

Nottingham City Council Act 2013 - Enforcement Policy

1. Introduction

- 1.1 The Nottingham City Council Act 2013 (the Act) gives powers to Nottingham City Council ('the Council') to exercise better control of pedlars, street trading and ticket touts in parts of Nottingham City Centre.
- 1.2 It is already an offence to trade without consent in a street designated as a consent street by the Council ('Consent Street'), or to trade in a street designated by the Council as a prohibited street ('Prohibited Street'). The Act does not stop persons with valid pedlar's certificates from peddling in accordance with the terms of their pedlar's certificate, but it restricts the size of pedlars' trolleys in the area(s) designated by the Council. The Act redefines the sale of tickets or tokens as street trading, making it an offence to sell tickets without a valid street trading consent. Further details about the provisions of the Act and of the existing legislation as amended by the Act can be found on the Council's website.
- 1.3 The Act permits authorised officers of the Council to issue a Fixed Penalty Notice ('FPN') where they have reason to believe that an offence listed in section 2 of the Act ('Relevant Offence') has been committed as an alternative to prosecution. Please refer to the Council's website for further details about the current FPN levels.

2. Aim of the enforcement policy

- 2.1 Provide an enhanced City Centre environment for shoppers and visitors.
- 2.2 To inform traders of the changes to peddling and street trading.
- 2.3 To change the behaviour of offenders.
- 2.4 To promote fair trading by eliminating any financial gain or benefit from non-compliance.
- 2.5 To deter future non-compliance.

3. Enforcement

3.1 The Preventative Approach

- The Council will have regard to the following when enforcing the Act:
 - Nottingham City Council Enforcement Policy;
 - Regulators Code.

3.2 Formal Enforcement

The Council will consider the following a staged intervention where an authorised officer has reason to believe that a Relevant Offence has been committed:

Ask - on street intervention by authorised officers.
Inform the individual of the need to comply with the Act, provide an information sheet and give the opportunity to comply.

Warn (where the individual has previously been asked to comply, record the individual's details and give them a written warning that should they choose to continue trading contrary to the Act they may be issued a FPN or be prosecuted.

Initial enforcement - Issue a FPN if the individual continues trading contrary to the Act.

Substantive enforcement - Issue a second FPN if the individual continues to trade contrary to the Act.

Breach –consider prosecution if the individual continues to trade and or a FPN is not paid, or other enforcement action.

4. Accountability

- 4.1 Enforcement staff will be trained before being authorised to enforce the Act.
- 4.2 Details of the Council's complaints procedure will be provided on request.