

<b>Committee(s)</b>	<b>Dated:</b>
Safer City Partnership Strategy Group – For Information	23 September 2016
<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
- Anti-Social Behaviour
  - Illegal street trading
  - Noise complaints service
- Night Time Economy Crime and Nuisance
  - Late Night Levy
  - Safety Thirst
  - Licensing controls and enforcement

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

The Service is also contributing to the One Safe City programme and is 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

The latter includes Environmental Health, Licensing and Trading Standards, all of which contribute to the work of the Safer City Partnership, specifically the 2016/17 SCP Strategic Plan priorities 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 – To respond effectively to behaviour that makes the City a less pleasant place.
- Night Time Economy Crime and Nuisance – To support a successful Night Time Economy that the City as a safe place to socialise

2. 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**

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

- ***Helping Protect the City of London's reputation as the world's leading financial centre from the impact of acquisitive crime***

4. COLTSS continues to support and actively participate in Operation Broadway, a joint project with the City of London Police, the Metropolitan Police, National Trading Standards 'Scambusters', the Financial Conduct Authority and HM Revenue and Customs.

- a) This operation is disrupting the enablers behind investment fraud that try to associate themselves with the City of London. Investment fraudsters often utilise the services of mail forwarding businesses in order to create the illusion in the minds of potential victims that they are reputable due to having an office base in the Square Mile. By working with mail forwarding businesses and serviced office providers, we are making it more difficult for investment fraudsters to set up shop in the City of London. In addition, by enforcing the provisions of Section 75 of the London Local Authorities Act and using the powers of entry available to Trading Standards Officers, joint inspections can be made and the mail forwarding and serviced office sector kept advised of their legal responsibilities.
- b) COLTSS and Tri-regional Scambusters are committed to continue to support Operation Broadway for 2016/17 and approval to seek additional funding from various sources for an additional Trading Standards Officer (TSO) was endorsed by this Partnership, the Port Health & Environmental Services Committee and the Economic Crime Board. More recently, funding has now been secured for the second half of 2016/17 to employ this additional TSO. The role of this officer will be to engage with other Trading Standards Services across the rest of London in order to promote compliance with relevant legislation by mail forwarding businesses and serviced office

providers. This will help address potential issues of investment fraudsters being pushed out of the City and into neighbouring parts of London. Other London Borough Trading Standards Services may not have investment fraud as a high priority but we want to ensure that the best practice of Operation Broadway can be shared wherever possible.

- c) In relation to promotional activities, COLTSS provided key evidential support to an Action Fraud press release relating to the sale of one particular type of investment. The press release was picked up widely in the national media but one particular business engaged in selling this type of investment robustly challenged it. After evaluating the evidence, the business withdrew its legal challenge but not before admitting that it had lost millions of pounds of revenue as a direct result of the national publicity. This is probably the most significant disruption ever achieved by Operation Broadway and has undoubtedly saved many consumers from financial detriment.
- d) An excellent submission was made by Trading Standards to the ***Municipal Journal Awards 2016*** on behalf of Operation Broadway. Unfortunately, the category of 'Partnership Working' had almost 60 other applications and our submission was not shortlisted. However, the application document has been widely used to explain how 'Operation Broadway' functions and has proved very useful.
- e) Finally, for the period covering 1 April to 31 July 2016, the performance of the Operation Broadway partnership can be measured by reference to the table below:-

<b>Actions</b>	<b>April to July 2016</b>
Operation Broadway deployments	12
Disruptions and interventions	7
Referrals to other agencies for action	4
Contacts with enablers – mail forwarders, serviced office providers, banks etc	4
Promotional and prevention activities	4

in addition to continuing to amass, collate, analyse, share and disseminate intelligence on emerging frauds with our partners.

- 5. On other matters, COLTSS is just completing a project relating to Letting Agents that are based in the City of London. 22 businesses have been identified and all have been visited to ensure compliance with relatively new legislation that seeks to protect prospective tenants from rogue trading activity; it is pleasing to report that no significant problems have been detected.
- 6. The next project currently being scoped involves checking on City of London retailers that may be supplying illicit tobacco products. The supply of cheap tobacco products undermines initiatives to tackle smoking prevalence rates and it

is a big problem across the UK. Tobacco sniffer dogs are used by Trading Standards colleagues to find illicit products being stored in retail premises and we want to ensure that such robust action by neighbouring London Boroughs hasn't pushed the problem into the Square Mile.

