

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	27 November 2019
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
Report of: Director of Consumer Protection and Market Operations	For Information
Report author: Gavin Stedman, 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 – 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.
- 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 SCP, 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 National Fraud Intelligence Bureau, 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 officers under the legislation that the service enforces.

 - b) Trading Standards officers continue to speak to victims of investment fraud and many of the stories that we hear are heart breaking with life changing

sums of money being lost. The classic stereotype that all victims are elderly and socially isolated really isn't true with one recent case involving a university professor who lost over £60,000. A new voluntary Code of Practice was introduced by the Payment Systems Regulator at the end of May 2019 that requires banks to compensate customers that have fallen victim to what is called 'authorised push payment' fraud. Officers are now actively advising investment fraud victims who have lost money since the end of May about this new route to compensation and we are already receiving some positive feedback. It is still early days and the code is currently only voluntary. However, in order to raise awareness of this possible route to redress, we are now liaising with Action Fraud, the national reporting portal for all economic crime, to ensure that call handlers are making victims aware of the code and the steps that they should be taking to make a claim.

- c) Deployments that are undertaken continue to show a pattern of fraudulent companies claiming that they are based in the Square Mile when they are actually squatting. Officers can request that websites showing this false information are taken down through our links with the City of London Police which is a good way of disrupting fraudulent activity.
- d) Trading Standards continue to maintain and build further good working relationships with mail forwarding businesses and serviced office providers in the City. It was recently discovered that some mail forwarding businesses were being selective about the types of mail that they would forward to their clients. The consequence of this is that consumers who are trying to resolve legitimate problems by writing to the relevant business were simply having their mail returned which is ridiculous. If a business has a registered office address, it is the view of Trading Standards that it must be possible for this mail to be successfully delivered. Work is currently underway to ensure that all mail forwarders amend their procedures to allow all mail to reach its destination.
- e) A key partner for Operation Broadway is the Financial Conduct Authority who have their UK base in Stratford. In order to develop working relationships and better understand the way that the FCA operates, the Trading Standards Manager spent a week at Stratford during October.
- f) Trading Standards remain committed to trying to find ways to prevent consumers being victims of investment fraud. We believe that the weakest part in any fraud is the point at which money is passed from the victim to the fraudster. It is at this point that there need to be controls in place and we have been 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. Some of these ideas are showing signs of life and the recent report from HM Treasury Select Committee is now suggesting that slower payments should be introduced for new payees.

<https://publications.parliament.uk/pa/cm201920/cmselect/cmtreasy/246/246.pdf>

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

2019/2020	2018/19 Total	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
a. Op Broadway deployments	61	16	15			31
b. Disruptions/interventions	3	0	3			3
c. Adopted for further action by other agencies	20	4	12			16
d. Contacts with 'enablers'	25	2	2			4
e. RP07 forms submitted to Companies House by serviced office providers	19	4	1			5
f. Website suspension requests	8	7	1			8
g. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	10	1	2			3

- h) Trading Standards have recently been investigating complaints from vulnerable job seekers who have responded to adverts offering employment. The reality is that the jobs do not exist, and job seekers have ended up paying hundreds of pounds for training courses that are a complete waste of time. This investigation is now complete and legal proceedings have been instituted.
- i) In September, the City hosted a London Trading Standards event at Guildhall to highlight the current issues with knife crime. The event was very successful and highlighted the important role that Trading Standards has to play as part of dealing with this issue.
<http://www.londontradingstandards.org.uk/news/london-retailer-agreement-launched-to-crackdown-on-underage-knife-sales/>
- j) In the City, there very few retailers that sell knives. Test purchasing using a 17-year-old was carried out during October and one of the retailers sold without asking any questions. This matter is now under investigation.
- k) Trading Standards attended the Licensing Engagement Forum on 22 October and gave a presentation to encourage the licensed trade to comply with their legal obligations under trading standards legislation. Following recent inspections of pubs in the City, there are concerns that standards are slipping and there is room for improvement. In particular, during a test purchasing exercise earlier this year, pubs consistently failed to challenge a 20-year-old who was purchasing alcohol. Trading Standards are now speaking to the Police Licensing Inspector with a view to conducting more formal test purchasing exercises.

