

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services	<b>4 July 2017</b>
<b>Subject:</b> Illegal Street Trading	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Peter Davenport - Licensing	

### **Summary**

The number of instances of illegal street trading, particularly in relation to the sale of peanuts from trolleys, has steadily increased over the past few months.

Despite the actions taken by Officers of the City Corporation, assisted by the City of London Police, illegal trading continues with no simple solution as to how it can be prevented.

The report outlines a number of problems experienced with current enforcement actions and suggests some possible solutions including the use of additional resources, liaising with the London Boroughs of Southwark and Tower Hamlets, taking Injunctive and/or Criminal Behaviour Order proceedings as advised, the use of body worn video and waiting on the outcome of Police operations.

### **Recommendation(s)**

Members are asked to:

- Agree the recommended course of action detailed in paragraph 30.

### **Main Report**

#### **Background**

1. The City of London (Various Powers) Act 2013 (the 2013 Act) made changes to the long established street trading regime within the City of London. 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. The one exception being a sole trader near Chancery Lane station who has permitted 'grandfather' rights to trade following boundary changes which brought him into the City of London.

2. By virtue of the 2013 Act, the City Corporation may issue temporary street trading licences for up to 21 days in any area of the City of London. However, paragraph 4.3 of the Street Trading Policy establishes the type of occasion where a temporary licence will be acceptable i.e. as part of a one-off street festival or charity event, seasonal event or a specialist market. It therefore remains the view of the City Corporation that street trading is generally not suitable within the City of London.
3. The 2013 Act also introduced new powers for enforcement officers namely, power to seize goods being unlawfully sold, and the equipment and vehicles used by unlawful street traders. This will enable, for example, an ice cream van or a peanut vendors cart operating in the City to be seized.
4. In order to enforce the above legislation Licensing Officers have taken a number of actions to try and prevent illegal street trading. In 2009/10 a major operation was launched in order to prevent a large number of ice cream vans from trading within the City of London. Over 100 prosecutions were taken culminating in an injunction being taken against the illegal trader which had the desired effect and stopped them from continuing with their illegal practices.
5. Sporadic ice cream trading was then experienced and dealt with over the next two years until another business began illegally trading on multiple occasions. During 2013/14 another major operation was instigated by Licensing Officers. On this occasion, officers now had the power to seize the ice cream vans.
6. In excess of 25 prosecutions were taken and three ice cream vans seized with Police assistance. Undertakings not to trade were received by Licensing Officers and although the vehicles were eventually returned, the threat of losing one or more permanently has kept the company from illegally trading within the City of London.
7. During 2015 the Licensing Service began to receive a number of complaints concerning vendors selling peanuts on, primarily, London Bridge, Millennium Bridge and St. Peter's Hill. During this period, Licensing Officers were engaged in preventing any new company from attempting to commence illegal ice cream trading and only occasional actions were taken against the peanut vendors.
8. Although illegal ice cream trading within the City of London is under control, the illegal trading in peanuts and the like has escalated. In the past twelve months over 100 inspections have been carried out by Licensing Officers many on a Saturday or Sunday. In addition to the inspections, Licensing Officers inspect live CCTV to ascertain if anybody is trading illegally on London or Millennium Bridge (the 'two bridges').
9. The Licensing team continues to work with other services and individuals on the exchange of information and joint operations in order to stop the illegal trading. Other services/individuals include the City of London Police, Environmental Health, Street Enforcement Officers, members of the public and City of London Members.

10. During that period fifteen 'peanut carts' have been seized and four vendors prosecuted on thirty-nine occasions.

### **Problems with current action**

11. On a number of occasions vendors have been spotted on CCTV cameras but have moved on by the time officers have arrived to take action.
12. Once a 'trolley' has been seized invariably the trader is back again trading, sometimes within two hours, with another 'trolley'. One trader was taken to court in the morning, fined, had a forfeiture order granted on his trolley and was back trading in the afternoon. Clearly the instigation of legal proceedings has no deterrent effect whatsoever.
13. Vendors have begun to use 'spotters' who relay information back to the vendor as soon as they spot an enforcement officer approach. Most officers are now known to the vendors.
14. On the last five occasions Licensing Officers have attempted to seize trolleys they have been prevented from doing so by overly aggressive behaviour by the vendors. Unfortunately current legislation contains no obstruction offences and officers clearly cannot physically stop a vendor and wrestle a trolley from his/her grasp.
15. With recent events in Manchester and London and the heightened threat from international terrorism, the City of London Police cannot commit resources indefinitely to supporting enforcement operations, although they will continue to do this wherever possible. They do recognise however the value that a police or PCSO presence can have when deployed with an enforcement officer from the City Corporation, particularly in light of recent incidents where enforcement officers have felt threatened by street traders during their dealings with them.
16. It is not always possible to effectively monitor the use of gas cylinders as vendors often run off with their trolleys in order that officers do not seize the most valuable commodity i.e. the gas cylinder. Where we have been successful in seizing the trolley some of the cylinders do not appear to be well maintained.
17. Although not within the City of London, vendors are aware that the City boundary runs across the middle of Millennium Bridge. They therefore set up and trade within one metre of this boundary knowing that Licensing Officers from the City of London do not have the authority to take action against them. The pollution caused by then trading from this location in the form of litter, smell and pigeon droppings still affects the City of London.

