

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 27 July 2010	<b>Meeting Name:</b> Southwark Licensing committee
<b>Report title:</b>		The Designation of Bankside Report	
<b>Ward(s) or groups affected:</b>		Borough and Bankside, Walworth and Bermondsey Community Council Areas	
<b>From:</b>		Gill Davies, Strategic Director of Environment and Housing	

## RECOMMENDATION(S)

1. That the committee agrees to prohibit itinerant ice cream trading in the streets of the riverside area from Southwark's western boarder to St Saviour's Dock in the East, and bordered in the South by Southwark Street & St Thomas Street as set out in Map 1, Appendix A.
2. That the committee agrees to designate **Areas 4 and 7** of the above area for the purposes of street trading as set our in Map 2, Appendix B.
3. That the committee agrees to designate the **Area 5** in Map 2, Appendix B as an area for licensed busking.

## BACKGROUND INFORMATION

4. The growing popularity of Bankside has attracted the attention of a steady flow of illegal street trading. This includes itinerant ice cream vans, hot dog and peanut vendors and unlicensed street entertainers. These groups engage in business along the river walk as well as in adjacent streets.
5. This has led to complaints from both residents and users of the area. Complaints include noise nuisance, irresponsible waste disposal and unpleasant smells in the area. Illegal street trading is also causing obstructions to flow of traffic in the area and has been the cause of frustration and undue delays for users.
6. On 11 March 2008 the Licensing Committee agreed to commence consultation on a proposal to:-
  - 1) The designation for street trading of certain locations within the Borough and Bankside area.
  - 2) The prohibition of ice cream trading in the Borough and Bankside area
  - 3) The licensing of busking in the Borough and Bankside area.
7. This report informs members of the results of the consultation which has indicated general support for all three issues and makes proposals for the introduction of such controls.
8. In addition this report also considers how any new designation of areas for street trading can generate sufficient resources to fund effective enforcement

## KEY ISSUES FOR CONSIDERATION

### Results of Consultation

9. Following the decision of the Licensing Committee in 2008 the consultation was launched in October 2008. In addition two statutory notices published in Southwark News, over 2000 questionnaires were delivered to businesses and residents within the designation area.
10. The proposal was also publicised in the Bankside Residents Forum Newsletter, Better Bankside e brief/website and Team London Bridge and notices were placed on lamp columns in key locations within the designated area.
11. Comments were invited from and/ or meetings held with the following organisations
  - Transport for London
  - Metropolitan Police
  - Federation of Ice Cream Traders
  - Benbow House Residents
  - New Globe walk residents
  - The Globe
  - Tate modern
12. The consultation ended in November 2008 and 53 (2.6% response rate) questionnaires were returned. (Appendix C)
13. The results of the consultation were as follows :
  - 72% of respondents agreed with the proposal to license street traders.
  - 52% of respondents voted for the area near Tate Modern as a location for a licensed trader, with 48% voting for the area opposite the Globe.
  - 37% of respondents supported the license operating between Monday & Sundays
  - 47% of respondents supported the license running between 10am-8pm
  - 32% of respondents supported for a traditional structure
  - 49% of respondents agreed with licenses Street Busking
  - 36% of the respondents to the questionnaire suggested one or more locations for Street Busking.
  - The two most popular areas for Street Busking were Area 4 and 5.
  - 89% of respondents agreed to prohibiting itinerant ice cream vans in the area
  - The top three in the list of good to be sold were Ice Cream at 42% , information Centre at 40% Arts and Crafts at 34%

Generally comments related to strongly opposing ice cream vans. Some respondents were in favour of licensed busking and saw this as a positive thing. Some respondents opposed the proposal completely. On legal advice a further consultation was carried out in April 2010 (Appendix D) specifically on the prohibition of ice cream vans and the licensing of a single ice cream vendor in the Bankside area. In this consultation 90% of respondents backed the proposal. (Appendix E)

## **Complaints**

14. In addition to the consultation process officers have monitored complaints made to the council relating to these issues. 468 complaints have been received via formal channels in a two year period which excludes telephone calls to the street trading office and area management & engagement section in relation to illegal street traders who trade along the river, itinerant ice cream traders who trade along Hopton Street as well as along the riverwalk. Buskers, especially those who use amplified sounds, at all times of the day and night, creating severe noise nuisances. Litter left behind by the illegal and ice cream traders, anti-social behaviour and obstructions.

