

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	27 September 2018
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
Report of: Director of Markets & Consumer Protection	For Information
Report author: Jon Avern, Port Health & Public Protection Director	

Summary

The Department of Markets & Consumer Protection contributes to the work of the Safer City Partnership (SCP) through its Public Protection Service which comprises Environmental Health, Licensing and Trading Standards. Work relating to the SCP is on-going in relation to the following priorities:

- **Acquisitive Crime**
 - Investment Fraud – the Trading Standards continues to collaborate with the City of London Police over Operation Broadway, now extended across London via Operation Offspring.
- **Anti-Social Behaviour**
 - Illegal street trading – Additional resources have been put into a campaign to eliminate ice cream vans and nut sellers from the Square Mile.
 - Noise complaints service – a 24/7 service is provided, and response times are good.
- **Night Time Economy Crime and Nuisance**
 - Late Night Levy – this has generated approximately £460K for the third full year of the operation of the levy.
 - Safety Thirst – a complete review has been undertaken and some changes have been made to the scheme which is currently underway for this year.
 - Licensing controls and enforcement – enforcement activities and use of the Late-Night Levy have kept the number of licence reviews and suspension notices at a low level.

This report details enforcement activity and progress in the above areas.

The Service contributed to the One Safe City programme and will be involved in the Secure City Programme. It is also represented on other relevant Boards and Groups.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. The Consumer Protection part of the Department of Markets and Consumer Protection comprises three services:
 - Animal Health
 - Port Health
 - Public Protection
2. The latter includes Environmental Health, Licensing and Trading Standards, all of which contribute to the work of the Safer City Partnership, specifically the 2017-20 SCP Strategic Plan priorities and objectives of:
 - Acquisitive Crime – We will work to protect our businesses, workers, residents and visitors from theft and fraud with an emphasis on cyber-crime.
 - Anti-Social Behaviour – Respond effectively to behaviour that makes the City a less pleasant place.
 - Night Time Economy Crime and Nuisance – To ensure the City remains a safe place to socialise.
3. Whilst there are routine proactive and reactive responses to community needs, there is also a range of projects underway, details of which are provided below.

Current Position

Economic Crime

4. The City of London Trading Standards Service (COLTSS) primarily works in partnership with others in support of the SCP's Objective:

We will work to protect our residents, workers, businesses and visitors from theft and fraud.

5. COLTSS continues to support and actively participate in Operation Broadway, a joint project with the City of London Police, National Trading Standards 'Regional Investigation Team', the Financial Conduct Authority, the Insolvency Service and HM Revenue and Customs.
 - a) Operation Broadway meetings take place every two weeks with partners coming together to share intelligence about possible fraudulent activity taking place within the City of London and surrounding Boroughs. Deployments then take place the following week to inspect premises and find out exactly what is going on. This leads to the gathering of intelligence and the opportunity is taken to investigate and disrupt the activities of businesses that may be involved in fraud. These visits are led by a Trading Standards Officer due to the excellent powers of entry afforded to us under the legislation that we enforce. The success of

Operation Broadway has been recognised by inclusion in the Chartered Trading Standards Institute best practice guide that was launched at the national CTSI symposium in Nottingham.

<https://www.tradingstandards.uk/news-policy/the-value-of-trading-standards>

Our Trading Standards Manager made a key note speech at the event that was well received and has generated interest from different parts of the UK.

