

Report – Port Health & Environmental Services

Illegal Street Trading

To be presented on Thursday, 8th March 2018

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY AND REPORT

1. At your Port Health and Environmental Services Committee meeting on 4 July 2017, a number of actions were agreed to combat illegal street trading. Following this, from August 2017 until the time of writing this report the following actions have been achieved:
 - 52 illegal traders have been stopped.
 - 3 ice cream vans have been seized.
 - 5 peanut trolleys have been seized.
 - 21 traders have been prosecuted (including those still pending) with two prosecutions still pending and Criminal Behaviour Orders will be sought on these prosecutions.
2. To combat illegal street trading, officers have been patrolling the areas of London Bridge, Southwark Bridge, Millennium Bridge, St. Peter's Hill, Distaff Lane, Knightrider Court, St. Pauls Cathedral, Paternoster Row, Water Lane and Thames Path (Blackfriars Bridge to Tower of London).
3. The actions outlined above have contributed towards a reduction of illegal street traders within the City; however, illegal trading is still taking place on the bridges in the areas which fall within the boundaries of Southwark and Tower Hamlets.
4. At your Port Health and Environmental Services Committee of 21 November 2017, Members agreed that the City Corporation should enter a Section 101 (s.101) Agreement with the London Borough of Southwark, which would allow City Corporation officers to take enforcement action against illegal street traders on the area of Millennium Bridge that falls within the L.B. of Southwark (the area just to the south of London Bridge and the south side of Tower Bridge).
5. It was further agreed that, if officers were to negotiate a similar agreement with the London Borough of Tower Hamlets, they had the Committee's permission to enter into a s.101 Agreement with the Borough.
6. Subsequent to this meeting, the Comptroller and City Solicitor advised that the entering into of s.101 agreements should be authorised by the Court of Common Council and that the Scheme of Delegations would need to be amended, delegating the new enforcement functions to Port Health and

Environmental Services Committee and specified chief officers. Those delegations would be subject to the s.101 agreement(s) being entered into.

7. We hereby recommend that these authorities be granted, as set out in the recommendations below and that the following amendments be made within the Scheme of Delegations:

Director of the Built Environment's responsibilities, at paragraph 65, to be amended as follows (additions in italics):

Legislation	Delegated Function
London Local Authorities Act 1990	a. Institution of Proceedings and other enforcement methods under Section 34 <i>remedies in sections 34, 38, 38A, 38B and 38C in respect of street trading offences.</i> b. <i>Authorisation of Officers</i> c. Granting, renewing, revoking or varying of licences under Part 3.

Responsibilities of the Director of Markets and Consumer Protection to be amended to have the following paragraphs inserted:

39.To institute proceedings in relation to the London Local Authorities and Transport for London Act 2003.

40.To institute proceedings and other enforcement remedies in respect of street trading offences under the London local Authorities Act 1990 as amended, and authorise duly appointed officers to act under that enactment.

RECOMMENDATION

It is recommended that the Court of Common Council:-

- Authorise the City of London Corporation to enter into agreement(s) with the London Borough of Southwark under s.101 of the Local Government Act 1972, to enable each authority to discharge the other's street trading enforcement powers in defined areas;
- Authorise the City of London Corporation to enter into an agreement with the London Borough of Tower Hamlets under s.101 of the Local Government Act 1972, to enable the City of London Corporation to discharge Tower Hamlet's street trading enforcement powers on the northern half of Tower Bridge once a suitable arrangement has been reached; and,
- Subject to the agreement(s) being entered into:
 - (i) delegates the street trading enforcement functions in sections 34, 38, 38A, 38B and 38C of the London Local Authorities Act 1990 as amended (LLAA 1990) to be discharged by the City of London Corporation to the Port Health and Environmental Services Committee, including any decision as to whether the s.101 arrangements should be discontinued;
 - (ii) delegates to the Director of Markets and Consumer Protection power to (a) institute proceedings and other enforcement remedies in sections 34, 38, 38A, 38B and 38C in respect of street trading offences under the LLAA

1990 as amended, and (b) authorise duly appointed officers to act under that enactment; and

- (iii) delegate to the Director of the Built Environment powers to (a) institute proceedings and other enforcement remedies in sections 34, 38, 38A, 38B and 38C in respect of street trading offences under the London local Authorities Act 1990 as amended, and (b) authorise duly appointed officers to act under that enactment.
- Approves the requisite amendments to the Scheme of Delegations, as set out in paragraph 7 of the report.

All of which we submit to the judgement of this Honourable Court.

DATED this 22nd day of February 2018.

SIGNED on behalf of the Committee.

Jeremy Lewis Simons
Chairman, Port Health and Environmental Services Committee