

<b>Committee(s)</b>	<b>Dated:</b>
Safer City Partnership Strategy Group – For Information	3 February 2017
<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 Averbs, 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.
- **Anti-Social Behaviour**
  - Illegal street trading – persistent action has virtually eliminated this from the Square Mile.
  - Noise complaints service – a 14/7 service is provided and response times are good.
- **Night Time Economy Crime and Nuisance**
  - Late Night Levy – this has generated approximately £445K and is the subject of a separate report.
  - Safety Thirst – a complete review has been undertaken and some changes will be made to the scheme.
  - 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 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) An additional Trading Standards Officer started work in October 2016. The role of this officer is to work with other London Boroughs to offer practical support and guidance when undertaking visits to mail forwarding businesses and serviced offices. This means that any fraudulent investment businesses driven out of the Square Mile by Operation Broadway are more likely to be picked up should they try and relocate. Already, many other London Boroughs have made contact with this officer and extremely productive visits have been made to Southwark, Bromley, Tower Hamlets, Hackney, Brent, Greenwich and Islington. This has generated additional intelligence about those engaged in investment fraud, has enabled us to share best practice around disruption tactics and has also helped to further enhance the

reputation of the City of London in assisting other Local Authorities.

- b) COLTSS currently have an interesting investigation in progress which involves the victims of a diamond scam. Around two or three years ago, consumers across the UK were sold diamonds at grossly inflated prices as an investment opportunity. The diamonds were stored in Switzerland for safe keeping but, more recently, consumers have been pursued by a debt collector for storage charges for their stones. These demands were not expected and our investigation into the legitimacy of the alleged debts is continuing. We are now aware that the Swiss Police have taken possession of the diamonds from the storage facility and we are doing everything possible to get them back from Geneva and into the possession of their owners. Sadly, the diamonds are worth only a fraction of what was originally paid for them by the 200 or so victims that we have identified. However, by getting the diamonds back will break this cycle of victimisation and will give us the opportunity to target and harden the victims who will inevitably be targeted by other fraudsters in the future.
- c) In summary, for the period covering 1 November to 31 December 2016, the performance of the Operation Broadway partnership can be measured by including reference to the table below:-

	<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>7</b>	<b>8</b>	<b>22</b>		<b>37</b>
<b>2. Disruptions/interventions</b>	<b>6</b>	<b>1</b>	<b>5</b>		<b>12</b>
<b>3. Referrals to other agencies for action - e.g. City of London Police, Met. Police, FCA, other TS</b>	<b>3</b>	<b>4</b>	<b>8</b>		<b>15</b>
<b>4. Contacts with 'enablers' - e.g. mail forwarding businesses, serviced office providers, banks</b>	<b>2</b>	<b>4</b>	<b>6</b>		<b>12</b>
<b>5. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage</b>	<b>3</b>	<b>2</b>	<b>5</b>		<b>10</b>
<b>6. Op Offspring Visits (SM)</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>9</b>	<b>38</b>

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

5. On other matters, COLTSS has carried out inspection work looking for illicit tobacco products that may be available in City retailers. Illicit tobacco includes products that have avoided duty payments by being smuggled in from mainland Europe or may be counterfeit products. Most of the Boroughs surrounding the City of London have found problems with illicit tobacco being supplied so we

wanted to make sure that robust enforcement work by colleagues wasn't driving criminals into the Square Mile. We hired the services of a tobacco detection dog and inspected 13 premises, taking great care to check store rooms for hidden products. It is pleasing to report that no illicit products were found and the opportunity was taken to engage with businesses and request any intelligence in the future about criminal activity.

