

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	26 February 2019
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	Public
Report of: Interim Director of Consumer Protection and Market Operations	For Information
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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) In November, Trading Standards were invited to attend the CTSI Scottish Branch training day at St Andrews to talk about the work of Operation Broadway. There are issues with investment fraudsters operating in some parts of Scotland and the attendees at the training event were interested to hear about the tactics used in the City of London to disrupt criminal businesses.
- c) One recent deployment to an investment business has been particularly successful. The business was seeking to raise £25 million by selling precious metal bonds through a boiler room operation. A visit was led by Trading Standards, accompanied by three City of London Police Officers and a representative from the Financial Conduct Authority. There were aspects of the business model that were highly questionable and disruption by Operation Broadway has led to the business folding. Although it is not clear at this stage how much money may have been lost by early investors, it appears that UK investors have been saved from losing well over £20 million and this is one of the best examples of the benefits of Operation Broadway. The benefit of Operation Broadway has also been demonstrated following the recent conviction of an organised crime group who were purporting to sell land in Madeira. A deployment undertaken by Operation Broadway in 2017 assisted in providing evidence to the investigation that was undertaken by the Financial Conduct Authority.
- d) 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.
- 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. In addition, we have responded to consultations from the Payment Systems Regulator and the Financial Conduct Authority and there is now a real appetite to look at what steps the banking sector should be taking to protect account holders from fraud. If banks are not following best practice then they may be held legally responsible to compensate victims.

- f) 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	19	17	12		48
2. Disruptions/interventions	2	0	1		3
3. Adopted for further action by other agencies	1	4	8		13
4. Contacts with 'enablers'	6	5	7		18
5. RP07 forms submitted to Companies House by serviced office providers	6	3	9		18
6. Website suspension requests	1	4	2		7
7. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	7	1	1		9

6. Trading Standards have been receiving an increasing number of complaints about businesses that claim to offer training that will lead to a job. Some of the claims being made by these businesses are questionable and it is particularly easy for vulnerable consumers to be misled. In one case that we looked at, a Chinese student was having difficulty with the learning provider who we felt was exploiting this vulnerability. As a result, the student was experiencing severe mental health issues but the City of London Trading Standards Officer looking at this case was able to provide support and assistance and the matter was resolved. The student was extremely grateful and sent a wonderful 'thank you' to the officer involved.

Anti-Social Behaviour (ASB)

7. The Public Protection Teams support the SCP objectives to:
- ***Respond effectively to behaviour that makes the City a less pleasant place***
8. The two main issues being tackled by the Public Protection Service are:
- Illegal Street Trading
 - Noise complaints service

Illegal Street Trading

9. 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 thirteen peanut trolleys were seized in 2018. Maximum fine, costs and a forfeiture order were 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.
10. 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 the primary focus now that a new postholder is in place.
11. 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 has run throughout the year. Because of the foregoing and the continued on-street presence, illegal street trading has been kept to a minimum.
12. 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 Section 101 with LBTH is being presented to LBTH Cabinet on the 7th February to allow for enforcement to commence on the shared Tower Bridge between City and LBTH jurisdictions. Joint enforcement between LBTH, Southwark, Tower Bridge, COLP and Licensing is proposed once the agreement has been signed.
13. 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

14. The Pollution Team dealt with 192 noise complaints between 1st October 2018 and 31st December 2018 of which 98% were resolved. In addition, they also assessed and commented on 450 Planning, Licensing and construction works applications and 249 applications for variations of work outside the normal working hours. Comparatively in the same period for 17/18 the Pollution Team dealt with 253 noise complaints of which 95.7% were resolved. In addition, they also assessed and commented on 415 Planning, Licensing and construction works applications and 321 applications for variations of work outside the normal working hours.
15. The Out of Hours Service dealt with 102 complaints between 1st October 2018 and 31st December 2018 and response (visit) times were within the target performance indicator of 60 minutes in 98.1% of cases, and often only 30