- b) The use of intelligence is very important when carrying out our work with partner agencies and we use established methods recognised across the whole enforcement community. This involves the use of what are termed 3x5x2 intelligence forms which are circulated to our partner agencies and are also placed on the MEMEX database (the national Trading Standards intelligence database).
- c) Officers continue to attend several different meetings including the Business Centre Association (BCA) forum to engage with those involved in providing mail forwarding and serviced office facilities. The BCA share intelligence with us and are becoming more confident in spotting fraudulent businesses and closing them down before they can defraud consumers. This liaison continues to pay dividends and one recent example led to the discovery of a boiler room close to the Bank of England. A visit was made, led by Trading Standards and accompanied by detectives from the City of London Police. The person in charge of the boiler room has used fake identification documents to obtain serviced office facilities and this is now under investigation.
- d) The links with the BCA are vital to keep on top of the investment fraud problem and they invited us to exhibit at the national conference in May. This was a good opportunity to network with this sector and explain the objectives of Operation Broadway.
- e) Trading Standards remain committed to trying to find ways to prevent consumers being victims of investment fraud. We have been working for a couple of years now with Professor Keith Brown from Bournemouth University on initiatives around financial abuse. This includes being linked into the Home Office led 'Joint Fraud Taskforce' and pushing ideas to encourage the banks to offer a slower payments service to customers who want it. This would allow some breathing space for customers to reflect on unusual transactions that they have been talked into and to stop them before it is too late. One recent victim that Trading Standards spoke to had lost £10,500 to a scam that could have been prevented if a slower payments facility had been in place. A meeting took place with the Lord Mayor in May to try and establish some high-level contacts in the banking sector so that new ideas can be discussed. This work is ongoing.
- f) Linked to this work on financial abuse is the issue of consumers being bombarded with cold calls on the telephone. Trading Standards has now installed call blocking equipment, funded by the National Trading Standards Scams Team, in the homes of two City residents and their recent feedback shows what a big difference it has made to their lives.

The Scams Team also made a 'Friends Against Scams' presentation to a well-attended public protection lunchtime event.

- g) In summary, the performance of the Operation Broadway partnership can be measured by reference to the table below:-

2018/2019	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
1. Op Broadway deployments	17	13			30
2. Disruptions/interventions	2	0			2
3. Adopted for further action by other agencies	1	4			5
4. Contacts with 'enablers'	6	2			8
5. RP07 forms submitted to Companies House by serviced office providers	6	1			7
6. Website suspension requests	1	4			5
7. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	7	1			8

6. The next issue that Trading Standards is looking at in relation to investment fraud is in relation to transactions involving cryptocurrencies. This is an emerging issue and a paper was taken to the PH&PP Committee on 6 March 2018 to outline the plans for a project. This is now underway and approximately 50 businesses with a footprint in the Square Mile have been identified as having a connection with cryptocurrencies. Trading Standards have also organised some training for TSOs across London to make them aware of the emerging issues with cryptocurrencies.
7. More recently, a series of presentations to serving City of London Police Officers has just been completed. This included a session with new recruits and is designed to ensure that Police Officers faced with problems when on duty can consider whether working in partnership with Trading Standards may be part of the solution.
8. This summer saw the London-wide campaign against illicit tobacco products continue. Trading Standards set up an interactive display outside St Pauls Cathedral in July to engage with consumers, talk about the issues and encourage intelligence about premises that may be selling illegal products. The display included a couple of specially trained sniffer dogs that were a big draw.

Anti-Social Behaviour (ASB)

9. The Public Protection Teams support the SCP objectives to:

- ***Respond effectively to behaviour that makes the City a less pleasant place***

