

Committees:	Date
Resource Allocation Sub Committee – for decision	20 November 2020
Policy and Resources - for decision	19 November 2020
Planning and Transportation Committee – For Decision	17 November 2020
Culture Heritage and Libraries Committee – For Information	23 November 2020
Port Health and Environmental Services Committee – For Decision	24 November 2020
Subject Review of Pilot and Future Bridge House Estates Funding for Enforcement Activity against Illegal Street Trading on and by the Bridges	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 2, 12.
Does this proposal require extra revenue and/or capital spending?	Yes
If so, how much?	£268k
What is the source of Funding?	BHE Unrestricted Income Fund
Has this Funding Source been agreed with the Chamberlain’s Department?	Yes
Report of Jon Averbs, Director of Markets and Consumer Protection	For decision
Report Author Rachel Pye, Markets and Consumer Protection Department	

Summary

The purpose of this report is to provide details of the review of the 2 year pilot of a new approach to enforcement against illegal street traders by the City Corporation as local authority on the five Thames bridges owned by Bridge House Estates (BHE) (charity registration number 1035628). These bridges (Tower, Southwark, Millennium, London, Blackfriars) link the City of London area (including Tower Bridge located in neighbouring London Borough of Tower Hamlets (LBTH)) to Southwark on the south-side of the river.

The report seeks approval -

- (a) to extend and maintain additional enforcement capability by the City Corporation as local authority to be directed against illegal street trading on and by the bridges and the public highways which cross them and to authorise the Comptroller and City Solicitor to complete any necessary agreement with Southwark in respect of enforcement by the City Corporation within Southwark’s boundary; and

- (b) should it be considered to be in the best interests of Bridge House Estates and its beneficiaries, to those additional costs being met by the charity with a view to preserving and safeguarding the bridges (and those who use them) consistent with the City Corporation's duties and powers as charity trustee to expend the charity's funds on maintaining and supporting the bridges, including to meet reasonable and proportionate costs of policing them.

The enhanced funding bid seeks on-going funding for a two-year period for the existing Licensing Officer post which was funded during the pilot period, as well as for an additional temporary Licensing Officer post, both to be managed within the Markets and Consumer Protection Department alongside other local authority street-trading enforcement capability at a cost of £268k to be met by Bridge House Estates.

The posts are to be dedicated to carry out local authority enforcement activities on the bridges, particularly those bridges, parts of bridges and adjacent areas which are normally within the jurisdiction of neighbouring Local Authorities. A review of effectiveness will be carried out and reported annually; including to assess and establish any on-going justification for these costs continuing to be met by Bridge House Estates.

The neighbouring boroughs of Tower Hamlets and Southwark have now delegated authority to the City of London Corporation in its capacity as local authority for the City of London area to enforce against illegal street trading activity within their local authority boundaries, and arrangements are underway to increase the geographical area where this delegated authority might be exercised.

Recommendation(s)

Acting collectively for the City of London Corporation as trustee of Bridge House Estates (charity registration number 1035628), should it be considered to be in the best interests of the charity and the charity's beneficiaries -

A. Members of the Resource Allocation Sub-Committee and the Policy and Resources Committee are asked to:

- Note the review of the effectiveness and outcomes of the two-year trial period of increased enforcement activity against illegal street trading on and around the five bridges owned, supported and maintained by Bridge House Estates.
- Agree to allocate £268k over two years from Bridge House Estates (subject to annual review) to meet the costs of enhanced local authority street trading enforcement capability on and around the bridges with a view to their support, safeguarding and preservation, and to the protection of the general public who use the bridges, subject to the approval of the Planning and Transportation Committee insofar as it has delegated responsibility for the City Corporation as trustee for "*all functions relating to the control, maintenance and repair of the five City river bridges*".

