

Street Trading Enforcement Guidance

1. Introduction

- 1.1. We are committed to encouraging licensed street trading in the borough in so far as it improves the local economy and is not detrimental to the local street scene.
- 1.2. We will ensure that all enforcement action will be carried out in a fair, proportional, consistent and equitable manner.
- 1.3. We will take care to help individuals and organisations comply with their legal obligations without unnecessary expense, while taking firm enforcement action, including prosecution and licence revocation where appropriate against those who flout the law or act irresponsibly.
- 1.4. We include in the term 'enforcement' advisory visits, routine inspections and assisting with compliance as well as formal enforcement action.

2. Monitoring Compliance

- 2.1. We will adopt a programme of compliance visits. These will cover the following.
 - Regular officer visits to licensed street traders to ensure that they are complying with their licence conditions and are not causing any nuisance or disturbance to the street scene.
 - Regular officer visits to all identified unlicensed street trading problem areas
 - Complaint/Intelligence lead visits
- 2.2. We recognise that Barnet now operates a 24 hour economy and so the times of these compliance visits will be varied to reflect the hours of street trading in each area.
- 2.3. The Enforcement officers will liaise with other departments and share intelligence and information (in line with the Data Protection Act) to help focus enforcement on problem areas.
- 2.4. Encouragement will be given to local residents and business for them to also provide us with information. A page will be set up on the council website where any person can make a complaint regarding licensed/unlicensed street trading within the London Borough of Barnet. This information will then help focus our compliance checks.

3. Enforcement Options

3.1. The council recognises that licensed street traders and unlicensed street traders present different enforcement options. Therefore it has been decided to implement a different enforcement approach for each

3.2. Unlicensed street trading

3.2.1. The council will not tolerate unlicensed street trading anywhere within the borough. Where appropriate goods will be seized and the Magistrates Court will be invited to order the goods forfeited and/or fixed penalty notices will be issued.

3.3. Licensed Street Traders

3.3.1. All licensed street traders will have conditions imposed on them as part of the application process. We expect that all conditions will be complied with. However we accept that certain conditions are more important than others. Therefore we have adopted a penalty point's scheme.

3.3.2. Each time a condition is breached a number of penalty points will be added to the licence. If a licence receives 12 penalty points within any 6 month period then it will be revoked (subject to appeal to the Director of Corporate Governance).

3.3.3. However we recognise that in some cases the breach itself may be minor, inadvertent and rectified immediately and in these cases it may not be appropriate for penalty points to be applied to the licence.

3.3.4. Furthermore we recognise that in some cases the penalty points scheme may not be the appropriate enforcement action and reserves the right to consider varying licence conditions, revocation of licence or prosecution as alternative appropriate enforcement actions. Two examples of this are

- If proven complaints are received regarding levels of noise coming from a licensed area in the evenings we may immediately restrict the hours of operation
- Failure to comply with an officer's request in an emergency, and any proven complaint of harassment, abuse, violence or threats will result in an immediate revocation of the licence.