### **Possible Solutions**

18. Whilst the approach to street trading is led by the City of London Corporation, the City of London Police have recently commenced an intelligence and information gathering phase under Operation Nimrod to assess whether street trading seen in the City is associated with Organised Crime Groups (OCGs) and

if so to what extent. Officers within Communities and Partnerships are leading on this and linking into colleagues in surrounding Metropolitan Police boroughs where possible, to share information and best practise for our approach. As with any operation of this nature, this phase takes time as we need to have a comprehensive intelligence picture prior to considering options and an approach to address the issues identified and achieve the best outcome.

19. Like all forces, the City of London Police is becoming more attuned to the offences of Modern Slavery and Human Trafficking (MSHT) and as such, part of their intelligence gathering centres on whether those involved in the public facing element of street trading are vulnerable and possible victims of MSHT. Officers from the team attended a meeting held by the City Corporation to discuss the approach to street trading and as a result, officers from Communities and Partnerships will provide an input to Enforcement Officers from the City Corporation to help them recognise some of the indicators of MSHT so they can assist with building the intelligence picture.
20. The Licensing Team are planning a programme of enforcement activity over the summer and where dates can be provided in advance the City of London Police will assign an officer or PCSO to accompany enforcement officers to prevent crime or a breach of the peace being committed where possible dependant on ongoing operational policing commitments.
21. A longer term solution to this issue will be for enforcement officers to wear body worn video to capture best evidence and diffuse volatile situations, as in the City and nationally the effect of body worn video on behaviour, complaint rates, quality of evidence and violence has been consistently positive.
22. The Corporation's Legal Services are seeking a legal opinion on the most effective and efficient means of tackling illegal street trading. Two options being considered are the use of injunctions and/or Criminal Behaviour Orders (CBOs). However, both of these options will only affect the individual against which the injunction or order is taken. These actions will need to be repeated against all traders. Seeking injunctive proceedings is an extremely expensive course of action.
23. As discussed at a recent meeting, the City of London Police will be happy to support the City Corporation in seeking a longer term solution such as a Public Space Protection Order (PSPO) or injunction should they decide to apply for these and should the problem persist once the initial impact of increased enforcement activity has been assessed.
24. The City Corporation are also seeking authority for their Licensing officers to be authorised to tackle street trading infringements within the London Borough of Southwark on the two bridges. Discussions also involve Tower Hamlets as to an enforcement solution on Tower Bridge. However, this may simply have the effect of expanding a difficult enforcement problem to a wider area.
25. A short term solution is being considered whereby additional enforcement officers are recruited to enforce illegal trading on the two bridges. Officers will patrol each end of the two bridges from approximately 10:00 to 20:00 Saturday

and Sunday during July and August 2017. The emphasis will not be on seizing the trolleys and the prosecution of individuals but preventing them from trading.

## **Corporate & Strategic Implications**

26. There are no Corporate or Strategic implications in this report.

## **Financial Implications**

27. Some of the recommended short term options will involve additional costs as follows:

- £16,000 to employ additional officers to monitor weekend trading (four officers for 16 days at 10 hours per day);
- approximately £3000 to purchase 4 body worn video units;
- up to £2000 for external legal advice

It is anticipated that these costs can be met from within existing budgets.

28. Whilst it is not yet possible to fully determine the financial implications of the longer term options, it is anticipated that these will primarily relate to installation of signage and can also be met from existing resources.

## **Conclusions – The Way Forward**

29. There is no simple or single solution to the problem of illegal street trading.

30. It is suggested that a combination of the above solution options are taken in order to deal with this issue in the short and long term as follows:

### Short Term

- a. Obtain a legal opinion as to the most effective and efficient way to tackle the problem of illegal street trading as soon as possible.
- b. Employ additional officers to prevent weekend trading on the two bridges and St. Peter's Hill over an eight week period during July and August 2017.
- c. Set dates for Licensing Officers, with the assistance of City of London Police, to prevent weekday trading on the two bridges and St. Peter's Hill.
- d. Obtain body worn video for Licensing Officers.
- e. Have conversations with the London Borough of Tower Hamlets re enforcement on Tower Bridge.

- f. Liaise with Safety teams/Fire Service to ascertain if action by their services is an alternative solution.

Middle/Long Term

- g. Seek authorisation on the London Borough of Southwark's section(s) of the two bridges to take effect as soon as possible to support 30(b) and continue after additional officers are no longer employed.
- h. Await the outcome of the City of London Police operation Nimrod and liaise with the Police as to whatever action is required to be taken.
- i. Dependant on the outcome of 30(a) seek injunctions/CBOs as necessary and advised.
- j. Dependant on the outcome of 30(e) and (f) include Tower Bridge within the jurisdiction of City of London Licensing Officers.
- k. Investigate the use of signage to warn tourists and other persons that street trading is illegal in the City of London and not to purchase from peanut/ice cream sellers.

**Appendices**

None

**Background Papers**

Street Trading Policy

**Peter Davenport**

Licensing Manager

T: 020 7332 3227

E: [peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk)