

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	12 June 2017
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
Report of: Director of Markets & Consumer Protection	For Information
Report author: 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 ice cream vans from the Square Mile, but some nut sellers remain.
 - 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 £448K for the second full year of the operation of the levy with a similar amount forecast for the third levy year.
 - 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 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 promote 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 'Regional Investigation Team', the Financial Conduct Authority and HM Revenue and Customs.
 - a) An additional Trading Standards Officer started work on Operation Offspring 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. Many other London Boroughs have made contact with this officer and extremely productive visits have been made to Southwark, Bromley, Tower Hamlets, Hackney, Croydon, Bromley, 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. This work will continue until at least the end of September 2017.

- b) In February 2017, a large scale inspection under Operation Broadway was coordinated by our Trading Standards Team. This involved around 40 officers from a variety of different agencies, together with uniformed Police back up, to visit a serviced office complex housing 50 or more businesses in East London. The intelligence gained will be shared and the inspection underlined the commitment to the objectives of our work to tackle investment fraud. There is considerable activity that goes on behind the scenes in trying to tackle investment fraud:

- Officers attend the Business Centre Association (BCA) forum on a regular basis to engage with those involved in mail forwarding and serviced office activity. The BCA have been compiling a best practice document for members and Trading Standards were able to feed in ideas.
- A key partner to Operation Broadway is the Financial Conduct Authority (FCA). In the last quarter, Trading Standards have made a presentation to the FCA intelligence community and have also attended a networking session at Canary Wharf to build even stronger relationships.
- Trading Standards are heavily involved in a financial abuse 'task and finish' group that has been set up by the CoL Adult Safeguarding Sub Committee. Trading Standards assisted in producing literature that has been sent out to every CoL resident through Council tax demands.
- Her Majesty's Treasury are considering a complete ban on all cold calling activities relating to pension products and Trading Standards submitted a comprehensive response to their consultation.

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

	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
1. Op Broadway deployments	7	8	22	66	103
2. Disruptions/interventions	6	1	5	1	13
3. Referrals to other agencies for action - e.g. City of London Police, Met. Police, FCA, other TS	3	4	8	20	35
4. Contacts with 'enablers' - e.g. mail forwarding businesses, serviced office providers, banks	2	4	6	8	20
5. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	3	2	5	4	14
6. Op Offspring Visits	0	0	29	40	69

In addition we continue to amass, collate, analyse, share and disseminate intelligence on emerging frauds with our partners.

5. On other matters, an emerging issue relating to the sale of binary options has come under the microscope. Binary options are effectively a form of gambling but dressed up as an investment opportunity. Complaints are steadily increasing and Trading Standards was responsible for facilitating a meeting between a range of enforcement partners including Police, the Gambling Commission and the FCA. Around 100 premises promoting binary options have been identified with a potential link to the City of London and a project will be taking place in the coming months to look more deeply into this area. Consumers across the UK are being persuaded to invest money and although they initially appear to be making good returns, it is impossible for them to release their funds which are then inevitably lost forever.
6. We are currently still 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 slowly and although everyone thinks it is a good idea, actually trying to introduce it is proving difficult. The CoL Town Clerk has been briefed and he has assisted by steering us towards a banking sector contact.

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. There remains 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. One particular nut seller on London Bridge has been prosecuted again (following fines of nearly £1000 in total for each offence previously). Following prosecution on Friday 19 May he was witnessed trading again in the City less than three hours later. The Comptroller and City Solicitor is

seeking counsel's advice on the best and most effective route to deal with these activities generally and for this particular trader is asking counsel to seek a Criminal Behaviour Order (CBO) as a pilot to assess the value of this approach as stronger enforcement than simple prosecution of street trading offences appears necessary. Illegal ice cream trading remains effectively absent from the City since 2016.

9. 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. This approach has shown little street trading during the week, however on Sundays spotters have been noticed warning traders of the approach of recognised officers with a consequent reduction in traders being caught. We are considering the use of other temporary staff to prevent this problem as well as re-timing activity to include Saturdays as the traders may be anticipating Sunday enforcement work.
10. 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. Having met with LB Southwark our City Solicitor is working on the terms of the agreement for the City to have enforcement powers in Southwark on their side of City bridges. This may have to be agreed at Court of Common Council as well as successfully be agreed through LB Southwark legal procedures.
11. The Community Police are still carrying out regular monitoring particularly of Millennium and London Bridge but there is no evidence of displacement activity from the Public Space Protection Orders introduced by Lambeth and Westminster on Westminster Bridge for illegal gambling activity.