10. The two main issues being tackled by the Public Protection Service are:

- Illegal Street Trading
- Noise complaints service

Illegal Street Trading

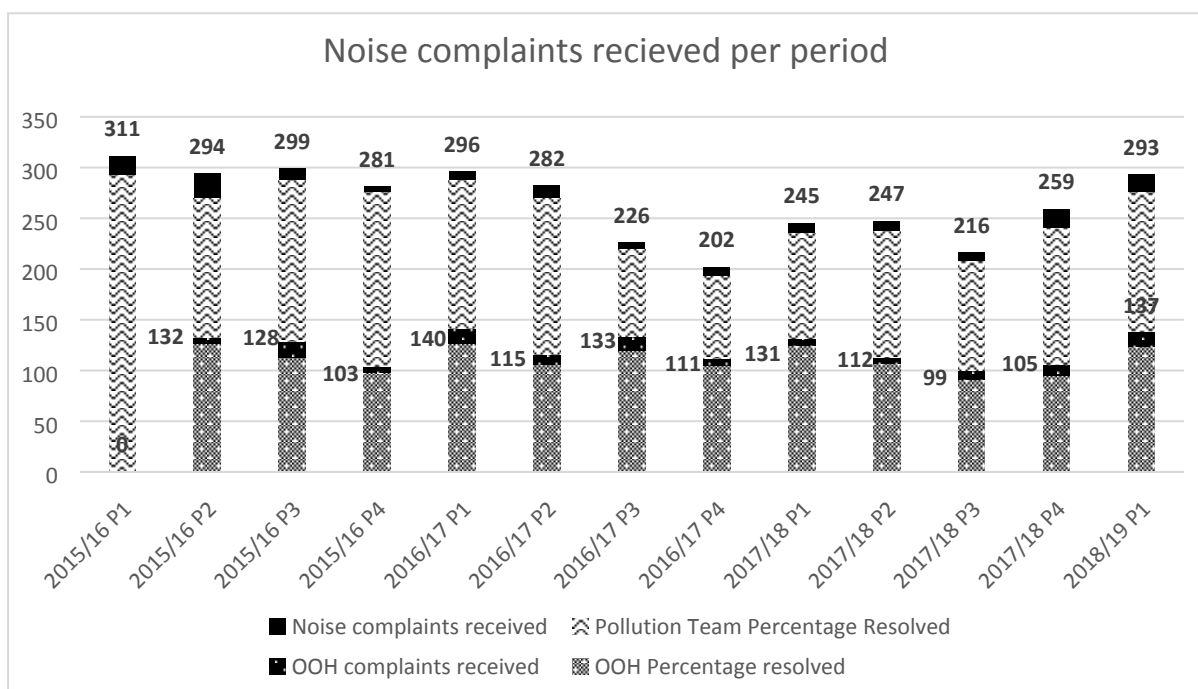
11. A small amount of illegal street trading activity remains in the City and fringes with Southwark, primarily nut sellers on the south side London Bridge/Millennium Bridge. Three ice cream vans and a number of peanut trolleys have been seized in 2018. Maximum fine, costs and a forfeiture order was awarded at City Magistrates for the ice cream van. An appeal to the forfeiture order of the ice cream van was heard at the Old Bailey and the van was subsequently returned to the owner.
12. The Section 101 agreements with London Borough of Southwark (LBS), to allow the City to enforce against illegal trading just over the border into Southwark, for example on the south side of Millennium Bridge, have been signed and work is underway. Millennium Bridge has been targeted for enforcement with Tower Bridge to follow once a new postholder is in place.
13. All known hotspots are visited during the day and some evenings most week days, and on Saturdays / Sundays to disrupt any attempt at trading which means illegal traders are now operating on Southwark or Tower Hamlets area and the occasions where they try and operate within the City of London they are dealt with quickly. The operation was extended over the spring and summer months and now into the autumn. Because of the foregoing and the continued on-street presence, illegal street trading has been kept to a minimum.
14. A report was presented and approved by Resource Allocation Sub and Planning and Transportation Committee's on 3rd and 8th May for funding to undertake enforcement on City Bridges via City Bridge Trust. A S 101 with LBTH is in draft and will be pursued to avoid any enforcement issues once actions commence on the shared Tower Bridge between City and LBTH jurisdictions. A joint meeting between Tower Bridge, COLP and Licensing has been held to discuss the way forward.
15. A training protocol for the London Local Authorities Act 1990 has been prepared for the bridge and other staff as this is the legislation that will be used outside the City boundary.

Noise Complaints Service

16. The Pollution Team dealt with 293 noise complaints between 1st April 2018 and 30th June 2018 of which 92.8% were resolved. In addition, they also assessed and commented on 391 Planning, Licensing and construction works applications and 284 applications for variations of work outside the normal working hours. Comparatively in the same period for 17/18 the Pollution Team dealt with 245 noise complaints of which 95.6% were resolved. In addition, they also assessed and commented on 291 Planning, Licensing and construction works applications and 161 applications for variations of work outside the normal working hours.
17. The Out of Hours Service dealt with 137 complaints between 1st April 2018 and 30th June 2018 and response (visit) times were within the target performance indicator of 60 minutes in 91.5% of cases, and often only 30 minutes. Comparatively, in the same period for 17/18 the Out of Hours Service dealt with 131 complaints and response (visit) times were within the target performance indicator of 60 minutes in 94.9% of cases, and often only 30 minutes.
18. The Pollution Team served 5 S.61 (Prior consent) Control of Pollution Act Notices and 8 S.61 Consents between 1st April and 30th June 2018. In the same period for 2017/18 the Pollution Team issued 2 S.60's and 1 S.61 consent.
19. The trends for total noise related complaints are set out in the tables below for information.