6. We are currently engaged in a piece of interesting work on the national stage with the Chartered Trading Standards Institute, the National Scams Team and Bournemouth University. One simple way of stopping vulnerable consumers making payments to fraudsters is for the banks to move bank transfers onto the slower payments system in some cases. Consumers who volunteer for this system would allow their bank to notify a trusted representative that they are attempting to make a large payment transfer which will allow an intervention to be made before any funds are transferred. Progress is being made and our Trading Standards Manager was recently quoted in a press release on this subject. <https://www.tradingstandards.uk/news-policy/news-room/2016/experts-call-for-push-payments-to-be-disabled-on-vulnerable-people-s-accounts>

### **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 some short term legal street trading, there remains a very limited demand for temporary licences, with only three applications having been received in 2016. 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.
9. There is a small residual of illegal street trading activity in the City and fringes with Southwark, primarily nut sellers on the south side London Bridge/Millennium Bridge. There are prosecutions proceeding for three nut sellers since the last meeting. One particular nut seller on London Bridge has been prosecuted again (following fines of nearly £1000 in total for each offence) with a further eight cases against him in progress. Following discussions with the Comptroller and City Solicitor and subject to specific advice on each case Criminal Behaviour

Orders (CBO's) may be sought in parallel with any prosecution of repeat offenders for those illegally selling nuts in the City. A CBO has not been applied for yet and we will report when this does happen, should an application prove necessary. Illegal ice cream trading has been effectively absent from the City in 2016.

10. Joint operations continue to be planned with Corporation/City Police officers to target nut sellers operating in the City both during the week and at weekends, and any other traders e.g. ice cream vans will also be tackled if identified in the Square Mile. This joint approach has demonstrated little street trading during the week, although some occasional trading has been seen on the London Borough of Southwark jurisdiction side of the Millennium Bridge, and the timing of future joint operations will take this into account any intelligence regarding times of activity. 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 although. Our Licensing Manager has renewed this request recently with his equivalent post holder in Southwark. Should this prove unsuccessful, political support may be sought.
11. 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. Westminster and Lambeth have now introduced 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. The Community Police are carrying out regular monitoring particularly of Millennium and London Bridge but there is no evidence of displacement activity so far.