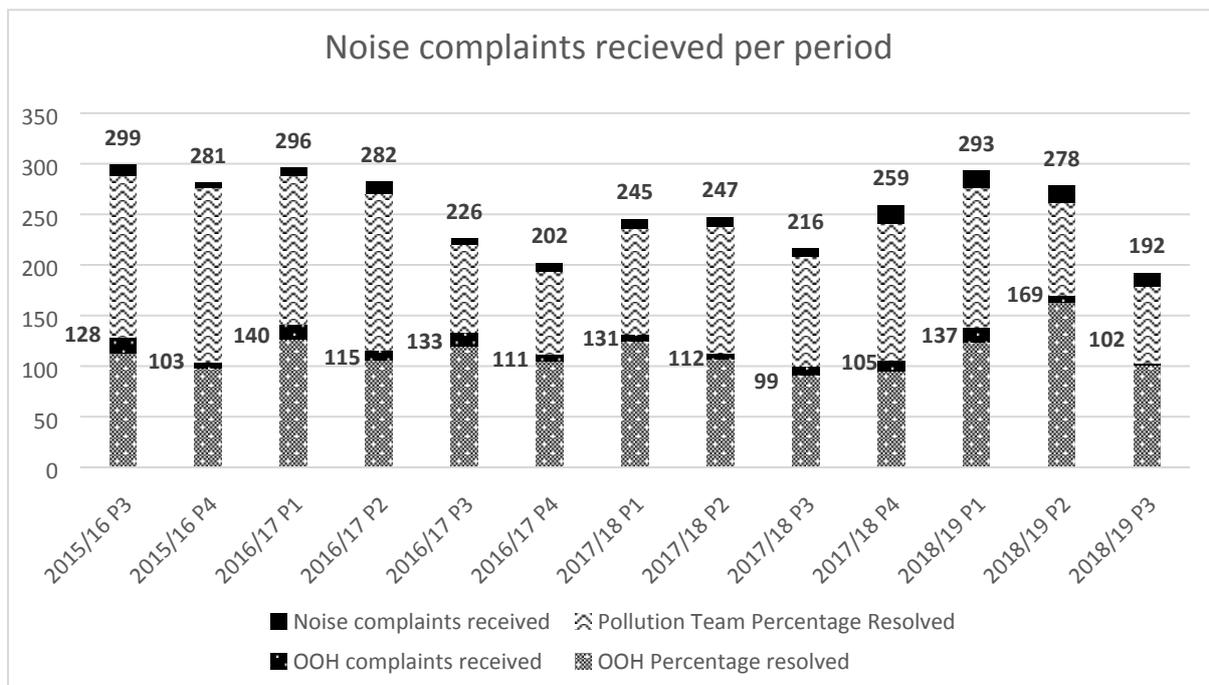
minutes. Comparatively, in the same period for 17/18 the Out of Hours Service dealt with 99 complaints and response (visit) times were within the target performance indicator of 60 minutes in 90.9% of cases, and often only 30 minutes.

16. The Pollution Team served 1 S.80, 6 S.61 (Prior consent) Control of Pollution Act Notices and 7 S.61 Consents and 1 S.60 between 1st October and 31st December 2018. In the same period for 2017/18 the Pollution Team issued 12 S.61's, 1 S.61 consent and 1 S.80.

17. The trends for total noise related complaints are set out in the tables below for information. A notable increase relates to complaints about buskers across the City but particularly in the Liverpool Street area.

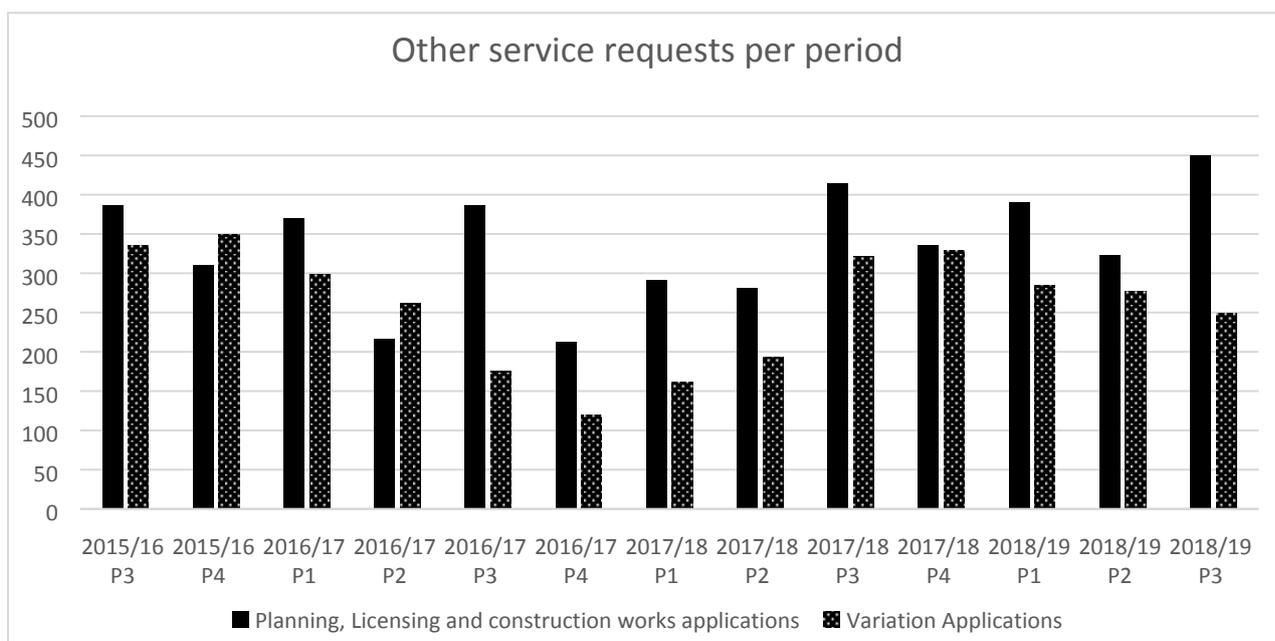
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
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%
2018/19	3	192	93.8%	102	98.2%