B. Members of the Planning and Transportation Committee are asked to: -

- Note the review of the effectiveness and outcomes of the two-year trial period of increased enforcement activity against illegal street trading on and around the five bridges owned, supported and maintained by Bridge House Estates.
- Agree to support enhanced local authority street trading enforcement capability on and around the bridges for a further two year period (subject to annual review) with a view to supporting, safeguarding and preserving the bridges and to the protection of the general public who use the bridges

C. The Port Health and Environmental Services Committee for the City Corporation as local authority, to agree: -

- that enhanced local authority street trading enforcement capability on and around Tower, Southwark, Millennium, London, Blackfriars Bridges should continue for a further two-year period (subject to annual review), subject to funding being agreed.
- Authorise the Comptroller and City Solicitor to complete any necessary agreement with Southwark in respect of the extended enforcement by the City Corporation in Southwark's area (the southern Millennium Bridge Approach)

Main Report

Background

1. Reports were presented to the Port Health and Environmental Services Committee (PHES) on 4 July and 21 November 2017 regarding the very long-standing issue of illegal street trading and the sale of peanuts from trollies mainly on and around the five bridges in or nearby the City of London area. The City Corporation, as well as being responsible for street trading enforcement as the local authority for the City of London, is also responsible as charity trustee of Bridge House Estates (charity registration number 1035628) (BHE) for the support and maintenance of the five bridges - Tower, Southwark, Millennium, London, Blackfriars.
2. Members and officers were concerned, both for the City Corporation as local authority and for the City Corporation as charity trustee of BHE, with the unacceptable risk that illegal traders on our bridges bring, as it is a security and safety concern to have mobile carts containing gas bottles and congestion on narrow pavements. There are also health issues as they attract pigeons and other vermin who deposit their droppings on the structure and pavement accelerating the deterioration and increasing the maintenance liability to the charity in maintaining the bridge structures, and to the City Corporation as street and highway authority (in its local authority capacity).
3. It was apparent that illegal traders are co-ordinated, opportunistic and swiftly adapt to patterns of enforcement necessitating evening and weekend operations as well as those undertaken in the normal working week.

4. City Corporation Officers until recently had no enforcement authority on the south side of Millennium and London Bridges and any part of Tower Bridge as they are outside of the City of London boundary, although the bridge structures are owned, funded and maintained by BHE. (Transport for London (TfL) is the highway authority for Tower Bridge, London Bridge and Blackfriars's Bridge. The City (north halves) and Southwark (south halves) are the highway authorities for Southwark Bridge and the Millennium Bridge. The lack of enforcement had reflected poorly on the image and reputation of the City of London.
5. PHES Committee resolved that several short- and longer-term actions should be proactively undertaken to manage and dissuade this type of activity: -
 - a. To adopt a targeted enforcement strategy for illegal traders within the City of London's boundaries.
 - b. To seek delegated authority from neighbouring Local Authorities to enforce within their boundaries on the bridges.
 - c. To seek appropriate funding to provide enhanced enforcement capability, specifically to appoint an enforcement officer to focus on the bridges and environs.
6. Illegal trading being carried out within the City of London boundaries was tackled successfully through enforcement by City Corporation local authority Licensing Team Officers and by stopping traders, seizing receptacles and by prosecutions. This all contributed towards the near elimination of illegal street trading within the City of London area.
7. To enable effective enforcement on the bridges, the Court of Common Council for the City Corporation as street trading enforcement authority resolved on 8 March 2018 to enter into delegation agreements with our neighbouring local authorities. Section 101 Agreements under the Local Government Act 1972 were negotiated and secured with the London Borough of Southwark on 23 May 2018 ,and the London Borough of Tower Hamlets (LBTH) on 2 April 2019, and relevant delegated powers of enforcement within those local authority areas passed to City Officers.
8. The City Corporation as trustee of BHE in meeting the charity's objects to maintain and support the five bridges, including to meet the reasonable costs of policing the bridges to this end, resolved in the best interests of the charity to help meet the costs of enhanced enforcement activity on and around the bridges. This funding was approved for the financial years 19/20 and 20/21.
9. A dedicated City Bridges Licensing Officer has been funded and in post since November 2018, commencing the pilot ahead of the BHE funding period to deal with the acute issues, and has been supported by existing resources in the Licensing Team to provide enforcement 7 days a week, including times of peak footfall (evenings and bank holidays). Where costs have not been met from BHE, they have been met from City Fund in the usual way for such enforcement activity.

10. A working group of Officers has been in place since 2017 to co-ordinate action across the three local authority areas of the City of London, Southwark and Tower Hamlets. Officers from these authorities are represented on the working group together with representatives from TfL and the City of London Police. The group shares intelligence and delivers co-ordinated operations across the bridges and environs.
11. This report therefore presents the evaluation of the outcomes of the 2-year enforcement pilot on the bridges and surrounds, and presents further options to be trialled for a further two-year period to deal with the ongoing issues of illegal trading.