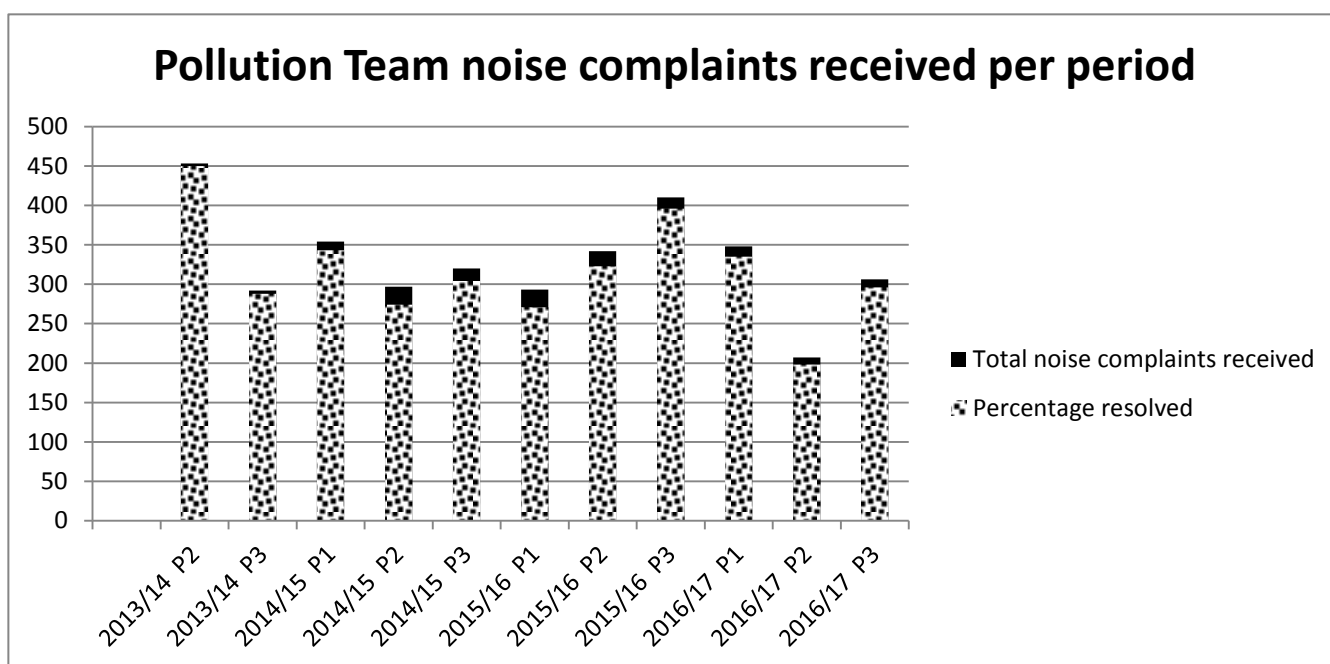
### **Noise Complaints Service**

12. The Pollution Team dealt with 306 noise complaints between 1 August and 30th November 2016 of which 97.1% were resolved. In addition, they also assessed and commented on 422 Planning, Licensing and construction works applications and 330 applications for variations of work outside the normal working hours. Comparatively in the same period for 15/16 the Pollution Team dealt with 374 noise complaints of which 93.3% were resolved. In addition, they also assessed and commented on 457 Planning, Licensing and construction works applications and 660 applications for variations of work outside the normal working hours.
13. The Out of Hours Service dealt with 200 complaints between 1 August and 30th November 2016 and response (visit) times were within the target performance indicator of 60 minutes in 90% of cases, and often only 30 minutes. Comparatively, in the same period for 15/16 the Out of Hours Service dealt with 186 complaint and response (visit) times were within the target performance indicator of 60 minutes in 92.3% of cases, and often only 30 minutes.
14. The Pollution Team served 1 S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, and issued seven S.61 (Prior consent) Control of Pollution Act Notices and one S.80 between 1st August and 30th November 2016

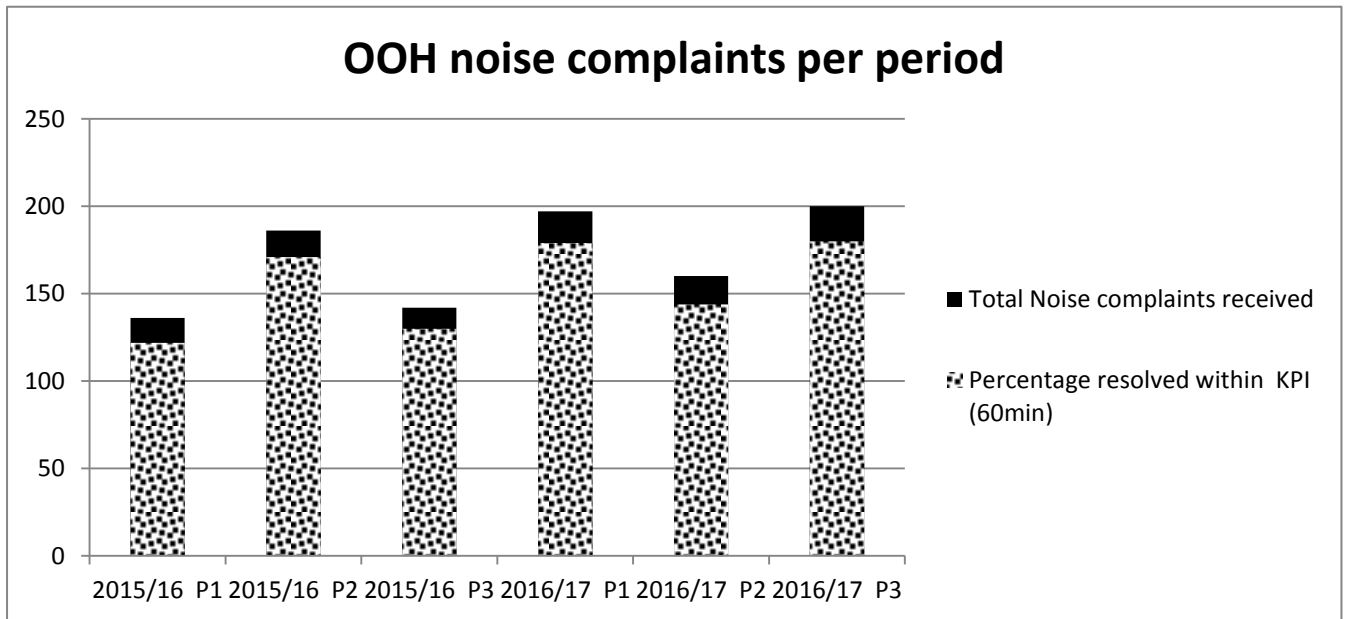
relating to construction sites. In the same period for 2015/2016 the Pollution team served one Control of Pollution Act Notices (S.60), and issued four Control of Pollution Act Notices (s.61) relating to work at construction sites and two section 80's.