Noise Complaints Service

12. The Pollution Team dealt with 265 noise complaints between 1 December 2016 and 31st March 2017 of which 98.4% were resolved. In addition, they also assessed and commented on 288 Planning, Licensing and construction works applications and 109 applications for variations of work outside the normal working hours. Comparatively in the same period for 15/16 the Pollution Team dealt with 410 noise complaints of which 96.8%% were resolved. In addition, they also assessed and commented on 680 Planning, Licensing and construction works applications and 380 applications for variations of work outside the normal working hours.
13. The Out of Hours Service dealt with 145 complaints between 1st December and 31st March 2017 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 142 complaints and response (visit) times were within the target performance indicator of 60 minutes in 92.2% of cases, and often only 30 minutes.
14. The Pollution Team served 2 S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, and issued eight S.61 (Prior consent) Control of

Pollution Act Notices and two S.80 between 1st December and 31st March 2017 relating to construction sites. In the same period for 2015/2016 the Pollution team served five Control of Pollution Act Notices (S.60), and issued six Control of Pollution Act Notices (s.61) relating to work at construction sites and no section 80's.

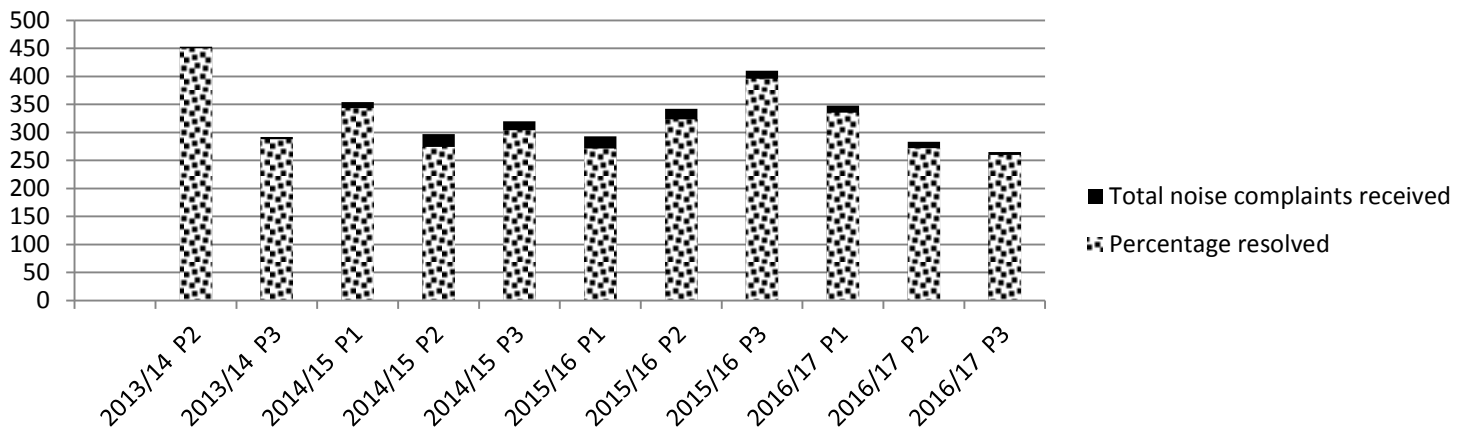
15. The trends for noise related complaints in total are set out in the tables below for information.

Noise Complaints

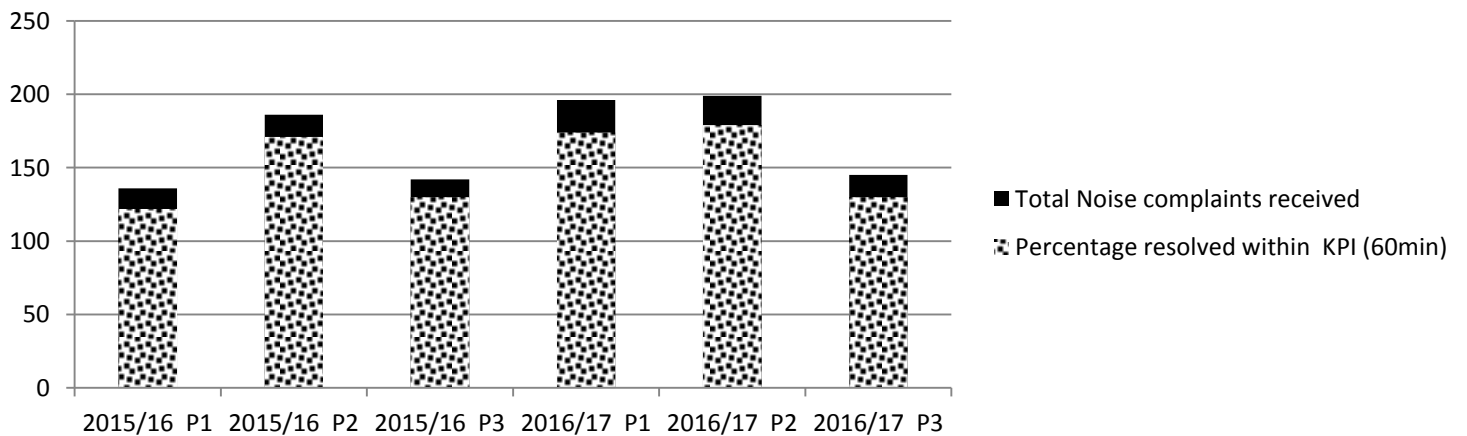
Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2013/14	2	453	99.5%	N/A	N/A
2013/14	3	292	98.7%	N/A	N/A
2014/15	1	354	97%	N/A	N/A
2014/15	2	297	92.3%	N/A	N/A
2014/15	3	320	95%	N/A	N/A
2015/16	1	293	92.6%	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%	196	91.8%
2016/17	2	283	96.7%	199	90%
2016/17	3	265	98.4%	145	90.74%