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	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
2018/19	3	450	249	1	1	6	7

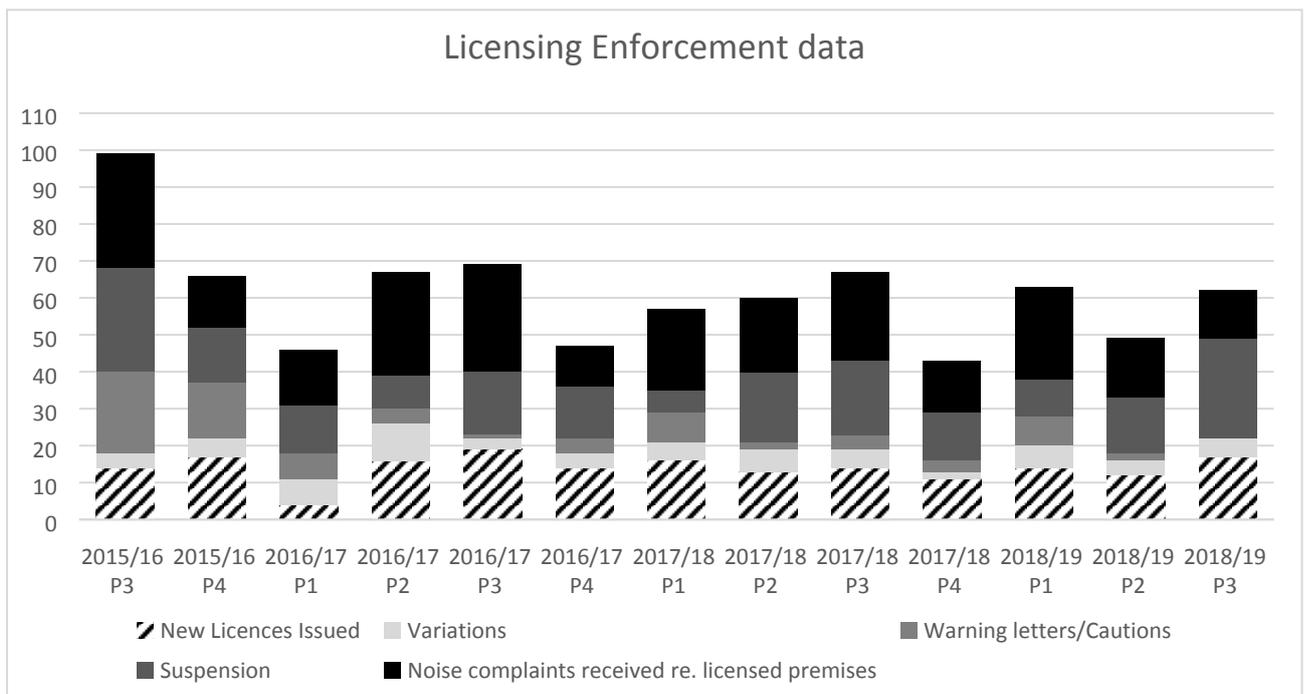


18. The consultation concerning noisy construction works on Saturday mornings is now complete and was presented to November Port Health and Environmental Services Committee. The Committee agreed to adjust the standard noisy working hours from 0800 to 1300 to 0900 to 1400.

Enforcement

19. 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>	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
<u>2018/19</u>	2	12	4	2	15	16
<u>2018/19</u>	3	17	5	0	27	13



20. The number of hearings and reviews remains at a low-level year on year. During the period 1 October 2018 to 31 December 2018, there have been two hearings in relation to Stem & Glory and WW Devonshire Ltd. There have been no requests to review a premises licence. Two appeals have been settled by way of consent order in respect of Brewdog and Gremio. 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, three on amber and the rest are all green in a total of 931 premises.

21. 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 of any overall 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

22. 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. A total of 62 applications were received, with 57 premises being accredited at the annual awards ceremony held on 21 November 2018.

Late Night Levy

23. The amount of levy collected in 2017/18 was £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. The 2018/19 levy income to date is broadly in line with previous years, the levy year runs from October.
24. A report on the income and expenditure is provided annually to the Licensing Committee with the latest report considered at their February 6 meeting. This reported back on the effect of 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.
25. 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, which was 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

26. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2017 - 20, and its priorities and objectives.
27. 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.
28. The Department is also represented on other relevant Boards and Groups, including the Serious Organised Crime Board.

Conclusion

29. 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.

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