15. As a snapshot of further figures to highlight the problems being experienced on the riverfront, from August 2009 to October 2009 Better Bankside Rangers have moved on 266 illegal traders and 362 street entertainers as part of their normal day to day duties. Better Bankside have noted that they have the presence of 4 ice cream traders in their Business improvement area at any given time and they are always located by Shakespeare's Globe or the entrance to Clink street tunnel. Better Bankside also receive at least 2 complaints daily from residents regarding the noise and nuisance from street entertainers. Of recent a Itinerant ice cream Trader is parked outside the London Dudgeons on Tooley Street and this issue has been raised with Transport for London, the Highway Authority for this area.
16. In March 2009 with a £10,000 grant from The Government Office of London, an operation was organised by Council staff in partnership with Better Bankside Wardens, Street Trading Officers, Team London Bridge and Safer Neighborhood Police which resulted in the seizure of illegal trading goods and three receptacles, moving on rough sleepers and confiscating sleeping equipment. There have previously been targeted operations. A three month operation resulted in 12 prosecutions, 163 illegal street traders being moved on, 14 illegal street traders moving away as soon as they saw the officers approaching, 17 separate seizures of goods and 5 reports to Southwark's Anti-social behaviour Unit. An injunction against a trader not to trade in Southwark, costs in the region of £6,500 for a 28 day suspended sentence. This 3 month operation cost £27,225.00.

### **Prohibition of Itinerant Ice cream trading**

17. As a result of consultation it is proposed to prohibit itinerant ice cream trading in the streets of the riverside area from Southwark's western boarder to St Saviour's Dock in the East, and bordered in the South by Southwark Street & St Thomas Street as set out in Map 1, Appendix A.
18. It would become an offence for itinerant ice cream traders to trade in the whole area to be designated, making this clearly enforceable

### **Designated area for Street trading**

19. As a result of consultation it is proposed to designate **Areas 4 and 7** of the above area for the purposes of street trading as set out in Map 2, Appendix B.
20. There is evidence from other parts of the Borough that in areas where there are licensed street traders, this acts as a deterrent to illegal street traders. Licensed street traders are additional pairs of eyes and ears on the street reporting the presence of illegal traders.
21. In relation to licensing one pitch/structure in the area, strict controls could be placed on the quality of goods, appearance of the structures used, days, times health & safety and conduct of the seller through the terms and conditions of the license. Any breaches could result in the license being revoked.

### **Licensed Busking**

22. As a result of consultation it is proposed to designate the **Area 5** in Map 2, Appendix B as an area for licensed busking.
23. A licensing regime would give control over street busking in terms of the art forms, times and locations, i.e. redirecting them away from residential areas especially in the evenings. In addition designating the whole area would allow for further consultation to ensure we take into consideration the wishes of the residents and businesses in the area as well as giving

the council the full powers to enforce in the area as at present Busking and Street Entertainment is not illegal.

### **Benefits of the proposal**

- 24. The proposal for a structure to house a number of traders may be able to generate income that could be redirected for the investment in the structure and the enforcement against itinerant traders, illegal street traders and entertainers in the area that is designated.
- 25. The proposal is that the income generated from the licensed street trader would be redirected for the investment in the structure and the enforcement against illegal street traders and buskers in the area, within the scope of the licence.

### **The Process and Designation Process**

- 26. The London Local Authorities Act 1990 (as amended) allows councils to designate streets or part of streets for street trading and make a resolution specifying what can be sold or offered in that street. Section 24 of the Act sets out the procedure for designating a street as a licensed street.

1.	Order is made by the Licensing Committee, stating the date on which the order takes effect (to be not less than one month following the making of the order)
2.	Place a Notice of Making of the Order in the local press to run for two consecutive weeks, the first date of publication being no less than 28 days before the order comes into effect.

- 27. The respondents have expressed a preference For Area 4 and 7 for the location for a trader/structure to be sited; further consultation with Better Bankside, Tate Modern and other interested parties will take place. Once this consultation has been completed it is likely that a planning application would need to be submitted.
- 28. The tender process for the design and building of the structure for the purposes of trading. As stated previously Better Bankside are interested in managing this aspect of the project. They would procure the structure though an architecture competition which they would manage through their links with key stakeholders, including the Architecture Foundation and the local authority, as well as local stakeholders including Tate Modern, Shakespeare's Globe and local residents.
- 29. Meeting with planning officers in terms of planning consent for the structure.