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

### Noise Complaints

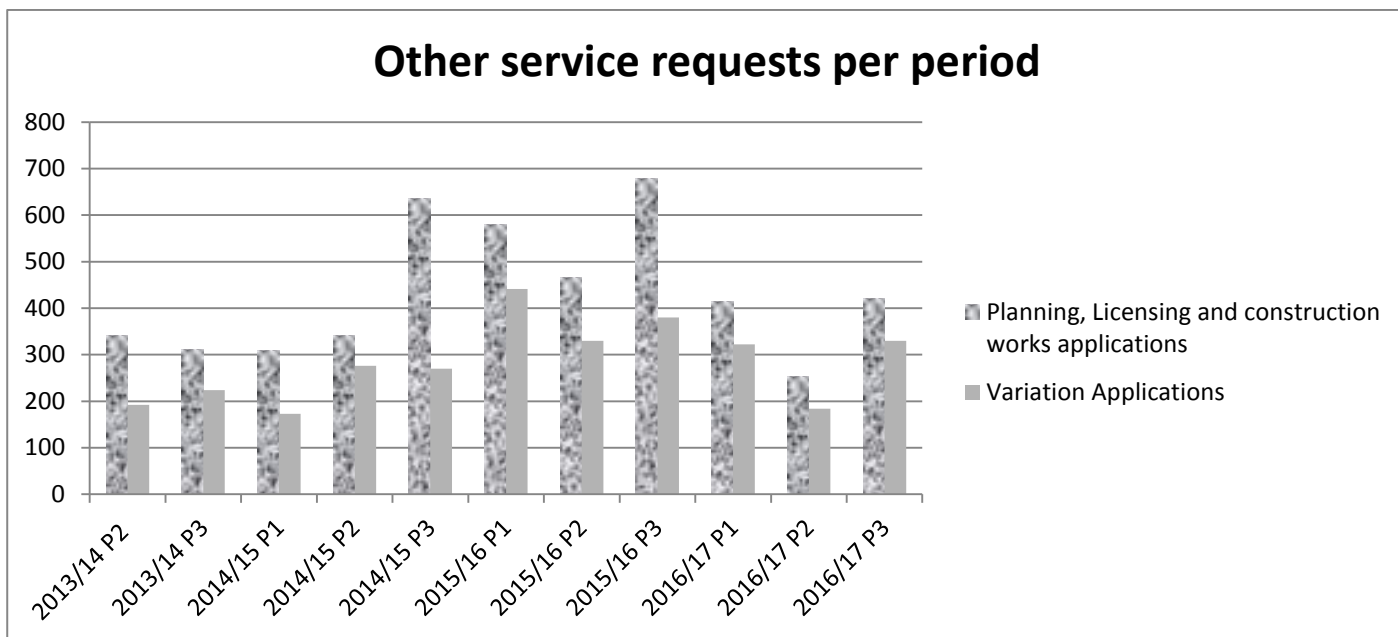


Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2013/14	2	453	99.5%	N/A	N/A
2013/14	3	292	98.7%	N/A	N/A
2014/15	1	354	97%	N/A	N/A
2014/15	2	297	92.3%	N/A	N/A
2014/15	3	320	95%	N/A	N/A
2015/16	1	293	92.6%	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%
2016/17	2	207	96.1%	160	90.8%
2016/17	3	306	97.1%	200	90%



### 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
2016/17	2	253	184	0	1	2	0
2016/17	3	422	330	1	1	7	0



**Please note information from Period 1 relates to data from 1<sup>st</sup> November 2015 - 1<sup>st</sup> February 2016. Period 2 relates to data from 1<sup>st</sup> April 2016-30<sup>th</sup> June 2016. Period 3 relates to data from 1st August 2016 - 30th November 2016. Statistics will be adjusted in the next report to reflect standard financial year periods.**

16. The City Corporation's revised noise strategy will be published in January 2017 and a revised Code of Construction Practice Eighth Edition will be out for public consultation in January 2017.

