

Item No	Classification OPEN	Committee Licensing Committee	Date 29/04/03
From Strategic Director of Regeneration & Environment.		Title of Report Designation of specified area for the purpose of Street Trading.	

1.0 PURPOSE

- 1.1 To seek the Committee's approval to designate areas in Bankside as "licence streets" for the purposes of Part III of the London Local Authority Act 1990, as amended.

2.0 RECOMMENDATIONS.

- 2.1 That the Committee agrees to designate the areas in Bankside and Holland Street so to contain a maximum of five pitches as indicated on Appendix 3 as "licence streets" for the purpose of Part iii of the London Local Authority Act 1990, as amended, subject to the necessary publicity.

- 2.2 Subject to 2.1 above a further report will be forwarded to committee to approve after consultation with interested parties the exact location of the five pitches.

- 2.3 See appendices attached;

Appendix One: Map of London Borough of Southwark.

Appendix Two: Area's to be designated Bankside, consisting of the area running from the river front at Blackfriars Bridge to New Globe Theatre Walk and Holland Street SE1.

Appendix Three: Example of possible pitch locations.

3.0 BACKGROUND

- 3.1 With the opening of the Globe Theatre in May 1997 the area known, as Bankside has become a popular Tourist attraction, this created a welcome interest and increased revenue for Local business and the Local Authority. Unfortunately the renewed interest in the area has also attracted a great deal of unlicensed street traders.

- 3.2 The street trading section considered submitting a proposal to designate Bankside in July 2000 but due to the overwhelming opposition from residents and local businesses at that time it was thought prudent to review the designation in favour of pro-active enforcement against offenders with the expectations of reducing the number of unlicensed street traders by way of legal action. Due to the financial incentives and relatively low penalties imposed by the courts this has proved to be an ineffective deterrent with many repetitive offenders.
- 3.3 The opening of the Bankside Exhibition in February 2000 and the Tate Modern Gallery in May 2000 has also dramatically increased the volume of people visiting the area thus creating an even greater incentive for unlicensed street traders to operate in the area.
- 3.4 The problem of unlicensed street trading has increased since the completion and opening of the Greater London Authority Building in July 2002 which is situated next to Potters field and Tower Bridge. Where unlicensed traders would set up along Queens Walk and St Martin Walk there is a now a large open space, with an increase in pedestrians visiting the Greater London Authority Building.
- 3.5 The actions of some unlicensed street traders have caused a nuisance to local people and visitors to the area. Their actions have also affected the local environment with increased litter from fast food vehicles along with increased pollution through constant running diesel engines. Many are untidy, unhygienic and an eyesore.
- 3.6 As a result, the Street Trading Section has received a large number of complaints from local businesses (Tate Modern Gallery, Globe Theatre etc) Residents Associations, visitors to the area and other Stakeholders.
- 3.7 The Street Trading Section has been successful in dealing with the problem of Unlicensed Street trading by way of prosecutions and seizures particularly in and around Bankside area. This action has been costly.
- 3.8 Between April 2002 and January 2003 The Street Trading Section reported a total of 43 unlicensed street trading offences which resulted in:
- 3.9
- | | |
|----|--|
| 16 | Ice Cream Vehicles |
| 2 | Ice Cream Trailers |
| 7 | Caramelising Peanut Trolleys |
| 6 | Hot Dog Trolleys |
| 12 | Others, (Cameras, Sunglasses, Purses, Wire bending equipment, Bird Whistles, Craft Ware, and Batteries,) |

being seized and appropriately dealt with in accordance with the London Local Authorities Act, of which:

5	Cautions
5	Unsuccessful Summons
27	Successful Summons
6	Awaiting Court Appearance

was the outcome.

- 3.10 The figures above represents Legal Service's cost of £33,476.20p. (Cautions removed) costing an average of £900 for each offence the Street Trading Section reports to Legal Services to action.
- 3.11 The cost of £900 does not include of the reporting Officer's down time of four to six hours correspondence per set of Case Papers, which would increase if witness statements and interviews are required.
- 3.12 Currently, for February and March 03 nine unlicensed street traders next to the Millennium Bridge Bankside, SE1 have been observed, reported and are currently being processed.
- 3.13 Based on the last ten months, it is predicted the coming spring/summer 2003 unlicensed street trading offences will increase by at least 35%, thus increasing the Street trading Sections Legal Services cost by £11,716.67 resulting in an continuing and unacceptable strain on a limited financial and staff resources.
- 3.14 The proposal to licence areas of Bankside, Tower Bridge and Holland Street for the purpose of Street Trading affords the following benefits:
- 3.15 Licensed Traders will be regulated by the way of licence conditions. The conditions would stipulate days and times of trade, the types of commodities that can be sold, the type of stall used and the size of the pitch area. Failure to comply with any of the conditions could result in enforcement action being taken and potentially, in appropriate cases of persistent failure to comply, revocation of the Traders licence.
- 3.16 Licensed Traders details will be known to the Authority and can be made accessible to other regulatory bodies to extent that law permits.
- 3.17 If the proposed sites and road are ultimately designated as licensed streets, it is intended that the Council after consultation with the relevant bodies would authorise a specified number of uniformed removable/ permanent structures in keeping with the area and measuring not more than 9 feet in length by 6 feet in width by 10 feet in height. The consultations would also be used to decide on the best commodity for the particular location/pitch site.