### **Finances**

- 30. Better Bankside could if successful in winning a contract, play a lead role with the Local Authority in business planning the project and play a major role in assembling the funding package and organising the chosen facilities. They would see such an outlet as offering the means to generate an income which could recoup the initial investment in the structure over time. The surplus derived from the concession could be ring-fenced for enforcement activities along the riverside. Once an enforcement presence is in place the Fixed Notice Penalties would also contribute to the financing of the officers. As the detail for the project still needs to be worked up, we are unable to be more specific at this stage of the proposal.
- 31. The number of licensed traders within the structure would have to of a sufficient number to make the project a viable concern. It is envisaged that at least three traders would be housed in the structure and as licensed fees could be set to in line with what would allow for

the project to be viable. Bids would be sought from the successful traders through the tendering process. The details of the financial package would need to be worked up once the cost of the structure and the cost of enforcement activities are known.

### **Policy implications**

32. The prohibition itinerant ice cream trading, unlicensed street trading and street busking in Bankside will result in an overall decrease in the numbers and incidences of unlicensed trading and unlicensed street busking operating in the area.
33. The proposed measures will actively decrease the quantities of dumped waste and spillage and ultimately reduce vermin in the area.
34. These measures will support the Councils' priorities of improving health, reducing crime and the fear of crime in the borough as well as improving air quality.
35. These measures will also ensure the future viability of Southwark Markets going forward. These policies are further set out in the draft Markets Strategy.

### **Community Impact Statement**

36. These proposals will be of benefit to all people in the area irrespective of class, gender, ethnic origin, disability, religious belief, age or sexuality. They do not discriminate against any group in the community directly or indirectly.
37. The following points should also be noted in relation to the proposals :
  - The absence of ice cream vans in the crowded and narrow streets of Bankside will improve accessibility of the river front for all people including residents, visitors and businesses. Access will be made particularly easier for disabled and mobility impaired persons, carers with pushchairs and the elderly.
  - The nature of this proposal does not warrant an equality impact assessment as it has no major equality, diversity or social cohesion implications

### **Resource implications**

38. The street trading section currently enforces against itinerant ice cream vans and illegal trading offenders. Rangers and wardens patrol the area and report in incidents of illegal street trading, itinerant ice cream trading who are exploiting the 15 minute rule or parking illegally and note down street entertainers. However due to resource implications it is not possible to have the level of presence of authorised officers necessary to deter illegal street traders, street entertainers, itinerant ice cream traders from returning to the area. At the moment even with the enforcement coverage increased to visiting each site on a forty minutes cycle the effect has been minimal. This has led to a 'cat and mouse' game with offenders leaving when asked and coming back after a few minutes when officers have moved on.
39. The street trading account is self-financing and operates on a break even basis. Both the income and any additional costs arising from the Bankside site would form part of the street trading account or alternately in partnership with Better Bankside Business improvement district.
40. The proposal to designate these areas for the purpose of street trading will self finance additional officer resources for the area enforcing illegal street trading, unlicensed street

entertainment and itinerant ice cream trading, the administration involved. This will ensure there will not be a further drain on Council resources.

### Supplementary Advice from other Officers

41. The supplementary advice from other officers is integrated into the body of this report.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Title of document(s)	Title of department / unit Address	Name Phone number
London Local Authorities Act (as amended)	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105
Designation of specified street for purposes of street trading – 6 March 2001 (Committee report and minutes)	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105
Designation of Bankside for street trading and designation of Riverside as prohibited for ice cream trading (Committee report and minutes)	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105
Prohibiting itinerant ice cream trading in the street of the riverside areas of Southwark (Committee report and minutes)	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105
Resolution to adopt Part V of the London Local Authorities Act 2000	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105
Draft Markets and Street Trading Strategy	160 Tooley Street, London SE1 2TZ	John McHenry 0207 525 2105

### APPENDICES

No.	Title
Appendix A	Map of proposed area to be designated
Appendix B	Map of proposed area to be designated for purposes of street trading and street busking.
Appendix C	Copy of the Questionnaire used in the Consultation Process 2008
Appendix D	Copy of the Questionnaire used in the Consultation Process 2010
Appendix E	Results of the Consultation April 2010.

**AUDIT TRAIL**

<b>Lead Officer</b>	Gill Davies – Strategic Director of Environment and Housing	
<b>Report Author</b>	Des Waters, Head of Public Realm	
<b>Version</b>	Final	
<b>Dated</b>	July, 2010	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities Law & Governance	Yes	No
Finance Director	Yes	No
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	19 July 2010	