### Night Time Economy Crime and Nuisance

17. 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***

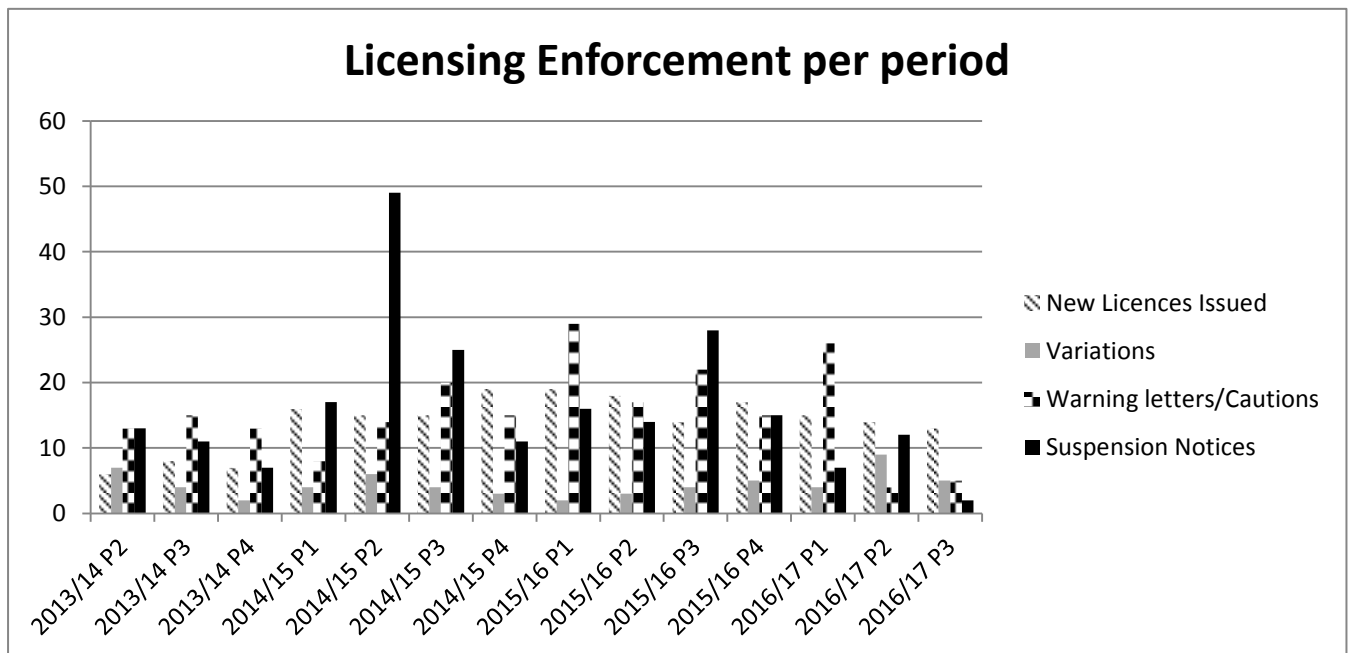
### Enforcement

18. 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.

19. There has been one review of Madison, situated at roof level of One New Change, and two hearings regarding new/variations of alcohol licences in January 2017 to consider premises licences since the last meeting of the Partnership. This remains at very low level year on year with 5 Hearings and one review in the calendar year 2016 compared with 20 hearings and 3 reviews in 2013.



