

<b>Committee(s)</b>	<b>Dated:</b>
Safer City Partnership Strategy Group – For Information	29 November 2018
<b>Subject:</b> Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Information</b>
<b>Report author:</b> Jon Averns, 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 relatively 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>

- b) Two recent deployments have been made to businesses based in the City offering wine investments. The marketing of these investments is not regulated by the Financial Conduct Authority and some of the claims being made by these businesses are questionable. Robust advice has been provided and changes made to websites to minimise the risk of consumers being misled. Following another deployment, officers were able to work with City of London Police to delete a fraudulent website within 24 hours that led to a problem business vacating their serviced offices.
- 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.
- d) One current area of concern involves fraudulent businesses registering themselves at Companies House using City addresses that they have no connection with. The registration process is open to abuse and officers are currently looking at ways of streamlining the process whereby Companies House can correct the public register very quickly when squatting has been detected.
- 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. Work continues with the Lord Mayor's office and a couple of influential City Corporation Members to engage with some financial institutions at Board level to explore possibilities to protect consumers. As part of this work, our Trading Standards Manager presented to the Faster Payments Service. In addition, we are responding to consultations from the Payment Systems Regulator and the Financial Conduct Authority.
- f) In summary, the performance of the Operation Broadway partnership can be measured by reference to the table below:-

<b>2018/2019</b>	<b>Q1 Apr- Jun</b>	<b>Q2 Jul- Sep</b>	<b>Q3 Oct- Dec</b>	<b>Q4 Jan- Mar</b>	<b>Total</b>
<b>1. Op Broadway deployments</b>	<b>17</b>	<b>17</b>			<b>34</b>
<b>2. Disruptions/interventions</b>	<b>2</b>	<b>0</b>			<b>2</b>
<b>3. Adopted for further action by other agencies</b>	<b>1</b>	<b>4</b>			<b>5</b>
<b>4. Contacts with 'enablers'</b>	<b>6</b>	<b>5</b>			<b>11</b>
<b>5. RP07 forms submitted to Companies House by serviced office providers</b>	<b>6</b>	<b>3</b>			<b>9</b>
<b>6. Website suspension requests</b>	<b>1</b>	<b>4</b>			<b>5</b>
<b>7. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage</b>	<b>7</b>	<b>1</b>			<b>8</b>

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 well underway and approximately 50 businesses with a footprint in the Square Mile have been identified as having a connection with cryptocurrencies. These are all being visited by officers and the business models are being carefully scrutinised.
7. The City of London Trading Standards is a proactive part of London Trading Standards, a community interest company that seeks to promote the work carried out right across London. In September 2018, a week of media activity took place to highlight specific issues and it was very successful. A summary of the week can be found by following this link <http://www.londontradingstandards.org.uk/campaigns/london-trading-standards-week-2018/>
8. The media picked up on the issues relating to the sale of knives to young people and there was widespread coverage on television, radio, print media and the internet.

### **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 in November.
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 3<sup>rd</sup> and 8<sup>th</sup> 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 278 noise complaints between 1<sup>st</sup> July 2018 and 30<sup>th</sup> September 2018 of which 93.9% were resolved. In addition, they also assessed and commented on 323 Planning, Licensing and construction works applications and 277 applications for variations of work outside the normal working hours. Comparatively in the same period for 17/18 the Pollution Team dealt with 247 noise complaints of which 96.4% were resolved. In addition, they also assessed and commented on 282 Planning, Licensing and construction works applications and 193 applications for variations of work outside the normal working hours.
17. The Out of Hours Service dealt with 169 complaints between 1<sup>st</sup> July 2018 and 30<sup>th</sup> September 2018 and response (visit) times were within the target performance indicator of 60 minutes in 96.3% of cases, and often only 30

