

APPENDIX 3 Comparative table for penalty points

	Existing code No	Existing narrative breach of penalty points	Current Points	Comments		Penalty Scheme	New proposed	Proposed code No	Proposed narrative breach of penalty points	Proposed points
London Borough of Camden- Breach of Licence Conditions (Applicable From 1 April 2013)					London Borough of Camden- Breach of Licence Conditions (Applicable From 1.4.25)	<p>PENALTY POINT SCHEME – (Effective From 1.4.25)</p> <p>The Retail Market Officer (RMO) will issue “Licensed Pitch Inspection Reports” for breaches of licence conditions. The way in which these reports will be issued is as follows.</p>				
		<p>Traders receiving 25 penalty points within a rolling twelve-month period will be invited for an interview with the street trading team panel at which time consideration will be given as to whether special conditions should be attached to their licence or whether their licence should be revoked. Traders should note that an administration charge as advertised in the Councils fees and charges will be levied against any trader being called to such an officer panel. In exceptional circumstances the panel can waive this administration charge. Serious breaches of the licence conditions may result in legal action under Section 34 of the Act.</p>		delete		<p>Licensee or Worker is present at the pitch at the time of the inspectionIf the licensee or worker breach any of the Standard Conditions, the RMO will issue a “Licensed Pitch Inspection Report” indicating the nature of the breach and the number of points awarded. The licensee or the worker will be given a copy of this report and will be asked to sign as an acknowledgement that it has been issued. This does not imply that the offence has been accepted .If the licensee or worker signs the Licensed Pitch Inspection Report the licensee will have 7 days to either</p> <ul style="list-style-type: none"> :(1) submit a letter of mitigation; or (2) ask in writing for the alleged offence to be reviewed by a senior officer not directly connected with enforcement in the market. <p>If the licensee or worker declines to sign or refuses to take receipt of the report, an additional offence may be recorded against the licensee for a breach of SC27 “Failure to give assistance to council officers” and additional penalty points will be awarded against the licensee. A copy of the report detailing the offences and the penalty points awarded will then be sent to the licensee’s home address and the licensee will be advised that they have 9 days to exercise their right to have the matter reviewed.</p>	New			
						<p>Neither the licensee nor a worker is present at the pitch at the time of the inspectionIf a stall is trading at the time of the inspection and the Market Manager is unable to serve a copy of the Licensed Pitch Inspection Report on the licensee, a copy of the Report will be sent to the licensee. The licensee will be advised that they have 9 days to exercise their right to have the matter reviewed.</p>	New			

					<p>Appeals Process If a letter of mitigation or a request to have the alleged offence reviewed by a senior officer not directly connected with enforcement in the market is received, a senior officer of the Council's Market Team will decide whether or not the points should be awarded.</p>	New		
					<p>Consequences of non-compliance If a licensee reaches a threshold of 25 points or over within a rolling twelve month period, the matter may be referred to the Council's Licensing Sub-Committee or Licensing Officer Panel which will then consider if additional conditions should be attached to the licence or if the licence should be revoked, or if the licensee is a casual trader, their name removed from the list of approved temporary traders.</p>	New		
					<p>Where the Council considers that the licensee has committed a serious breach of any street trading licence condition the licensee may be required to attend the Council's Licensing Sub-Committee or Licensing Officer Panel notwithstanding the above penalty point system. Alternatively, the council may consider instigating legal proceedings whereby the licensee may be prosecuted for breach of conditions.</p>	New		
		<p>If convicted at court this could result in a fine of up to £1000 per breach and be followed by revocation of the street trading licence. Appeals against penalty points issued should be made in writing to the Council. The appeal will be heard before an officer panel for consideration and the trader notified of the outcome of the appeal. Where the Council considers that a serious breach of any street trading licence condition has taken place the trader responsible for the alleged breach may be asked to attend an officer panel hearing notwithstanding the above penalty point system.</p>		Retain				
code narrative of breach of penalty points								

