

Committee(s):	Date(s):	Item no.
Port Health and Environmental Services	4 July 2012	
Subject: Enforcement Activity at Middlesex Street Market	Public	
Report of: Director of Markets and Consumer Protection	For Information	
<p><u>Summary</u></p> <p>Over the past few months complaints have been received concerning stallholders in Middlesex Street placing their goods on the highway and obstructing pedestrian flow. The situation has been complicated by the pedestrian highway being maintained by the City of London but the stallholders being licensed by London Borough of Tower Hamlets (LBTH).</p> <p>The general situation has improved with respect to the City however a specific concern has been raised by Ward Members regarding problems of pedestrian access to City shops in Middlesex Street from the Market between Harrow Place and Gravel Lane.</p> <p>The report outlines the further enforcement action taken to date and confirms that inspections will be undertaken on a regular basis in order to ensure that encroachments on City pavements are removed.</p> <p>Further discussions will be held with LBTH concerning longer term consistent enforcement of their stallholders pitches.</p>		

Main Report

Background

1. The Licensing Service issues licences to stall holders to trade on a Sunday in part of Middlesex Street from Bishopsgate to Sandy's Row. Stallholders in the remaining part of Middlesex Street obtain their licences from the London Borough of Tower Hamlets (LBTH).
2. The vehicular highway is similarly split with the responsibility from Bishopsgate to Sandy's Row falling to the City of London and from Sandy's Row onwards (travelling eastwards) falling under LBTH. The pedestrian highway for the whole western edge of Middlesex Street is in the City of London with the division principally being the pavement falling to the City and the road to LBTH (see Appendix 1 showing a map of Middlesex Street market around the Sandy's Row/Middlesex Street junction and Appendix 2 showing the boundary in the area between Harrow Place and Gravel Lane).

3. Over recent months complaints have been received from Members on behalf of local residents and traders that Middlesex Street stallholders in LBTH have been encroaching on to the City's pedestrian highway. Encroachment has taken the form of excess stock, rubbish and the overhang of their stalls onto City's pavement which also makes pedestrian movement from the market to City shops difficult between Harrow Place and Gravel Lane.
4. In certain circumstances this encroachment could be deemed illegally depositing items on the highway. Encroachment on the road on the eastern side of Middlesex Street does not create street trading offences for LBTH as they operate under different legislation to the City although there may still be Highways Act offences and compliance issues with their pitch licences within their borough.

Current Position

5. The Market is receiving regular visits by City Licensing Officers and the Market has generally been improved in compliance with City requirements since the previous report on 8 November 2011.
6. Following enquiries by Members on behalf of residents and City traders concerning obstruction of gang ways and obstruction on City pavement by LBTH traders our Licensing Officer met two Ward Committee Members, Henry Jones CC and John Fletcher CC on Sunday 15 April at the Market. Their concern was principally in respect of the location between Harrow Place and Gravel Lane (see Appendix 2) regarding the obstruction of pitches and associated goods/refuse onto City pavement which was having a deleterious effect on access to City shops at that point of Middlesex Street (see picture in Appendix 3).
7. Emails with LBTH initially elicited little response but LBTH confirmed that their stall size should be 8' x 8' for a single pitch with a 2' gangway between each trader. A revisit was made to the Market on 13 May and although the LBTH inspector was unavailable on the day, we took note of those stalls overhanging and obstructing City pavement in this location, gave verbal warnings to each transgressor and subsequently wrote to those stallholders.
8. The legal position was discussed with Comptroller and City Solicitor's Department on 14 May and it was agreed that the best course of action was to use Section 17 of the London Local Authorities and Transport for London Act 2003 (LLAct) which is delegated to the Department of the Built Environment Street Enforcement Officers (SEO's) and enables a Notice to be served on persons persistently placing items on the highway which can then be enforced after seven days by actions which include removal of the relevant items.

9. Contact was made with the Senior Markets Inspector for LBTH and she visited the market on Sunday 20 May, specifically the area between Harrow Place to Gravel Lane, to warn traders of the need to comply with pitch sizes, gangways and to remove pitches from City pavement.
10. The following Sunday, May 27, a joint City/LBTH inspection of the same location was undertaken and four formal verbal warnings were given to traders by LBTH regarding refuse, pitch sizes, gangways and placing of stalls on City pavement.
11. City Police, Department of the Built Environment SEO's and Licensing met to agree joint formal action at the market along with parallel work by LBTH on May 28. After the Queen's Diamond Jubilee weekend, on Sunday June 10, a joint inspection was undertaken, and whilst compliance had again improved, two Section 17 LAct Notices were issued to LBTH traders for pitches encroaching onto City pavement although behind the City bollards.
12. A week's grace has been granted to allow compliance with the S 17 notices following the statutory seven day period, and City Police will again accompany SEO's on Sunday 24 June to enforce the notices. They will take action to ensure all LBTH traders in this location are moved onto the LBTH road and if necessary dismantle/seize parts of the relevant stalls/goods. This will also be accompanied with parallel action by LBTH to enforce their pitch licensing requirements.

Future Enforcement Action

13. The situation will be maintained by regular enforcement of the market by licensing officers and SEO's. Licensing officers will inspect the market at least once a month with SEO's carrying out inspections in between times. The Licensing service will also continue to liaise with the local ward police team to assist where stallholders place goods on the highway in such a way as to cause obstruction.
14. The licensing service will also continue the work started with officers from LBTH to attempt to rationalise the market policies and procedures between the two local authorities. Enforcement options will be discussed with LBTH licensing officers to consider further joint enforcement and particularly other sanctions that can be given by LBTH, e.g. suspension of licence for the worst offenders.

Corporate & Strategic Implications

15. The above action meets the requirements of the Departmental enforcement policy.

Implications

16. The legal implications have been addressed in consultation with Comptroller and City Solicitor's Department in selection of the most appropriate enforcement route and use of a template prepared by his staff for the Section 17 Notice of the LLAct.

Conclusion

17. Complaints received concerning encroachment of the City pavement by Middlesex Street stallholders have been investigated and found to be justified. Following a number of enforcement actions the situation has improved significantly. The inspection and enforcement action on Sunday June 24 will give a good benchmark of progress so far.
18. Additional enforcement action has been identified to improve the situation further and help move to a sustainable level of compliance. This will be achieved through regular inspection by City Licensing Officers and SEO's together with persuasion of LBTH to use their market licence provisions and Highways powers to control their stallholders.

Background Papers:

Enforcement of Middlesex Street Market 8 November 2011 – PHES Committee

Appendices

- 1 Map of Middlesex Street Market
- 2 Map of Middlesex Street Market showing City boundary between Harrow Place and Gravel Lane
- 3 Picture of LBTH stalls from Middlesex Street Estate

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