Current Position

12. From November 2018 to September 2020 the five bridges and their immediate environs receive daily inspections for illegal street trading activity:. The Thames Path between Blackfriars and Tower Bridge including Peters Hill and Old Billingsgate are included, as are some City of London locations occasionally frequented by traders, such as St Pauls Cathedral and Water Lane. The inspection times are programmed to align with peak trading times and are flexible to respond to trader activities and times of peak visitor activity such as weekends, evenings, special events and Bank Holidays.
13. **Appendix 1** shows the resulting detail of illegal street trading enforcement activity for the same time period, there has also been significant interventions for other undesirable activity that although not within the scope of the initial project have been addressed.
14. In summary, 26 selling receptacles seized (19 peanut, 5 hotdog, 2 ice cream receptacles), 365 informal warnings given on occasions where Police were not available to assist with seizure, where officers were assisting security staff on private land or outside of the delegated areas. 18 offences have been prosecuted (details in **appendix 2**), a number of these prosecutions have been supported by CCTV evidence. Officers have also disrupted 325 illegal gambling operations, 235 pickpockets and 370 buskers.
15. Notably, on the day of the Fishmongers Hall terror attack, the City Corporation Bridge Licencing Officer was present near the scene as events unfolded and was the first to notify Tower Bridge Control who triggered their incident management plan for Monument and the bridge before any formal notifications were received.
16. Relationships with other partners have been strengthened with operations and intelligence flowing between the National Food Crime Agency, City of London Police, Metropolitan Police, Tower Bridge Security, Her Majesty's Revenue and Customs, Border Force, TfL Traffic Enforcement, Better Bankside, Tower of London, Potters Field Management Trust, Tate Modern, LBTH and London Borough of Southwark.
17. City Corporation officers took part in an operation on New Year's Eve run by the Metropolitan Police targeting illegal street traders in and around the event footprint which aimed to disperse crowds more quickly and reduce congestion on

one of London's busiest evenings. Officers targeted the bridges and successfully removed traders from Blackfriars Bridge and assisted with seizures and storage of receptacles from across central London.

18. As a result of the persistent enforcement activity, the areas now able to be enforced by City Corporation Officers remain relatively clear of traders with displacement now affecting the areas immediately outside of the area with which the section 101 delegations operate, i.e. Bankside, the Tower and Tower Hill tube station. Altercations have been noted between traders as they compete for the limited pitches now available. Joint operations with City and LBTH officers have been conducted over the times of peak footfall such as Bank Holiday weekends to target these new trading areas.
19. Feedback from Tower Bridge management team, DBE's cleansing team, City Police and visitors to the bridges has been extremely positive and all have been grateful that this long running issue has finally been tackled effectively.
20. The traders have however adapted to the increased enforcement by improving their own communications and organisation. For example, if a City Corporation officer is undertaking a seizure on Millennium Bridge, a trader will take the opportunity on Tower Bridge knowing they have some time to trade prior to the officer returning.
21. In addition, at peak seasonal times the area attracts other undesirable elements such as gamblers and pickpockets, intelligence gathered is reported to the Police who have also targeted operations on these individuals and gangs resulting in successful Police prosecutions.
22. Both the London Borough of Southwark and LBTH have licensed ice cream and hot dog stalls around Tower Bridge and Bankside but even with this provision in place, the illegal traders are undeterred.
23. The Covid-19 lockdown resulted in no illegal traders over the period of no footfall, but they returned in July 2020 once footfall began to gradually increase again. The options presented propose that the funding for the continuation of enhanced enforcement capability for a further two-year period will commence in April 2021, which will coincide with the recovery following the second wave of Covid-19 pandemic.
24. The spend on inspection and enforcement funded by BHE from April 2019 to the end of March 2021 is summarised as follows:

• Licensing Officer	£100k
• Additional resources for operations	£5k
• Equipment (Bodycams)	<u>£2k</u>
	£127k
25. During the initial pilot period, significant additional support has been provided from existing City Fund resources within the Department of Markets and Consumer Protection's Local Risk Budget, as the initial funding estimate for the

pilot underestimated the level of unsocial hours required, and the further support needed for conducting operations and providing 7 day and holiday cover.