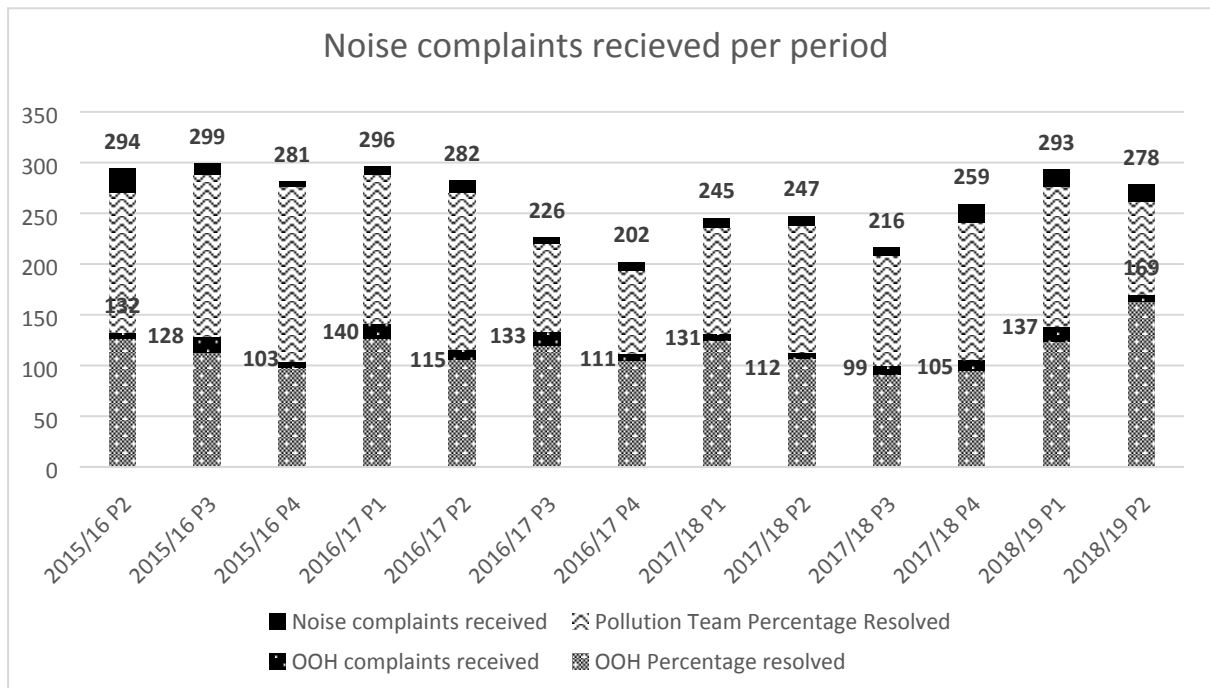
minutes. Comparatively, in the same period for 17/18 the Out of Hours Service dealt with 112 complaints and response (visit) times were within the target performance indicator of 60 minutes in 95.3% of cases, and often only 30 minutes.

18. The Pollution Team served 4 S.61 (Prior consent) Control of Pollution Act Notices and 6 S.61 Consents between 1<sup>st</sup> July and 30<sup>th</sup> September 2018. In the same period for 2017/18 the Pollution Team issued 4 S.60's, 1 S.80 and 5 S.61's and 3 consent.

19. The trends for total noise related complaints are set out in the tables below for information.

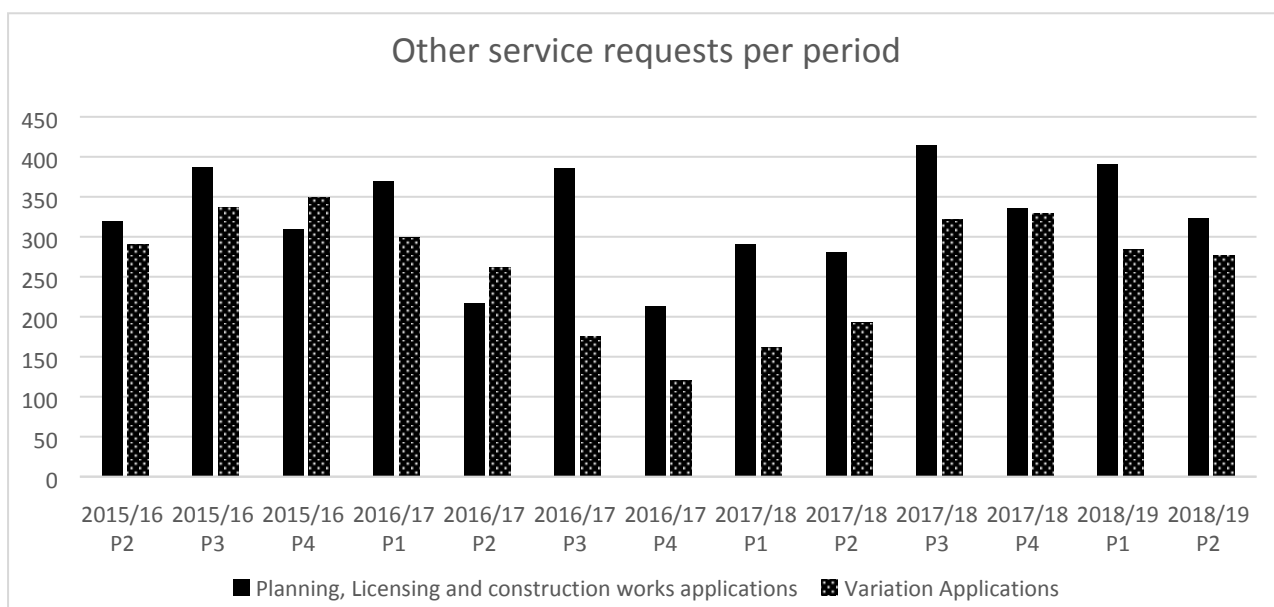
### Noise Complaints

<b>Year</b>	<b>Period</b>	<b>Pollution Team Noise complaints received</b>	<b>Percentage resolved</b>	<b>OOH Team Noise complaints received</b>	<b>Percentage resolved within KPI (60min)</b>
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%
2018/19	2	278	93.9%	169	96.3%



### 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	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
2018/19	2	323	277	0	0	4	6



