

## **Appendix 1: Consultation response to the Department for Business Innovation and Skills**

*Q. Do you foresee any unintended consequences resulting from this approach to national applicability? If so, please provide details.*

Our concerns relate to licences / permissions for street trading, scrap metal dealer and special treatments. There is a need to clarify the responsibility for taking legal action. The consultation doesn't explicitly state that the originating authority is notified upon registration in another authority, but it does say that the originating authority is responsible for any complaints. It should be clarified whether the originating authority takes any enforcement action or the registering authority would take legal action and pass this information on to the originating authority. The originating authority would obviously have no jurisdiction in the registering authority with regard to such licences.

Additionally, given the recent BIS consultation on changes to pedlar / street trading law, we have concerns that the national applicability of licences was not covered, or alluded to, in street trading consultation. We have concerns that the national applicability of street trading licences could effectively introduce 'pedlar type' licence (even though the current Government proposals are to repeal existing pedlar legislation) allowing a person to obtain a licence anywhere in England and Wales and trade where they wish.

*Q. Can you provide a list of personal licences where national applicability would be inappropriate? Please provide reasons and/or evidence.*

Our concerns relate to licences / permissions for street trading, scrap metal dealer and special treatments. We have concerns that the consultation document does not attempt to identify the licences likely to be affected. Numerous local authorities have very specific controls in respect of such permissions. For example, street trading requirements are tailored to local circumstances and cannot be replicated nationally. Therefore, as national licence applicability is required by the Services Directive, guidance on the consistency of application and enforcement would be welcomed to encourage a consistent approach between local authorities. This would help to avoid applicants taking advantage by routinely obtaining permissions from a local authority with less onerous licensing requirements and using these permissions within the boundary of another local authority with more stringent requirements.