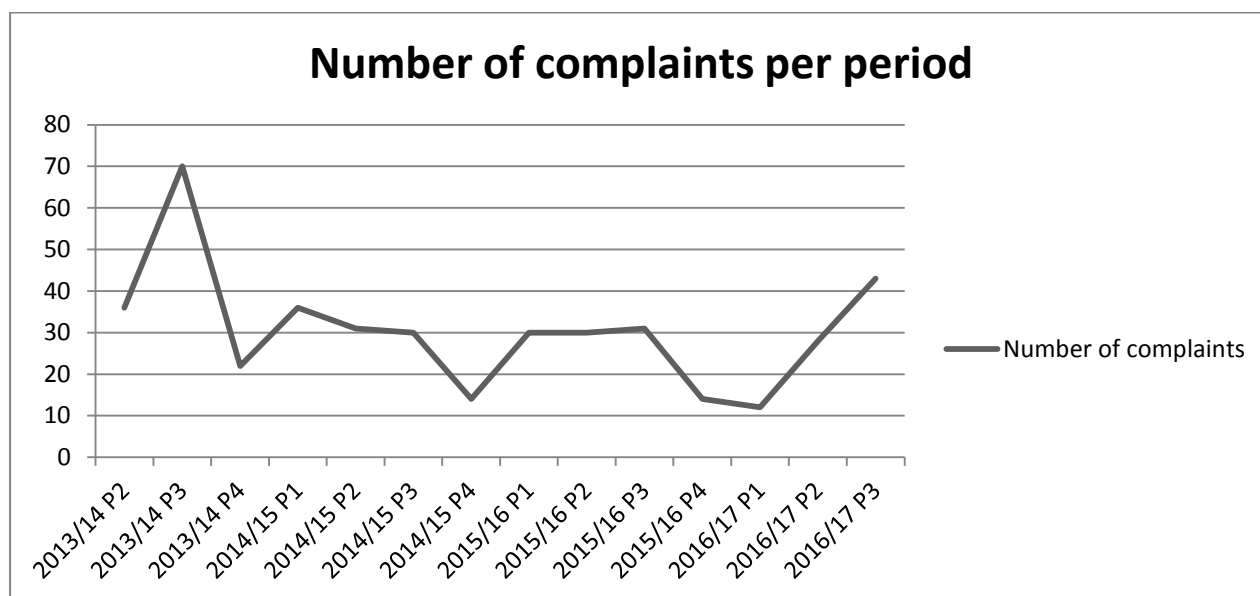
Year	Period	New Licences Issued	Variations	Warning letters/Cautions	Suspension Notices
<u>2013/14</u>	2	6	7	13	13
<u>2013/14</u>	3	8	4	15	11
<u>2013/14</u>	4	7	2	13	7
<u>2014/15</u>	1	16	4	8	17
<u>2014/15</u>	2	15	6	14	49
<u>2014/15</u>	3	15	4	20	25
<u>2014/15</u>	4	19	3	15	11
<u>2015/16</u>	1	19	2	29	16
<u>2015/16</u>	2	18	3	17	14
<u>2015/16</u>	3	14	4	22	28
<u>2015/16</u>	4	17	5	15	15
<u>2016/17</u>	1	15	4	26	7
<u>2016/17</u>	2	14	9	4	12
<u>2016/17</u>	3	13	5	5	2



20. 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 in numbers received.

### Noise complaints for licenced premises

Year	Period	Number of complaints
<u>2013/14</u>	2	36
<u>2013/14</u>	3	70
<u>2013/14</u>	4	22
<u>2014/15</u>	1	36
<u>2014/15</u>	2	31
<u>2014/15</u>	3	30
<u>2014/15</u>	4	14
<u>2015/16</u>	1	30
<u>2015/16</u>	2	30
<u>2015/16</u>	3	31
<u>2015/16</u>	4	14
<u>2016/17</u>	1	12
2016/17	2	28
2016/17	3	43



**Please note information from Period 1 relates to data from 1st November 2015 - 1st February 2016. Period 2 relates to data from 1st April 2016-30th June 2016. Period 3 relates to data from 1st August 2016 - 30th November 2016. Statistics will be adjusted in the next report to reflect standard financial year periods.**

### Safety Thirst

21. The Safety Thirst Award scheme has been reviewed following the award ceremony in October with consideration being given to amending our local scheme further or joining a national scheme. The review considered other national schemes in place of Safety Thirst and took into account feedback

received both during the 2016 process and at the award ceremony. It would appear that our local scheme is both popular and capable of expansion.

