 hours. These requirements are intended to keep a pedlar trading while on the move.
3. However, we do recognise that a pedlar may be approached by potential customers during the 10 minute period mentioned above but you may be unable to conclude the transaction with that customer during that period. Similarly, we recognise that a pedlar may be approached by potential customers while travelling from one location to a location at least 50 metres away. Since we do not want to place unreasonable restrictions on a pedlar's ability to do business, there is an exception to the above limitations to enable a pedlar who is approached in this way to remain in his location beyond the 10 minute period or to stop to conclude those transactions. Once all such transactions have been concluded (or aborted) the pedlar must continue to move away immediately.
4. So, if as a pedlar you are not actively making a sale or being approached by a customer at the 10 minute cut-off point, you must immediately start to move away from the location towards a location at least 50 metres away from that location. If while on the move to your next location, you are approached by a customer, you may stop to deal with that customer. But, as soon as the sale is concluded, you should continue on the move towards your next location (unless, of course, you are approached again by another customer on your way there).
5. Pedlars should not use large wheeled trolleys or similar as a device to carry and expose for sale all, or the vast majority of your goods as these can cause an obstruction of the highway which is an offence under Section 137 of the Highways Act 1980.
6. You should be aware that some of our town centres are monitored by CCTV (Closed Circuit Television).
7. Pedlars' Certificates can be obtained from the police station. It is an offence to peddle without a certificate and an offence to lend a certificate or use someone else's. Where pedlars are found to be breaching the guidelines this will be treated as unlawful and the Council, in partnership with Cumbria Police, will take formal action against illegal street trading under paragraph 10(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.