Anti-Social Behaviour (ASB)

6. The Public Protection Teams support the SCP objectives to:
 - ***Respond effectively to behaviour that makes the City a less pleasant place***
7. Two issues that relate to the work of this committee that are being tackled by the Public Protection Service are:
 - Illegal Street Trading
 - Noise complaints service

Illegal Street Trading

8. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets are now in place; these allow the City to enforce against illegal trading just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
9. All known hotspots are visited during the day and evenings seven days a week to disrupt any attempt at trading. Between 1st July 2019 and the 30th September 2019 three ice cream vans, one peanut trolley and one pancake cart were seized. A further two warnings were given to the operators of ice cream vans. In addition, illegal gambling is disrupted on a weekly basis (mostly on Tower Bridge). 8 offences are listed to be heard on 27th November and a further 2 offences await listing. Three offences were heard on 9th October at Hendon Magistrates Court with fines of £400, £600 and £800, with full costs awarded including forfeiture of the receptacle.
10. The operation has run throughout the year. Because of the foregoing and the continued on-street presence of Licensing Officers, illegal street trading has either been eliminated within the City of London and the bridges or stopped immediately the traders set up.

Noise Complaints Service

11. The Pollution Team dealt with 176 noise complaints between 1st July 2019 and 30th September 2019 of which 96% were resolved. In addition, they also assessed and commented on 317 Planning, Licensing and construction works applications and 337 applications for variations of work outside the normal working hours. Comparatively in the same period for 18/19 the Pollution Team dealt with 278 noise complaints 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.
12. The Out of Hours Service dealt with 94 complaints between 1st July 2019 and 30th September 2019 and response (visit) times were within the target performance indicator of 60 minutes in 90.3% of cases, and often only 30 minutes. Comparatively, in the same period for 18/19 the Out of Hours Service dealt with

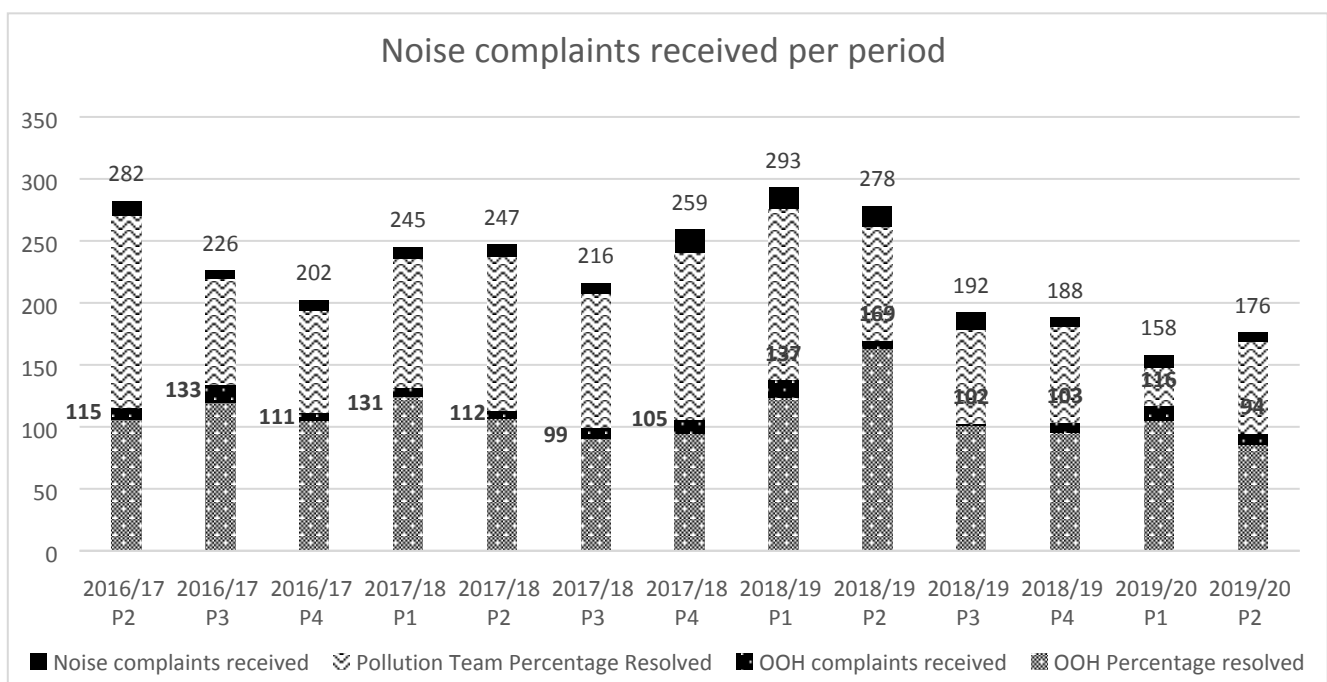
169 complaints and response (visit) times were within the target performance indicator of 60 minutes in 96.3% of cases, and often only 30 minutes.