26. Joint funding options have also been explored with the neighbouring Local Authorities but there is no scope for this option to be taken forward at the present time.
27. Having regard to other service demands of the City Corporation and the enforcement team, and as the enforcement area under the delegation arrangement with our neighbouring Local Authorities extends into their areas, on balance it is not considered appropriate to fund the enhanced enforcement provisions on and in the environs of the bridges from City Fund.

Options

28. There are three possible options available:

- a. Cease funding. If funding is not identified and enforcement activity by City Corporation officers reduces, evidence suggests the traders will immediately return to the bridges leading to the public safety and health risks identified above, and which will reflect poorly on the reputation of BHE as owners the bridges which are popular visitor destinations, or which otherwise provide a gateway for residents, workers and visitors into the City of London area.
- b. Extend the funding from BHE for a further 2 years from April 2021 and extend the contract of the existing enforcement officer at a cost of £134. This would not provide 7 day or holiday cover, support for operations or the ability to have 2 officers approach the bridges from each end and experience has shown that traders will simply move off and an element of illegal street trading is likely to continue on the bridges.
- c. Extend the funding from BHE for a further 2 years from April 2021, extend the contract of the existing enforcement officer and create a further temporary Licensing Officer post to maintain the current level of enforcement focused on the bridges and environs, including 7 days per week, unsocial hours and bank holidays at a cost of £268k. This level of enforcement capability, also having regard to the proposed extension of enforcement areas into our neighbouring Local Authority area in the Millennium Bridge Approach, is considered most likely to achieve the elimination of illegal street trading and other undesirable activity on and near the bridges.

Proposals

29. Having regard to the duties of the City Corporation as trustee of BHE to support and maintain the bridges - which may include meeting reasonable and proportionate costs of policing the bridges with a view to protecting, preserving and safeguarding the structures and the safety of those who use them - officers consider that it is in the best interests of the charity to meet the proposed costs as set out in Option C, at paragraph 28 above.

30. This proposal is considered to be the most proportionate in the circumstances, and there are clear benefits to the charity and the general public served by the charity to be gained through an elimination of illegal street trading from the bridges and areas within close vicinity of the bridges by enhancing the current capability through the appointment of an additional officer. This will provide an effective, single point of contact to work closely with neighbouring Local Authorities, City Corporation Departments (Open Spaces, DBE, Town Clerk's, etc), and associated agencies such as the National Food Crime Unit, Border Force, the MET Police and City of London Police to achieve longer-term control.
31. As the proposed expenditure is directly linked to policing of the bridges and their close environs funding for these costs of £268k over two years from April 2021 is therefore sought from BHE.

Corporate & Strategic Implications

32. This report incorporates the comments of both the Open Spaces Department which operates Tower Bridge, and DBE who consider and maintain the physical infrastructure of the bridges and insofar as relevant to our functions as a highway authority, the public highways and pedestrian areas which cross and adjoin the bridges.
33. This proposal will support two of the main aims of the City Corporation's Corporate Plan 2018 to 2023:
- 'contribute to a flourishing society' in ensuring people are and feel safe and,
 - 'shape outstanding environments' in that our spaces are secure, resilient and well maintained.
34. This proposal will support the key aim of the City's Visitor Strategy 2019 to 2023:
- To develop the City as a vibrant, attractive and welcoming destination for all, leveraging these attributes to showcase London as a world-leading place to visit and do business
35. A charity trustee has duties *inter alia* to meet its charitable objects for the public benefit, and to preserve charity property and take appropriate steps to safeguard those who have access to that property. A charity trustee should also have regard to the reputational implications for their charity associated with a failure to safeguard their charity, its property and its beneficiaries. In this case the proposed expenditure by BHE is in respect of enforcement on the bridges and areas within their close vicinity. It is considered by officers to be a proportionate means to safeguard the reputation of BHE and therefore to be in the charity's best interests. Prioritisation of this expenditure by BHE over other activities has been considered, with officers concluding that this does support the best interests of the charity noting that a further review period is to be built in.