3:18 Licences would be issued for the sale of general goods in keeping with the ambience of the area. The licence renewable period can have a variance of between 6 months to 3 years. In order to ensure regular review of each licence holder's suitability to hold a licence. The Street Trading Section recommends that all licence holders be initially licensed for period not exceeding 6 months. If successful the licenses would be issued on a yearly basis in line with other street trading areas. The additional income generated through licensing would enable the street Trading Section to provide a permanent presence throughout the area and ensure effective monitoring and enforcement.

3.19 The proposed times of trade would be from:

07:00 hrs to 17: 00 Monday to Friday.

07:00 hrs to 18: 30 Saturday.

08:00 hrs to 17:00 Sunday.

4.0 FACTORS FOR CONSIDERATION.

4.1 The following will be informed by letter and invited to make any representations to the Council:

Ward Members	Ambulance Service	The Globe Theatre
Planning Division	Highways Division	The Tate Modern
Traffic Division	Fire Service	Local Residents
Metropolitan Police	Cross River Team	Local Businesses

5.0 FINANCIAL IMPLICATIONS

5.1 The street trading account is self-financing and operates on a break-even basis. Both the income and any additional costs arising from this site would form part of the street trading account.

6.0 LEGAL IMPLICATIONS

6.1 Section 24 of the London Local Authorities Act 1990 (as amended) states that,

6.2 (a) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions;

6.3 (b) A resolution (in this part of the act referred to as a designating resolution) designating any street within the borough as a 'licence street.

- 6.4 (c) A resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will, or other which they will not, prescribe in any street trading licence granted by them in respect of that street; and may from time to time by subsequent resolution rescind or vary such resolution;
- 6.5 Provided that a borough council shall;
- (i) Before passing a designation resolution, consult the Commissioner of Police of the Metropolis of their proposal;
 - (ii) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless –
 - (iii) They have published a notice of their intention to do so in a local newspaper circulating in their area;
 - (iv) If the Sub-Committee agrees to the recommendations in paragraph (ii) above, the newspapers notice referred to in 6.1 (iii) will need to be published before the matter can be referred back to the Committee.
 - (v) It is proposed that to ensure the quality of service provided and to enhance the Councils control on licence holders in Bankside that licences would be reviewed annually.

7.0 CONCURRENT REPORT OF THE BOROUGH SOLICITOR AND SECRETARY.

- 7:1 An outline of the procedure for designating additional streets as licence streets to bring them within the controls of the London Local Authorities Act 1990 (“ the 1990 Act”), is set out at paragraph 6 of the report. Members should note that a resolution indicating an intention to designate a street under the 1980 Act should indicate the date on which the resolution is to come into force, which may not be before the expiry of one month from the date on which the resolution is passed.
- 7:2 Before passing a resolution agreeing to designate a street under the Act a Local Authority must give notice of their intention to do this in a Local Newspaper. The notice must include a draft of the resolution and allow at least 28 days for receipt of written representations on the proposal. The Committee must then consider any representations made, as soon as practicable after the expiry of the period for objecting. Once the formal resolution is passed, After considering any representations, the Council will have to Publicise it in a Local newspaper on two consecutive weeks giving at least 28 days notice of the date on which the resolution is to come into effect. It is therefore unlikely that any designation will come into effect before the beginning of July 2003.

7.3 Under the Council constitution the power to designate additional streets as licence streets for the purposes of the 1990 Act rests with the licensing Committee.

8.1 REPLIES AND RESPONSES.

23	Letter of Consideration sent.	Appendix 4a
15	Replies	
8	Letters of pro designation and support.	Appendix 4b
7	Letters of objection.	Appendix 4c

9.0 FINDINGS.

9.a The proposed area for designation as referred to in Map appendix Three, Riverside Walk, London Bridge –Tower Bridge SE1. Consisting of Queens Walk, the area outside the Cotton Centre, St Martins Walk leading to Tower Bridge is to be withdrawn.

9.b During the process of letters of consideration, it was established that the land in question was, “*not Public Highway, only a designated right of way.*” Therefore could not be subjected to consideration for designation at this time.

9.c The above Area and Walks are the responsibility of The Cotton Centre, City Corporation, and More London.

9.d A letter sent to all parties concerned highlighting the amended proposal of designation.

9.e Amended Letter Appendix 5

10.0 EQUAL OPPORTUNITIES IMPLICATIONS

10.1 There are no direct Equal Opportunities implications arising from this report.

Background Papers: London Local Authorities Act 1990 (as Amended)

Held at: Street Trading Enforcement Office
Dawes Street, London SE17 1EL

Additional Information:

Report Author: Adam Burchett

Lead Officer: L.J Armstrong

Signed :.....**Date:**.....
Simon Baxter, Client Enforcement Manager.

Signed :.....**Date:**.....
Phil Davies, Head of Waste Management.