13. The Pollution Team served 2 x S.80, 1 S.61 (Prior consent) Control of Pollution Act Notices and 1 S.61 Consents between 1st July and 30th September 2019. In the same period for 2018/19 the Pollution Team issued 4 S.61 (Prior consent) Control of Pollution Act Notices and 6 S.61 Consents.

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

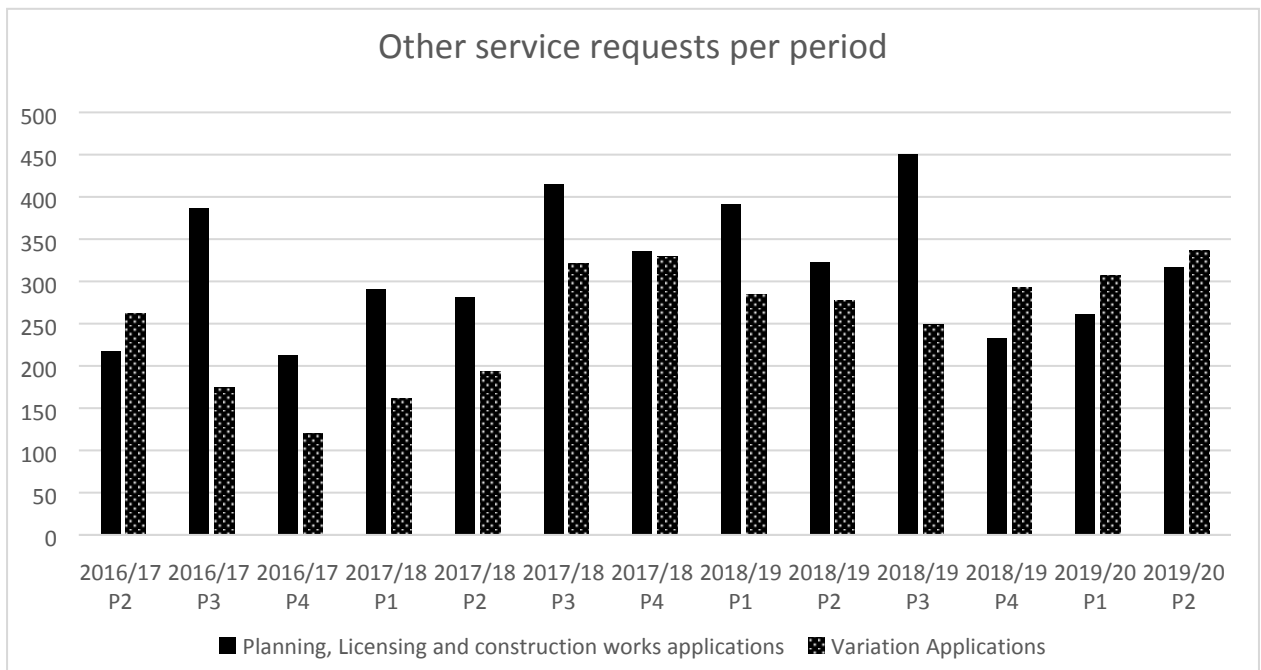
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
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%
2018/19	4	188	96.3%	103	93.5%
2019/20	1	158	93%	116	90.9%
2019/20	2	176	96%	94	90.3%



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
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
2018/19	4	232	293	0	0	3	4
2019/20	1	261	307	0	1	2	3
2019/20	2	317	337	0	2	1	1