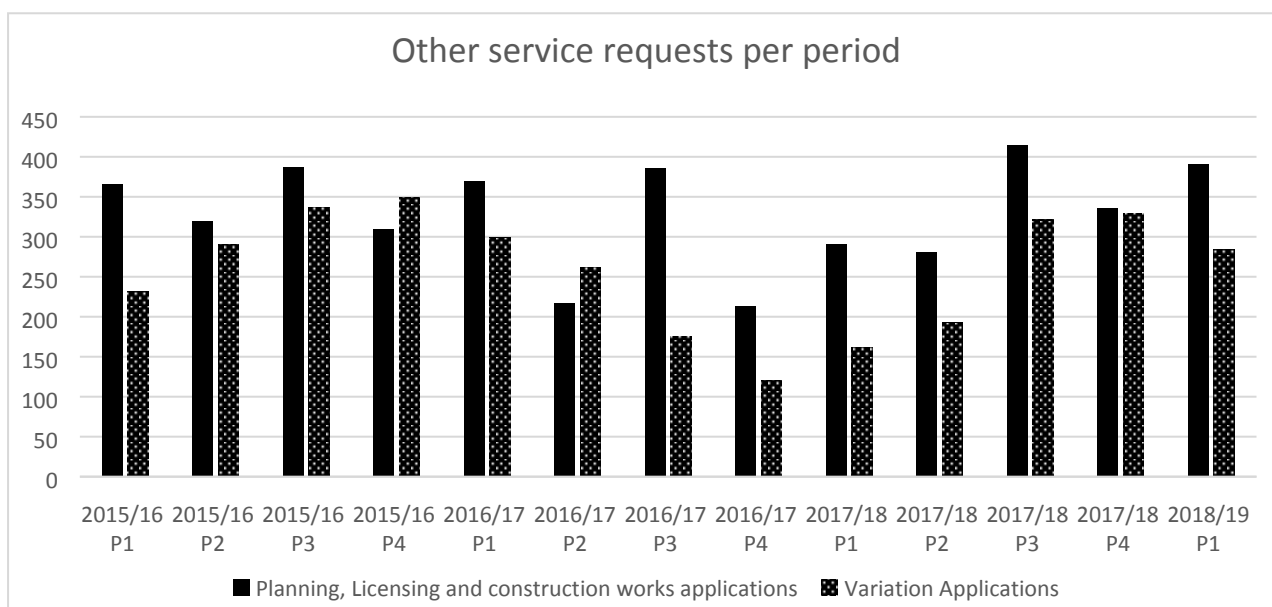
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2015/16	1	311	93.6%	N/A	N/A
2015/16	2	294	92.2%	132	96.9%
2015/16	3	299	96.3%	128	87.85%
2015/16	4	281	97.5%	103	95.06%
2016/17	1	296	97%	140	90.3%
2016/17	2	282	95.7%	115	92.3%
2016/17	3	226	96.5%	133	90.1%
2016/17	4	202	96%	111	93.9%
2017/18	1	245	95.9%	131	94.9%
2017/18	2	247	96.4%	112	95.3%
2017/18	3	216	96.3%	99	90.9%
2017/18	4	259	93.8%	105	90.1%
2018/19	1	293	92.8%	137	91.5%