Implications

36. The anticipated cost of the enhanced enforcement capability for the bridges and immediate environs is £134k per year. It is proposed that funding is provided for a further 2 years from April 2021, and reviewed annually. The short breakdown of anticipated costs is as follows: -

- Licensing Officers x 2 £67k
- £134k
- Cost over 2-year extension of project £268k

37. The anticipated costs for this activity would be funded from the unrestricted income funds of BHE. As these costs are deemed to be associated with the primary objective of the charity (maintenance and support of the bridges), these would be met prior to considering the surplus available for charitable giving. The inclusion of the immediate environs is in the interest of BHE and its primary objective. It will ensure the bridges and their immediate environs are kept clear of obstruction and illegal activity.

Conclusion

38. The 2-year pilot of a new approach to enforcing illegal street trading on the bridges and environs, extending into the Boroughs of Southwark and Tower Hamlets has proven to be immensely successful.

39. With the City of London being promoted as a visitor destination the bridges are obviously an attraction for tourists as well as being used by local communities. The presence of illegal traders detracts from the enjoyment and experience of using the bridges, particularly as the City recovers from the longer-term economic effects of the pandemic. It also adversely impacts upon the security and safety of the bridges and the general public.

40. Officers have historically been frustrated by the boundary issues preventing enforcement on the bridges which extend into neighbouring local authority areas, as well as by the lack of regular enforcement action from neighbouring Local Authorities. Therefore, the delegation of enforcement powers from those Authorities during the pilot period have been welcomed and we are seeking to extend the areas for enforcement under the section 101 Agreements with them.

41. Therefore, to effectively enforce on the bridges and environs, it is recommended that the existing capability under the 2-year pilot is extended and expanded upon for a further 2 years from April 2021.

Appendices

Appendix 1: Enforcement Activity November 2018 to September 2020

Appendix 2: Legal Proceedings outcomes

Background Papers

- Illegal Street Trading Report – PHES 4 July 2017
- Illegal Street Trading Report – PHES 21 November 2017
- Illegal Street Trading -Item 20(B) – Court of Common Council 8 March 2018
- Funding for Enforcement Officer for City Bridges May 2018
- Update on Street Trading Enforcement for the City's Bridges May 2019

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Appendix 1 - Enforcement Activity November 2018 to September 2020

Enforcement activity November 2018 to September 2020	
Activity	Number
Informal warning	365
Seizure of peanut receptacles	19
Seizure of hotdog receptacles	5
Seizure and return of Ice Cream van	2
Informal Warning to Illegal Ice Cream seller	5
Prosecution (individual offences)	18
Number of individuals prosecuted	12
Prosecutions pending court dates	3
Illegal gambling operations disrupted	325
Number of occasions gambling matt and bowls seized	75
Number of ID of suspicious characters passed to COL Police	95
Warning given to cyclist on pavement at Tower Bridge and other bridges	65
Number of buskers asked to move or given warning	370
Pickpockets disrupted	235
Number of warning given to illegal trader on areas outside our ability to enforce	345
Number of times beggars moved on bridges	550
Number of times graffiti on Col bridges reported	16

Appendix 2 - Legal Proceedings outcomes

27 November 2019, Conditional discharge for 6 months; Contribution to prosecution costs of £85 whereas £1385 was sought. Victim surcharge of £20. Forfeiture and destruction of the peanut trolley

15 Jan 2020: £183 fine (One charge), £1,018.00 costs, £30 Victim Surcharge.

15 Jan 2020: £450 fine (Three counts at £150 on each count), £1345 costs, £30 Victim Surcharge

15 Jan 2020: £1050 fine (Three counts, £300, £350 and £400 respectively) £40 victim surcharge, £1192 prosecution costs.

10 February 2020; £220 fine (One count, Illegal Pancake selling) £32 Victim Surcharge, £436 Costs.

10 February 2020; £220 fine (One count, Illegal Ice Cream selling) £32 Victim Surcharge, £436 Costs.

29 February 2020: Defendant selling Hot dogs had his case adjourned for a further date as the summons was returned.

20 February 2020 Defendant Public Order offence case heard at Hendon Magistrate Court for opposing Licensing officer to seize the trolley.

18 March 2020, Illegal trading case (picture frames) postponed and awaiting further date.

15 May 2020, Proceedings against a minor for illegal trading dropped due to his age and protocol from Director of Public Prosecution.

1st September 2020, case of illegal trader withdrawn at Westminster Magistrate court as the defendant could not be traced.