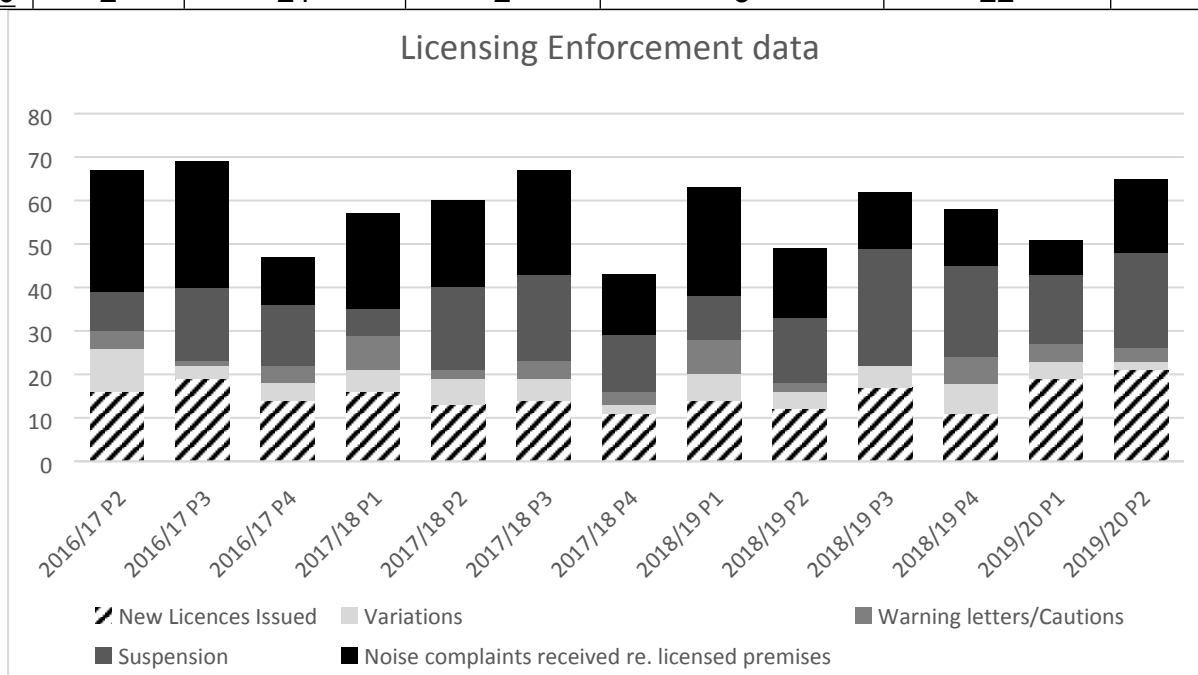
15. The revised Saturday morning construction hours 09:00-14:00 continue with high levels of compliance and anecdotal evidence of a positive reaction by residents. Contractors operating to the revised hours have not expressed any significant issues in adopting them. The Committee agreed to adjust the standard Saturday noisy working hours from 0800 to 1300 to 0900 to 1400.

16. The Pollution Control Team received the John Connell Local Authority Award on 23rd October at the Palace of Westminster in recognition of their imaginative and sustainable initiatives in the management of noise issues.

Enforcement

17. 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
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
2018/19	3	17	5	0	27	13
2018/19	4	11	7	6	21	13
2019/20	1	19	4	4	16	8
2019/20	2	21	2	3	22	17



18. The number of hearings and reviews remains at a low-level year on year. During the period 1st July and 30th September 2019, there have been four hearings in relation to Gremio de London Ltd, WeWork – WW Moor Place Limited, Stem and Gory – Herbivore Restaurants Ltd and Daisy Green Food Ltd.. There have been no requests to review a premises licence.
19. 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, six on amber and the rest are all green in a total of 931 premises.
20. Noise matters related to licensed premises remain at low levels and are reported to the 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. In fact, the opposite is potentially true with complaint numbers being lower than in previous quarters.
21. This 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 2019 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 73 applications have been received to date exceeding the 62 received last year. The 2019 awards ceremony was held in November and participants are now offered additional training and short seminars on a relevant issues.
23. There were 72 premises awarded in the categories of pass, commended and Highly commended.

The three overall winners were:

- The Gable Bar & Restaurant, winning it for the second year running.
- The Steelyard Nightclub
- Mrs Foggs Bar

Late Night Levy

24. The amount of levy collected in 2018/19 was £463,000 and has provided a similar level of income to 2017/18 (£460,000), and 2016/17 (£454,000) suggesting there is still no disincentive against trading because of the levy. 70% of the levy, approximately £325,000 goes to the City of London Police for activities involving improving the impact of licensed activities on the night-time economy. The remaining 30% of the levy goes to the City Corporation. The 2019/20 levy income to date is broadly in line with previous years.

25. A report on the income and expenditure is provided annually to the Licensing Committee with the latest report considered at their February 6 (add year) meeting. This report obtained agreement to continue the levy for a further two years at which time the process would be reviewed.
26. Areas of significant expenditure on the City Police portion of the levy continue to be the night time policing of licensed activities, an additional intelligence post in the City Police Licensing Team and the Police Licensing Inspector, which was agreed by the Licensing Committee at its October (add year) 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

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

Conclusion

30. 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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