

Committee(s):	Date(s):
Port Health and Environmental Services	20 January 2015
Subject: Street Trading Update	Public
Report of: Director of Markets and Consumer Protection	For Information
<p><u>Summary</u></p> <p>The City of London (Various Powers) Act 2013 has made changes to the long established street trading regime within the City of London. The City Corporation has the authority to issue temporary street trading licences so that commemorative and seasonal events will be able to include a street trading element but this has not been utilised to any great extent so far.</p> <p>The strengthened powers of enforcement against illegal street trading to facilitate illegal sales and vehicles, such as ice cream vans and nut-sellers carts, being subject to seizure appears to have had an effect in reducing the amount of this activity in the City in 2014.</p> <p>This report sets out the progress made with the use of the legislation seeking any comments and is for the Committee to note.</p>	

Main Report

Background

1. A report was considered by the Port Health and Environmental Services Committee on 11 March 2014 outlining the main changes introduced by the City of London (Various Powers) Act 2013. The present report is intended to update the Committee on operational use of the law by City Officers with respect to temporary and illegal street trading.
2. The City's first Street Trading Policy was agreed by the Port Health and Environmental Services Committee on 13 May 2014.
3. Prior to the 2013 Act the only street trading permitted in the City of London was in part of Middlesex Street and only on Sunday mornings. Under the new measures, the City Corporation may issue temporary street trading licences for periods of up to 21 days in any area of the City of London other than Middlesex Street. It remains the view of the City Corporation that street trading is generally not suitable within the City of London.

4. Where a temporary market is proposed, the Act provides for one person to apply on behalf of a number of traders. Provision is made by the Act for charging of fees for applications for and grant of temporary licences and for the imposition of licence conditions as to charges and the recovery of expenses.
5. A new seizure power applies to goods being unlawfully sold, and to equipment and vehicles used by unlawful street traders. This enables, for example, an ice cream van operating in the City to be seized. Prior to the powers being exercised, the Act requires prescribed training for Officers, the publication of a Street Trading Policy and an enforcement policy which was completed prior to the powers being exercised. A report confirming previously delegated powers for Officers carrying out this work was noted at the 16 September Port Health and Environmental Services Committee.

Current Position

6. A prohibition on street trading in the City of London, other than in Middlesex Street, has been in force for many years. The 2013 Act liberalises the arrangements so as to permit street trading to take place for temporary periods in defined areas.
7. Although there has been sporadic interest in various ideas for markets and street trading in the City, to date only two events have applied for and been given temporary trading licences for the following events:
 - street trading associated with the Smithfield Nocturne cycling event on 7 June 2014 and;
 - street trading associated with the Tour de France as it passed through the City on 7 July 2014.
8. In the 12 months to July 2014 the City took 53 separate prosecutions against a trader and her associates who had taken the place of Piccadilly Whip, the ice cream vending company against which an injunction was successfully sought. Despite verbal and written warnings of the new powers the new trader continued to operate in the City.
9. On 14 July the City first exercised its new powers to seize an ice cream van in Knightrider Court. Subsequently it was agreed to return the vehicle in exchange for an undertaking that neither the trader, her family, nor her associates would trade any further in the City. This leaves us in a very strong position to seek forfeiture of the vehicles if they do return. So far this has proved effective and, despite the improved weather from July onwards, significantly fewer ice cream vans were sighted in the City during the remainder of 2014. The loss of trade and disruption to business caused by seizure and the prospective replacement costs (up to approximately

£70K for a new vehicle) are real disincentives. There has been no use of the trading spot in front of St. Pauls since the powers came into force and very little illegal street trading overall compared to previous years.

10. In the same way as Piccadilly Whip was replaced by another trader and associates, other ice cream vans started appearing in the City following the removal of this second trader. A particularly persistent vehicle named 'Captain Scarlet' was warned several times. Despite this it reappeared in the City and, in a joint Licensing Team/City Police operation, it was seized on 31 July in Distaff Lane (see picture in Appendix I). As the owner had not previously been prosecuted we returned the vehicle after 3 days as the legislation requires.
11. Occasional sightings were made of the same vehicle and on Sunday 21 September it was again seized in Distaff Lane. As the trading owner was subject to prosecution action we were able to obtain an undertaking on this occasion as described in paragraph 9 above. The vehicle was returned on 1 October. We have subsequent intelligence of the vehicle occasionally stopping to trade on London Bridge (positioned so as to escape rapidly into traffic if City Enforcement or City Police Officers are spotted by the trader) but this appears to have been very limited in extent.
12. The second category of illegal street traders in the City has been nut-sellers, primarily on the northern approach to and on Millennium Bridge. Street Environment Officers from Department of Built Environment and our Licensing Officers have warned and moved off the traders when they have been reported or during sporadic/planned operations (see picture in Appendix II). There appears to have been significantly less trading after summer 2014.
13. Following the use of seizure powers against ice cream traders, nut sellers were given a final warning during a planned operation on 26 October 2014. Subsequently, in a joint Licensing Team/City Police operation, two separate nut-sellers carts were seized on 30 November 2014 from Millennium Bridge and St. Peter's Hill. Both carts were returned within three days, again in return for written undertakings to not trade again in the City. Checks made on site up to Christmas show this to have been effective so far.
14. Further operations with the City Police have been agreed in principal and will be arranged as jointly gathered intelligence demonstrates a need for further enforcement.

Corporate & Strategic Implications

15. The Street Trading Policy and the introduction of temporary street trading in the City of London meets one of the City Corporation's aims, as stated in

the Corporate Plan 2013-2017, ‘To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes’.

16. It also meets one of the five key policy priorities KPP2, in that it seeks to ‘support and promote the international and domestic financial and business sector’.

Conclusion

17. The new powers provided for temporary street trading have not been utilised to any great extent so far despite a considerable number of general enquiries. During the first year of their use, the new powers for seizure appear to have been much more effective than those previously available, which required prolonged and expensive legal actions, in deterring illegal trading within the City as seen by the significantly reduced impact of ice cream trading.

Appendices

Appendix I – Seized Ice Cream Vehicle

Appendix II – Nut Sellers Cart

Background Papers:

Port Health & Environmental Services Committee Report 11 March 2014: ‘City of London (Various Powers) Act 2013 London Local Authorities and Transport for London (No. 2) Act 2013’

Port Health & Environmental Services Committee Report 13 May 2014: ‘Street Trading Policy’

Port Health & Environmental Services Committee Report 16 September 2014: ‘Report of urgent Actions between meetings’ (to confirm delegation of powers to Director of Markets and Consumer Protection regarding City of London Various Powers Act 1987 (as amended))

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Appendix I



Appendix II