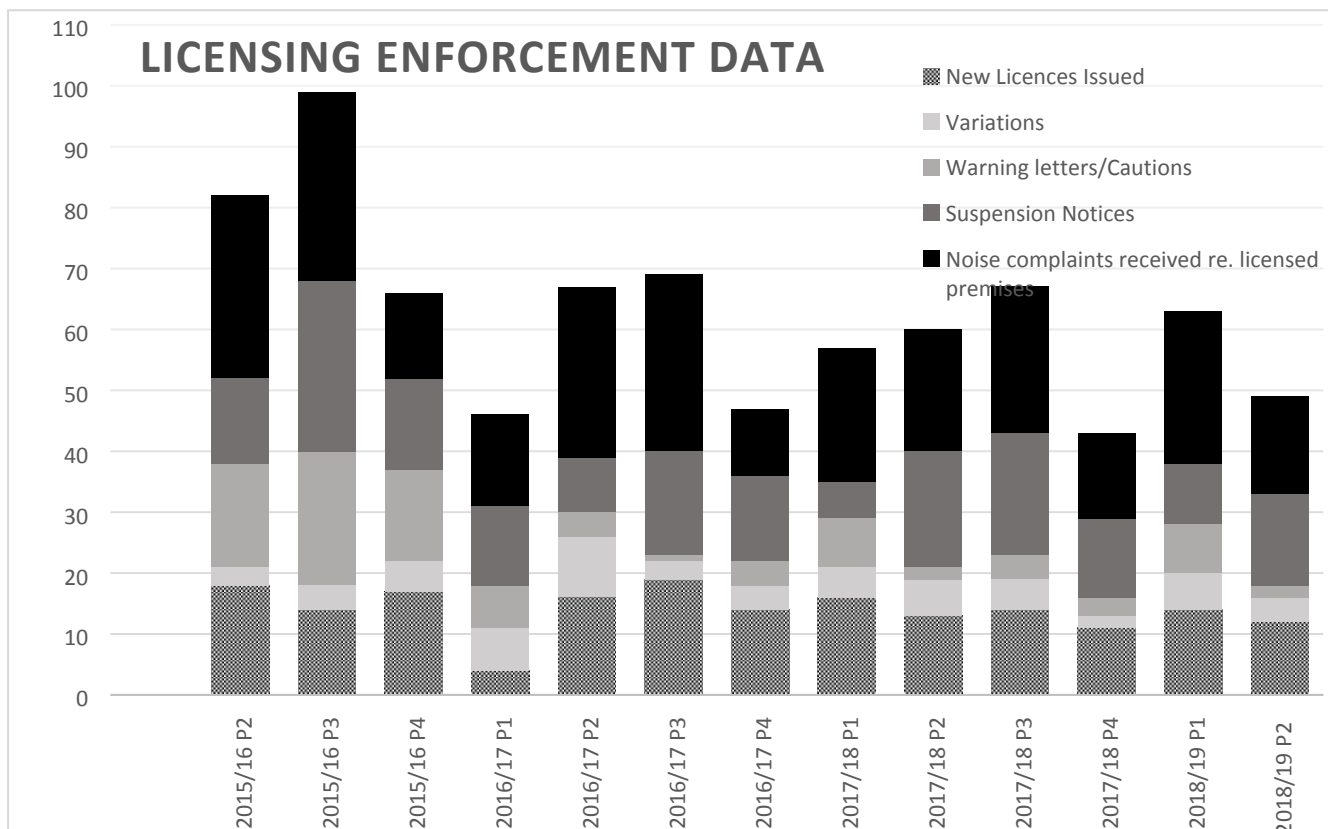
20. The consultation concerning noisy construction works on Saturday mornings is now complete and the results are being analysed. A full report will be presented to November Port Health and Environmental Services Committee.

### 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
2015/16	2	18	3	17	14	30
2015/16	3	14	4	22	28	31
2015/16	4	17	5	15	15	14
2016/17	1	4	7	7	13	15
2016/17	2	16	10	4	9	28
2016/17	3	19	3	1	17	29
2016/17	4	14	4	4	14	11
2017/18	1	16	5	8	6	22
2017/18	2	13	6	2	19	20
2017/18	3	14	5	4	20	24
2017/18	4	11	2	3	13	14
2018/19	1	14	6	8	10	25
2018/19	2	12	4	2	15	16





22. The number of hearings and reviews remains at a low-level year on year, although the last two quarters did see a rise. Since 1<sup>st</sup> July 2018 there have been six hearings conducted one in relation to Dion, Gremio de London, Wright and Bell, Brewdog Retail Ltd, Stem & Glory and WW Devonshire Ltd. Two premises were scheduled for hearings which were subsequently withdrawn, Double Tree Hilton and Shree News. There has been no reviews of premises. 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 two premises flagged as red, five 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 completed with results being finalised and awards scheduled for November 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 chaired by the Chief Superintendent with representation from the City Corporation.
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. A potential future use is for the funding of the Police Licensing Inspector, this has been agreed by the Licensing Committee at its October meeting. 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 Averts, Port Health & Public Protection Director, Markets & Consumer Protection**

T: 020 7332 1603    E: [jon.avers@cityoflondon.gov.uk](mailto:jon.avers@cityoflondon.gov.uk)