### **Anti-Social Behaviour (ASB)**

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

- ***Reduce the causes and opportunities for ASB***
- ***Improve data sharing and the management of ASB issues***
- ***Improve the use of enforcement powers to tackle persistent offending behaviours***

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

- Illegal Street Trading
- Noise complaints service

### **Illegal Street Trading**

8. Although there are provisions for legal street trading, there is still a very limited demand for short-term temporary licences, with only three applications having been received since January this year; one in respect of Paternoster Square now part of the City's highway, one for the enhanced Nocturne cycling event in June and one close to Monument for the Great Fire Event. In the longer term there is an environmental enhancement project being considered for Middlesex Street and the Market in conjunction with London Borough of Tower Hamlets to invigorate the area. This may involve a slight change to the Street Trading Policy to provide for extension of trading hours on a Sunday, and trading on other days if the project progresses. A draft joint report (Department of Built Environment and Markets and Consumer Protection) is likely to seek approval from various City Corporation Committees.
9. There is still some illegal street trading activity in the City and fringes with Southwark, primarily nut sellers on the south side London Bridge/Millennium Bridge. Joint operations with City Police are on-going each month. There are prosecutions proceeding for two nut sellers since the last meeting and three carts have been seized since April. A fourth trolley was seized on London Bridge on Friday 2 September and this will be retained whilst we apply for forfeiture at prosecution and eventual disposal. Ice cream trading has been notable by its absence in the City. The seized ice cream van, seized with the help of the City of London Police, has remained in Police custody in Wood Street since May and consequently has not been available to trade. Legal proceedings regarding the case are proceeding with City Police and it is understood Criminal Behaviour Orders (CBO) may be sought for the two operators of the van in relation to the seizure in May.
10. Following discussions with the Comptroller and City Solicitor and subject to specific advice on each case CBO's may now be sought in parallel with any prosecution of repeat offenders for those illegally selling nuts in the City. Although

joint operations with City and City Police have shown little of this activity during the week, and timing of future joint operations will take this into account, some occasional trading has been seen on the Southwark jurisdiction side of the Millennium Bridge. Following discussions with the City Solicitor we are seeking agreement from LB Southwark for joint delegation of powers so that street traders who can currently escape our enforcement by trading just onto the Southwark side of Millennium Bridge can then be dealt with by our officers. The Chairman of the Crime and Disorder Scrutiny Committee is approaching their equivalent in Southwark, when they return from leave, to seek agreement to help facilitate this. An oral update will be provided at your meeting.

11. Further joint operations are planned with Corporation/City Police officers to target nut sellers operating in the City both during the week and at weekends, and ice cream vans will also be tackled if identified in the Square Mile.
12. Following a question at Court of Common Council in July the issue of further/other potential legal actions has been discussed with Comptroller and City Solicitor as well as another elected Member and the Chairman of the Crime and Disorder Scrutiny Committee.
13. The City Police are in contact with their Metropolitan Police colleagues regarding illegal gambling which has been a source of concern for several years on Westminster Bridge. A consultation is underway, ending on September 9, which may lead to the introduction of a Public Space Protection Order (PSPO) on that bridge in an attempt to control the gambling problem and crimes associated with it, such as pickpocketing from the crowds that gather around. Our initial advice is that is that we should await any evidence of a displacement effect to Southwark or City Bridges before applying for an order in the same way. In addition that we should continue to utilise existing legislation rather than attempt to extend any such use of a PSPO to encompass street trading as well as street gambling if we do pursue this order.

### **Noise Complaints Service**

14. The Noise Complaints Service has dealt with reactive and proactive matters as set out in the table below in the first period (1 April 2016 – 31 July 2016) of the business year 2016/17. Customer surveys are undertaken monthly and responded to where those surveyed have identified themselves. Results and comments are used at team meetings to improve the service where appropriate and practical.
15. The Pollution Team dealt with 348 noise complaints between 1 April and 31<sup>st</sup> July 2016 of which 96 % were resolved. In addition, they also assessed and commented on 414 Planning, Licensing and construction works applications and 322 applications for variations of work outside the normal working hours. Comparatively in the same period for 15/16 the Pollution Team dealt with 420 noise complaints of which 92.9% were resolved. In addition, they also assessed and commented on 493 Planning, Licensing and construction works applications and 135 applications for variations of work outside the normal working hours.

16. The Out of Hours Service dealt with 197 complaints between 1 April and 31<sup>st</sup> July 2016 and response (visit) times were within the target performance indicator of 60 minutes in 91% of cases, and often only 30 minutes. Comparatively in the same period for 15/16 the Out of Hours Service dealt with 157 complaint and response (visit) times were within the target performance indicator of 60 minutes in 93% of cases, and often only 30 minutes.

17. The Pollution Team served five S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, and issued six S.61 (Prior consent) Control of Pollution Act Notices between 1st April and 31st July 2016 relating to construction sites. In the same period for 2015/2016 the Pollution team served three Control of Pollution Act Notices (S.60), and issued three Control of Pollution Act Notices (s.61) relating to work at construction sites.