Noise Service Requests

Year	Period	Planning, Licensing and construction works applications	Variation Applications	S.60 Notices Issued	S.80 EPA Notices	S.61 Notices Issued	Consent
2015/16	1	366	232	1	0	2	N/A
2015/16	2	319	290	3	0	1	N/A
2015/16	3	387	336	1	2	7	N/A
2015/16	4	310	349	4	0	2	N/A
2016/17	1	370	299	5	0	6	N/A
2016/17	2	217	262	0	1	2	N/A
2016/17	3	386	175	3	0	9	N/A
2016/17	4	213	120	0	1	4	N/A
2017/18	1	291	161	2	0	0	1
2017/18	2	281	193	4	1	5	3
2017/18	3	415	321	0	1	12	1
2017/18	4	336	329	0	1	7	1
2018/19	1	391	284	0	0	5	8

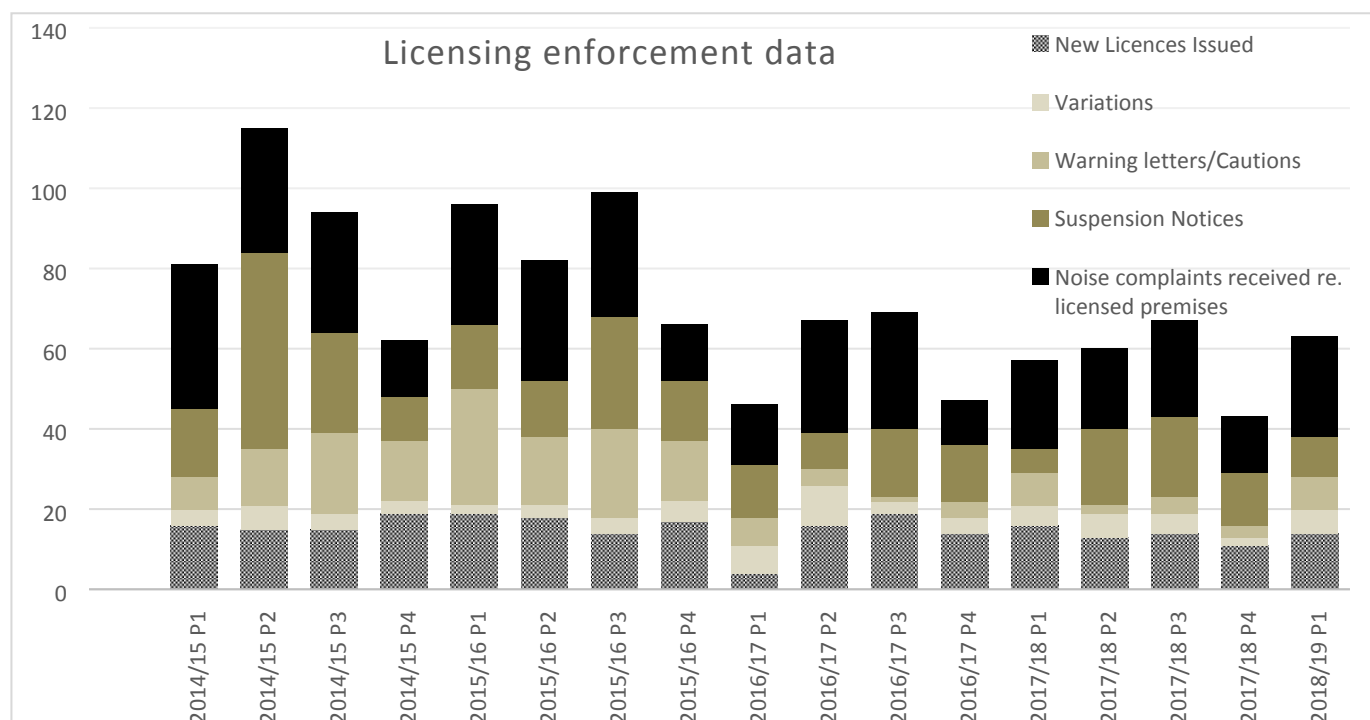


20. The consultation concerning noisy construction works on Saturday mornings is now complete and the results are being analysed. A full report will be presented to November Port Health and Environmental Services Committee.

Enforcement

21. The Licensing Team undertakes inspections and enforcement in relation to the Licensing Act 2003 and the table below shows the action taken regarding licensed premises over the last three years.