	BLC1	Violent behaviour/assault	25			engage in any criminal activity or anti-social behaviour	Amended	BLC1	<p>Indecent, aggressive behaviour by trader/registered assistant towards the public, an officer of the Council or other licence holders.</p> <ul style="list-style-type: none"> - Acts of violence against any person (including other licence holders) or property and/or the attempt or threat of such acts --Verbal abuse and/or aggression displayed towards any person • Intimidation of any other licence holder • Touching, moving or interfering with another licence holder's stall • False, malicious and or vexatious allegations • Discriminatory behaviour • Failure to treat anyone fairly and with courtesy • Trader and/or assistants engage in criminal activity or anti-social behaviour at the pitch 	25
	BLC2	Non-compliance with food/health and safety acts	25				Amended	BLC2	Failure to comply with all relevant and current legal requirements for food, health and safety (including, but not limited to, those relating to electrical, gas and fire safety).	25
	BLC3	Discriminatory behaviour	25				delete			
	BLC4	Trading on days & times other than on licence	15				Retain	BLC3		15
	BLC5	Failure to display licence name plate	15				Amended	BLC4	Failure to display prominently licence or registration card	15
	BLC6	Obstruction of fire path	10				Retain	BLC5		10
							New	BLC6	Licence holder allows trading without licence holder or registered assistant on stall.	10
	BLC7	Failure to remove stall in emergency event	10				Retain	BLC7		10
	BLC8	Setting up prior to commencement times	10				Retain	BLC8		10
	BLC9	Depositing Refuse causing hazard	10				Amended	BLC9	Depositing Refuse causing hazard and Failure to contain refused as approved by the Council	10
	BLC10	Failure to produce street trading licence	10				Amended	BLC10	Failure to produce street trading licence/registration card or licence plate and proof of payment for daily trading	10
	BLC11	Commodities other than on licence being sold	10				Retain	BLC11		10
	BLC12	Stalls & goods not removed after trading	10				Retain	BLC12		10
	BLC13	Prices not displayed for goods on sale	10				Retain	BLC13		10
	BLC14	Using receptacles not approved by council	10				Retain	BLC14		10
	BLC15	No amplified music unless playing goods sold	10				Amended	BLC15	Playing amplified music causing a nuisance to residents, traders or businesses nearby	10

	BLC16	Traders Vehicle not removed/entering before time	5				Retain	BLC16		5
							new	BLC17	Failure to have a valid parking permit and parked without permission in parking bays	5
	BLC17	Oversized trading	5				Retain	BLC18		5
	BLC18	Failure to trade from position indicated on licence	5					BLC19		5
	BLC19	Failure to supply copy of public liability insurance	5				Retain	BLC20		5
	BLC20	Persons not treated fairly & with courtesy	5				Delete			5
	BLC21	Staff not competent, courteous & helpful	5				Delete			5
	BLC22	Suspended electrical cables-not proper clearance	5				amended	BLC21	Suspended electrical cables and cables not secured on the floors causing a safety hazard	5
							New	BLC22	Causing intentional damage to nearby stalls, properties and the carriageway or footway	5
							New	BLC23	Using equipment not approved by the Council and Electrical equipment not compatible with the electrical supply or exceeds the supply's rating.	
	BLC23	Stalls not easily & immediately removable	5				Retain	BLC24		5
	BLC24	Display of advertisement other than for goods on sale	5				Retain	BLC25		5
	BLC25	Notification of change of address not given	5				Delete			5
	BLC26	Notification of change of assistant not given	5				Delete			5
							New	BLC26	Failure to Council in writing of any change of details or circumstances	10
	BLC27	Failure to give assistance to council officers	5				Retain	BLC27		5
							New	BLC28	Using barriers, A-board or other free-standing advertisement in pitch that does not have Council approval	
							New	BLC29	Selling age restricted goods without proper checks or photo identification	
							New	BLC30	Employing enregistered assistant on the stall	
							New	BLC31	Trader/registered assistant selling or in possession of counterfeit goods	
	BLC28	Licensee not in personal attendance	5				Retain	BLC32		5
	BLC29	Mobile electrical generators not positioned correctly	5				Delete	DELETE		5
	BLC30	Unfounded/malicious allegation	5							5
	BLC31	Failure to notify food stall storage address details	5				Amended	BLC33	Failure to notify of any change of address or addresses at which the stall and perishable goods are stored.	
	BLC32	Breach of any other condition not listed above	5				no change	BLC34		5