18. The trends for noise related complaints in total are set out in the two 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)
2013/14	2	453	99.5%	N/A	N/A
2013/14	3	292	98.7%	N/A	N/A
2014/15	1	354	97%	N/A	N/A
2014/15	2	297	92.3%	N/A	N/A
2014/15	3	320	95%	N/A	N/A
2015/16	1	293	92.6%	136	90.3%
2015/16	2	342	94.7%	186	92.3%
2015/16	3	410	96.8%	142	92.2%
2016/17	1	348	96.4%	197	91%

#### **Noise Service Requests**

Year	Period	Planning, Licensing and construction works applications	Variation Applications	S.60 Notices Issued	EPA Notices	S.61 Notices Issued	CoPA
2013/14	2	341	192	0	4	0	5
2013/14	3	312	224	2	2	5	0
2014/15	1	309	173	2	1	4	0
2014/15	2	342	276	1	2	3	0
2014/15	3	635	270	2	0	0	5
2015/16	1	580	441	3	0	3	0
2015/16	2	466	330	1	2	3	0
2015/16	3	680	380	5	0	6	0
2016/17	1	414	322	5	0	6	0

19. The City Corporation's revised noise strategy is currently out for external consultation and a finalised strategy will be published in January 2017.

## Night Time Economy Crime and Nuisance

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

- ***Promote a City that is safe and pleasant to socialise in***
- ***Promote the Safety Thirst scheme to more premises and maximise its potential as a vehicle to promote community safety***
- ***Develop new approaches to address problems associated with our Night Time Economy during periods of peak demand***

## 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
<a href="#">2013/14</a>	2	6	7	13	13
<a href="#">2013/14</a>	3	8	4	15	11
<a href="#">2013/14</a>	4	7	2	13	7
<a href="#">2014/15</a>	1	16	4	8	17
<a href="#">2014/15</a>	2	15	6	14	49
<a href="#">2014/15</a>	3	15	4	20	25
<a href="#">2014/15</a>	4	19	3	15	11
<a href="#">2015/16</a>	1	19	2	29	16
<a href="#">2015/16</a>	2	18	3	17	14
<a href="#">2015/16</a>	3	14	4	22	28
<a href="#">2015/16</a>	4	17	5	15	15
<a href="#">2016/17</a>	1	15	4	26	7

22. Noise matters related specifically 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 below to illustrate the trend over the last three years – which indicates an overall reduction.

### Noise complaints for licenced premises

Year	Period	Number of complaints
<a href="#">2013/14</a>	2	36
<a href="#">2013/14</a>	3	70
<a href="#">2013/14</a>	4	22
<a href="#">2014/15</a>	1	36
<a href="#">2014/15</a>	2	31
<a href="#">2014/15</a>	3	30
<a href="#">2014/15</a>	4	14
<a href="#">2015/16</a>	1	30
<a href="#">2015/16</a>	2	30
<a href="#">2015/16</a>	3	31
<a href="#">2015/16</a>	4	14
<a href="#">2016/17</a>	1	12

## **Safety Thirst**

23. The current round of Safety Thirst Award scheme started at the end of April with applications being sent out to all those premises that pay the late night levy, as well as other pubs and restaurants. We have followed up the invitations to participate with area managers for those which are part of larger groups (such as Novus who took part for the first time last year) in order to encourage wider participation than simply addressing the current direct premises management. The anticipated figures at the moment are 57 applications received (circa 39 last Year) and moderation of the results of assessment visits is being arranged with representatives on the Licensing Liaison Partnership. It is anticipated that there will be around a 50% increase in awards compared with 2015.
24. Assessment has been carried out from the end of May to August, with August and September being used as contingency periods for late applicants and for moderation of results. The City Police Licensing Team have been assisting the City's Licensing Team with this year's assessment round. The award will be subject of a ceremony on 18 October 2016 and all of the activity will be resourced via the levy.
25. It is intended to review the scheme again following the award ceremony with consideration being given amending our local scheme further or joining a national scheme such as Best Bar None.

## **Late Night Levy**

26. The forecast for 2015/16 is now not expected to fall below the levels of year one (October 2014/15) and is expected in the second year of the levy until October 2016 to be around £420,000 in total. Amounts collected so far this year are on a par with year one and there has not been any significant decrease in numbers of licences held for trading one minute or more after midnight, the trigger time for the levy payment, suggesting there is no disincentive introduced against trading in this period by the levy itself. The administration fee in year two is slightly less at £15,000 (approx. £25,000 in first year of the levy) therefore amounts to be apportioned in year 2 of the levy is forecast to be slightly more. 70% of levy 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.
27. The income collected has enabled the licensing service to continue with operating its unique risk scheme combined with Safety Thirst, a best practice scheme (see below). The Police and Cleansing services have been able to put additional resources into those areas that are affected by the night time economy directly affecting the levels of crime and disorder and public nuisance. Ideas for other areas for expenditure to manage the night time economy are still sought as we have been conservative with the initial expenditure, as the levy income can be carried forward each year. It is anticipated that at least some of the levy will contribute towards ensuring an alcohol reception centre is provided near Liverpool Street Station during the Christmas period, and bids are to be reviewed in September for a pilot scheme from Club Soda to reduce the consumption of alcoholic drinks within City and Hackney. Additional cleansing operations will also be considered.

## **Corporate & Strategic Implications**

28. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2016/17, and its priorities and objectives.
29. The Markets and Consumer Protection Department is represented by its Chief Officer on the Safer Communities Project Board, and is also contributing more broadly to the One Safe 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.averms@cityoflondon.gov.uk](mailto:jon.averms@cityoflondon.gov.uk)