Year	Period	New Licences Issued	Variations	Warning letters/Cautions	Suspension Notices	Noise complaints received re. licensed premises
<u>2015/16</u>	1	19	2	29	16	30
<u>2015/16</u>	2	18	3	17	14	30
<u>2015/16</u>	3	14	4	22	28	31
<u>2015/16</u>	4	17	5	15	15	14
<u>2016/17</u>	1	4	7	7	13	15
<u>2016/17</u>	2	16	10	4	9	28
<u>2016/17</u>	3	19	3	1	17	29
<u>2016/17</u>	4	14	4	4	14	11
<u>2017/18</u>	1	16	5	8	6	22
<u>2017/18</u>	2	13	6	2	19	20
<u>2017/18</u>	3	14	5	4	20	24
<u>2017/18</u>	4	11	2	3	13	14
<u>2018/19</u>	1	14	6	8	10	25



22. The number of hearings and reviews remains at a low-level year on year, although the last quarter did see a rise. Since April 2018 there have been two hearings conducted one in relation to Merchant House, Bride Lane, Benk & Bo, Gravel Lane, and Brewdog, Great Tower Street. Three premises were scheduled for hearings which were subsequently withdrawn, Oyster Shed, Angel Lane, 10 Trinity Square and Enoteca, London Wall. There has been one review of premises, Gremio, Fenchurch Street. Two appeals have been received for Brewdog and Gremio and dates set to hear these in November. The 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has three premises flagged as red, seven on amber and the rest are all green in a total of 931 premises

23. Noise matters related to licensed premises remain at low levels and are reported to Licensing Committee. The number of noise complaints specifically associated with licensed premises is set out above with the Licensing Event Data to illustrate the trend over the last three years. The number is consistent with previous years and there is no indication that of any increasing trend which supports the generally good findings of the 'RAG' assessments in the City although on occasion a number of complaints are received about individual premises which receive targeted enforcement to resolve the issue.

Safety Thirst

24. The Safety Thirst scheme is highly regarded by licensees in the City of London and many are keen to participate, and to improve on their level of accreditation. The scheme was reviewed prior to its 2018 launch in May to ensure that any new initiatives, especially around the night time economy, crime reduction and vulnerability have been scoped in. All applications have been received and assessments are underway, with results being finalised and awards scheduled for October 2018.

Late Night Levy

25. The amount of levy collected in 2017/18 is £460,000 and has provided a similar level of income for the third levy year to 2016/17 (£454,00), compared with £445,000 in 2014/15 in the first levy year, suggesting there is still no disincentive against trading because of the levy. 70% of levy, which provided £307,000 in 2016/17, goes to City of London Police for activities involving improving the impact of Licensing on the night time economy, and 30% to the City Corporation.
26. A report on the income and expenditure is provided annually to the Licensing Committee with the last report considered at their February 7 meeting. This suggested changes in procedure and governance to make the City Police expenditure more easily accountable and to simplify the governance of the funds within the City Police. This has now been implemented with a Late-Night Levy Board in place.
27. Areas of significant expenditure on the City Police portion of the levy continue to be the night time policing of licensed activities and an additional intelligence post in the City Police Licensing Team. The levy provides ongoing support for the 'out of hours' noise service and additional cleansing activity. A levy supported project from Club Soda, that extends their scheme to encourage consumption of less alcoholic drinks and alcohol-free alternatives, continues to promote lower and non-alcoholic drinks at licensed premises in the City.

Corporate & Strategic Implications

28. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2017 - 20, and its priorities and objectives.
29. The Markets and Consumer Protection Department contributed to the One Safe City Programme, was represented on the Safer Communities Board and will be part of the arrangements for the Secure City Programme.
30. The Department is also represented on other relevant Boards and Groups, including the Serious Organised Crime Board.

Conclusion

31. The Public Protection Service continues to support the priorities and objectives of the Safer City Partnership through routine work, but also via specific projects and contributions to plans and strategies.

Jon Averbs, Port Health & Public Protection Director, Markets & Consumer Protection

T: 020 7332 1603

E: jon.averns@cityoflondon.gov.uk