

<p>Council</p> <p>15 May 2019</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Ann Sutcliffe, Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Cross-authority enforcement of illegal street trading on Tower Bridge</p>	

Wards affected	St Katharine's and Wapping Ward
Originating Officer(s)	Karen Proudfoot – Interim Head of Markets
Strategic Plan Priority	A borough that our residents are proud of and love to live in;

Executive Summary

1. Tower Bridge is an area in which attracts a large footfall of commuters and tourists. Unlicensed street trading around this area is a long-standing issue with illegal traders exploiting the boundaries of the three authorities responsible for the area, which are London Boroughs of Southwark and Tower Hamlets and City of London Corporation.
2. The trading involves a range of activities, including peanut sellers and street gambling, such as 'chase the Queen' card games. Enforcement has been problematic due to the organisation of the network of individuals involved, which often involves 'spotters' communicating with illegal traders when enforcement officers are approaching and the ability of the traders to easily relocate to areas under the responsibility of another authority to evade enforcement.
3. Enforcement to tackle illegal street trading by London Borough of Tower Hamlets is undertaken using provisions under s38 (1) London Local Authorities Act 1990 - Unlicensed Street Trading.
4. The Section 101 Agreement under the Local Government Act 1972 will enable authorised officers to use their respective delegated powers within extended areas, as defined in Appendix 2, and would be reciprocal with City of London Corporation. This would reduce the opportunities for illegal traders to exploit the borough boundaries to evade enforcement action.

Recommendations:

Council is recommended to:

1. Delegate the function of enforcement of offences relating to unlicensed street trading in the area shown at Appendix 2 to the City Of London Corporation
2. Authorise the execution of the agreement between the City of London Corporation and the Council relating to the enforcement referred to above.

1. REASONS FOR THE DECISIONS

- 1.1 Enforcement to tackle illegal street trading by London Borough of Tower Hamlets is undertaken using provisions under s38 (1) London Local Authorities Act 1990 - Unlicensed Street Trading.
- 1.2 The Section 101 Agreement under the Local Government Act 1972 will enable authorised officers to use their respective delegated powers within extended areas, as defined in Appendix 2, and would be reciprocal with City of London Corporation. This would reduce the opportunities for illegal traders to exploit the borough boundaries to evade enforcement action.

2. ALTERNATIVE OPTIONS

- 2.1 Do Nothing – Enforcement will continue to be undertaken by Market Officers on an ad hoc basis as resources allow. This is unlikely to make a significant impact on this long standing issue.

3. DETAILS OF REPORT

- 3.1 LBTH Market Services oversee the application vetting, documentation, licensing and enforcement of street trading in Tower Hamlets for which there are significant requirements and conditions to abide by, as defined in the London Local Authority Act 1990. The management of street trading incurs costs which are met by Licence fees.
- 3.2 Unlicensed street trading around Tower Bridge is a long-standing issue. Illegal traders capitalise on the high footfall attracted by tourist attractions and exploit the boundaries of the responsible authorities.
- 3.3 The trading involves a range of activities, including peanut sellers and street gambling, such as 'chase the Queen' card games. Enforcement has been problematic due to the organisation of the network of individuals involved, which often involves using 'spotters' to communicate with illegal traders to enable them to evade enforcement.
- 3.4 The presence of the illegal traders generates complaints from businesses operating in the area who have raised concerns and challenges to the

responsible authorities highlighting their expectations of enforcement and ultimately being critical of the organisations and their confidence in them.

- 3.5 There are currently 10 Markets in operation across Tower Hamlets with 6 Markets in operation Monday, Wednesday, Friday and Saturday, seven on Tuesday and Thursday and 3 on Sundays, in addition there are a range of individual street traders working in other locations. In total there are currently 626 Permanent License holders and around 450 with temporary licenses to trade in Tower Hamlets.
- 3.6 The Market Service currently employs 7 full time and 4 part time (18 hours each at weekend) officers to undertake the enforcement of Licence conditions by street traders.
- 3.7 Market Service enforcement officers are attending this location, however, the impact they have is limited due to the organised network of 'spotters' and the mobility of their set-up enabling them to relocate quickly to an area outside the boundary of Tower Hamlets.

4. EQUALITIES IMPLICATIONS

- 4.1 This is expected to have a positive impact on the environment of the Borough, which will be beneficial for all regardless of their background.

5. OTHER STATUTORY IMPLICATIONS

Best Value Implications

- 5.1 Agreeing the Section 101 Agreements under the Local Government Act 1972 will enable a more robust enforcement of illegal trading across the borough boundaries in this location ensuring that officer attendance will have a more significant impact on illegal trading.

Consultations

- 5.2 Consultation has taken place with London Borough of Southwark and City of London Corporation to agree to a reciprocal enforcement approach to tackling illegal trading on Tower Bridge.

Environmental Implications (including air quality)

- 5.3 Ensuring legal trading contributes to the protection of public health through the effective management of food hygiene and trader management.

Risk Management Implications

- 5.4 Each agency involved in enforcement activity is responsible for conducting their own risk assessments and complying with safe operating procedures

Crime Reduction

- 5.5 Whilst it is suspected that the illegal traders are behaving in an organised way there is no evidence to support it being linked to other crimes.

Safeguarding

- 5.6 Whilst it is suspected that the illegal traders are behaving in an organised way there is no evidence to support it being linked to other crimes, such as human trafficking or other issues related to vulnerable adults.

All enforcement officers have safeguarding training and will assess whether there is evidence of exploitation which may require further action and the methods for reporting these to the relevant agencies.

6. FINANCE

- 6.1 There are no costs incurred by London Borough of Tower Hamlets in committing to this agreement.

7. LEGAL

- 7.1 The Council has the legal function to enforce offences relating to unlicensed street trading under the s38 (1) London Local Authorities Act 1990. Notwithstanding the fact that the Council operates executive arrangements this function is reserved to Council and is not an executive function.

- 7.2 S.101 of the Local Government Act 1972 allows a council to delegate the operation of one of its functions to another local authority under the circumstances described in this report. Therefore, this report complies with the relevant law.

- 7.3 S.111 of the Local Government Act 1972 grants the power to the Council to perform any action that is conducive to the carrying out of one of its functions. Entering into an agreement is one such action.

- 7.4 There are no specific legal equalities implications that arise from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Agreement pursuant to Section 101(1)(b) and (3) of the Local Government Act 1972 in respect of the exercise of functions under the London Local Authorities Act 1990 as amended – separate attachment
- Appendix 2 – Area of LBTH for delegated statutory function to the City – Separate attachment

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

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