

Committee(s)	Dated:
Port Health and Environmental Services	21 Nov 2017
Subject: Illegal Street Trading Update	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

Following agreement by your committee on 4 July 2017 a number of actions put forward to combat illegal street trading were agreed. This report updates Members on those actions and in particular the additional resources that were recruited and the actions that have been achieved.

Since August 2017 fifty-two illegal traders have been stopped from trading and seven trading receptacles seized including three ice cream vans. Over £5,000 has been awarded in fines and costs from successful prosecutions.

All contracts for the use of temporary staff recruited to combat illegal traders will finish at the end of December 2017. However, additional funding will be sought in order to maintain current enforcement levels.

The report also seeks authorisation to enter a s.101 Agreement with the London Borough of Southwark in order that City Corporation officers can 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.

Recommendation(s)

Members are asked to:

- Authorise the City of London Corporation to enter into an agreement under the provisions of S.101 Local Government Act 1972 with the London Borough of Southwark as outlined in paragraphs 18 to 22 of this report.

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. The 2013 Act introduced, amongst other things, new powers for enforcement officers namely, the power to seize goods being unlawfully sold in addition to the equipment and vehicles used by unlawful street traders.
2. In order to enforce the above legislation Licensing Officers have taken several actions to try and prevent illegal street trading. Since 2009/10 these actions began to eliminate sales of ice cream and other forms of illegal trading, such as the sale of peanuts from trolleys. However, since the end of 2015 and throughout 2016, the illegal traders have become more persistent.
3. Illegal traders are using 'spotters' who relay information back to the vendor as soon as they spot an enforcement officer approach. Many of them are now exhibiting overly aggressive behaviour when an officer attempts to seize their goods and receptacle.
4. A report was submitted to this Committee on 4 July 2017 detailing the many instances of Illegal Street trading since 2009 and the various actions taken by the Licensing Team to prevent this. This Committee agreed a course of action to be taken which included the temporary employment of additional resources.

Enforcement Action Taken Since July 2017

5. On 10 August 2017 a temporary Assistant Licensing Officer was employed to work Saturday and Sunday for two months. His brief was to patrol the bridges within the City of London and other known 'illegal trading' spots to prevent illegal street trading, the main perpetrators being peanut sellers and ice cream vendors. A further Assistant Licensing Officer was recruited on 28 August 2017 on similar terms.
6. On 7 August 2017 a Licensing Officer was recruited for three months partly to act as cover for an officer on long term sick leave but also to support and advise the two Assistant Licensing Officers and to enforce illegal street trading during the week Monday to Friday.
7. The contracts for the two Temporary Assistant Licensing Officers have now expired. The contract for the Licensing Officer has been extended until the end of December 2017.
8. The above 'team' have been patrolling the areas of London Bridge, Southwark Bridge, Blackfriars Bridge, Millennium Bridge, St. Peter's Hill, Distaff Lane, Knight rider Court, St. Pauls Cathedral, Paternoster Row, Water Lane and Thames Path (Blackfriars Bridge to Tower of London).
9. Since the recruitment of additional resources, the following actions have been achieved:

- 31 days of enforcement
 - 52 illegal traders stopped
 - 3 ice cream vans seized (Albeit the vans have to be returned on request where the owner has not been convicted of an offence under the Act within the previous three years)
 - 4 peanut trolleys seized
 - 13 traders prosecuted (including those still pending)
 - 6 prosecutions still pending (Criminal Behaviour Orders to be sought on all six prosecutions)
 - 14 of the last 17 inspection days no illegal trading was found
 - No ice cream vendors seen since 2 September 2017
10. Of the seven successful prosecutions to date the following fines have been awarded:
- Fines £2120 plus one conditional discharge
 - Costs £3216
 - Victim Surcharge £180
 - TOTAL £5516
11. On the thirty-one enforcement days peanut sellers were witnessed on the Southwark side of Millennium Bridge on thirteen occasions.

Other Actions taken since July 2017

12. Legal opinion was sought as to the most effective way to tackle illegal street trading. As a result, criminal behaviour orders will be sought where there is sufficient evidence to merit such an application.
13. Body worn video is being sought for members of the Licensing Team and will be in place during December 2017.
14. Discussions have been held with Safety teams and the Fire Service to see if they can assist in the problem of illegal street trading. Unfortunately, neither service has the resources to commit on a regular basis.
15. Discussions are at an advanced stage with the London Borough of Southwark and an agreement for City Corporation Licensing Officers to tackle illegal traders on the south side of the Bridges is expected by the end of November 2017. Agreement in principle has been given and formal Section 101 agreements are being drawn up by the respective legal teams. Formal approval for the Section 101 Agreements will be required. (see paragraphs 18-22 below).

16. Police assistance is sought on every occasion that goods and/or receptacles are to be seized. Police assistance to date has been instrumental in the seizures that have taken place to date however, no guarantee of assistance can be given due to more pressing Police priorities.
17. Discussions have also been held with the London Borough of Tower Hamlets in order that City Corporation Licensing Officers can enforce illegal trading on the north side of Tower Bridge. Enforcement on the south side is to be included in the agreement with Southwark.

Actions to be taken under the Local Government Act 1972 (s.101 Agreements)

18. To enter into an agreement made under s.101 of the Local Government Act 1972 between the City of London Corporation and the London Borough of Southwark for authorised officers of the City Corporation to discharge the L.B of Southwark's function under s.38 and s.38A, B and C of the London Local Authorities Act 1990.
19. The area within the L.B. of Southwark to which the agreement is to apply will be:
 - The south side of Millennium Bridge (to include the area to the end of the steps and ramp attached to the bridge).
 - An area to the south-east of London Bridge (entering the shopping conclave on the route to the station).
 - The south side of Tower Bridge (to include some of the paved areas under the bridge).
20. The above areas are approximately depicted on photographs which can be seen as Appendices 1 to 3. The exact areas are subject to minor amendment and final agreement by officers from the City Corporation and L.B. of Southwark.
21. The sections referred to in paragraph 18 will permit officers of the City Corporation to enforce unlicensed street trading, to seize goods and receptacles used in street trading, to seek disposal orders and take appropriate action if obstructed in those areas referred to in paragraph 19.
22. To enter into a reciprocal agreement permitting authorised officers of the L.B. of Southwark to similarly prevent unlicensed street trading under s.16(1) and s.16A to G of the City of London (Various Powers) Act 1987. The areas to which this reciprocal agreement is to apply will be the north side of Millennium Bridge and the whole of London Bridge.

Future Actions

23. To continue discussions with the L.B. of Tower Hamlets with the aim of entering into a similar s.101 Agreement to cover the north side of Tower Bridge.
24. Seek funding for additional resources in order to maintain the current level of enforcement once the contracts for all temporary staff have finished.

Corporate & Strategic Implications

25. There are no Corporate and Strategic Implications.

Financial Implications

26. The total cost of the temporary additional resources and enforcement actions to date is:

- 2 x part time Assistant Licensing Officers = £9,000
- 1 x Licensing Officer (time spent on illegal trading) = £7,000
- Legal Advice = £1,000

27. The above sums have been met from the Licensing Service's local risk budget.

Appendices

1. Photograph depicting approximate Agreement area on Millennium Bridge.
2. Photograph depicting approximate Agreement area on London Bridge
3. Photograph depicting approximate Agreement area on Tower Bridge (south side only).

Background Papers

Committee Report – Illegal Street Trading (4 July 2017)

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