22. The review considered other national schemes; Business Improvement Districts (BIDs) and Purple Flag Award but these do not suit City needs as they would be targeted at parts of the City, rather than the whole area, and in the case of the latter has a slightly different focus on town centre safety. The most appropriate national scheme is Best Bar None. Officers met with the Chairman of Best Bar None, Robert Humphries, and he has very recently provided with details of the current scheme. The scheme is free to applicants as it is sponsored by Diageo and several other national breweries and drinks producers. It currently has 31 active members with three in London local Authorities. Tower Hamlets, Harrow and Kingston. The scheme provides no significant direct benefits for our City Traders but as a national scheme there may be some advantage for publicity/marketing outside the City. The scheme is similar to the audit scheme provided by our revised Safety Thirst Award, but the questions sets and advice provided for Safety Thirst are more focused on City problems. The requirements needed for compliance with our scheme are also more transparent. It is possible that, with negotiation, the schemes could be merged in future years if that is the wish of actual and potential applicants this year, as well as the Safer City Partnership. There is an annual event for members of the scheme at House of Lords on 31 January and we will be attending to ask for the views of current scheme members about Best Bar None Awards.
23. It is anticipated that we will retain the local Safety Thirst scheme for this year, 2017 but take into account feedback from members of the award scheme received both before and after the award ceremony in 2016. This will include;
- a) Providing clear feedback to applicants after each audit on where they are succeeding and/or there are gaps in achieving the various levels of award,
  - b) Streamlining the process where possible e.g. examination of training records and modifications to criteria, e.g. regarding protection of children from harm.
  - c) Taking the views of Safer City Partnership and all applicants, including those invited but not taking up the invitation, as to preference for staying with the local Safety Thirst Award or merging this in future years with Best Bar None scheme.
24. It is expected that with help from the City Police and other assessors, as well as continuing to target area managers of businesses with multiple outlets in the City, we will be able to increase the number of successful applicants again in 2017 having achieved a 50% increase in 2016.

### **Late Night Levy**

25. The levy collected for 2015/16 was £448,000 in total very similar to the level of year one (October 2014/15) which was £445,000. The final sum accrued is to be the subject of a public report to Licensing Committee on 1 February 2017. Amounts collected so far this year are on a par with year one and two the stable numbers of licences held for trading one minute or more after midnight, the trigger time for the levy payment, suggesting there is no disincentive against trading introduced by the levy. From the start in 2014 to date premises subject to the levy have gone from 308 to 301 premises overall licensed to trade between 0001 to 0600 hours. 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.

26. 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 above). 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. The 'out of hours' response for dealing with licensing complaints at time of receipt as well as undertaking monitoring/observation activities is also supported by the levy contribution to the City. Although it was agreed that the City portion of the levy would contribute towards running an alcohol reception centre near Liverpool Street Station during the Christmas period this did not proceed as the Police were told at the last moment by London Ambulance Service that they could not find the physical resource for this irrespective of finance. We will discuss with the Community Safety Team as to the future need for this work based on evidence from the Christmas figures when this becomes available. Two further schemes are underway as additional spending from the City portion of the levy. Firstly a pilot scheme from Club Soda to reduce the consumption of alcoholic drinks and encourage visible alternatives to alcoholic drinks within City and Hackney, particularly targeting 'dry January', is underway at the moment and this will be the subject of evaluation at the end of the business year. Secondly a pilot scheme providing additional cleansing operations with a 'deep clean', targeting specific areas of concern relative to levy premises will also be the subject of evaluation reports in the same time frame. A meeting with City Police, Community Safety Team and Licensing Team to consider levy spending on a regular basis has been instigated and the first meeting is scheduled for 25 January 2017.

### **Corporate & Strategic Implications**

27. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2016/17, and its priorities and objectives.

28. 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.

29. The Department is also represented on other relevant Boards and Groups, including the Serious 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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