* Please note that the reporting schedule has been amended from the beginning of 2016/17 to report April- July, August-November and December –March and from April 2017 will be reported quarterly to align with other evidence in this report

Pollution Team noise complaints received per period



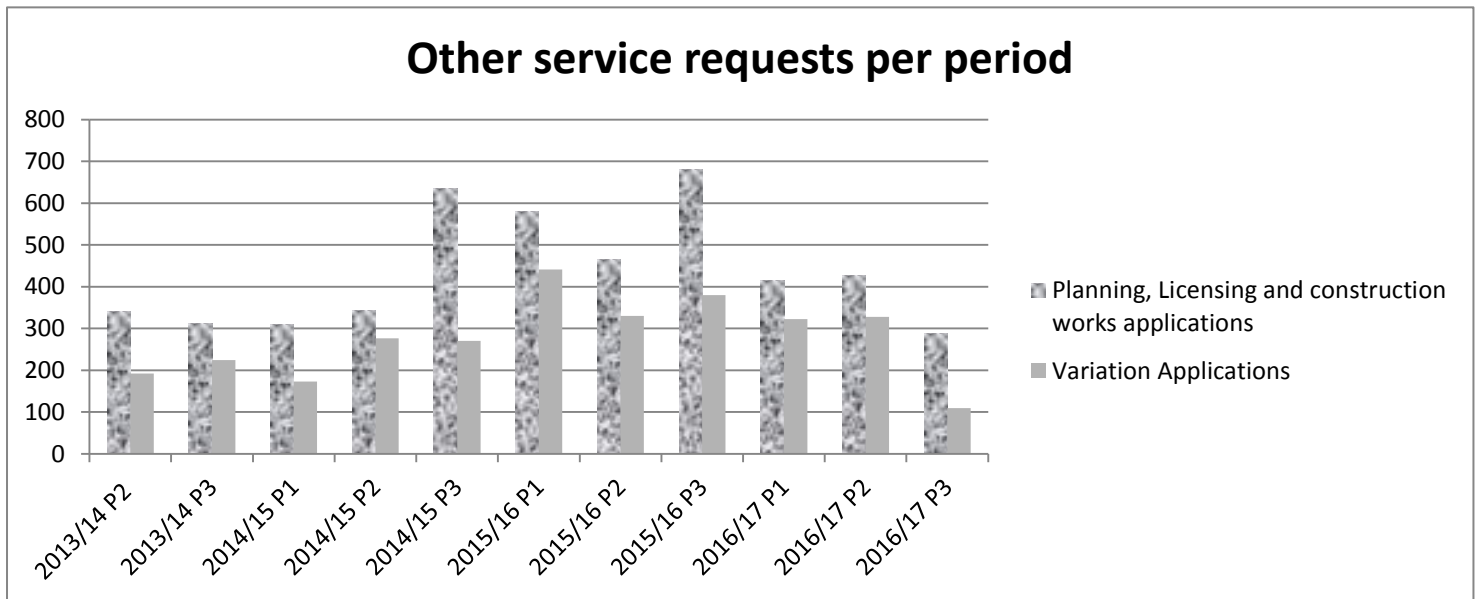
OOH noise complaints per period



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	428	328	1	1	6	0
2016/17	3	288	109	2	2	8	0

*Please note that the reporting schedule has been amended from the beginning of 2016/17 to report April- July, August-November and December – March and will reported on a quarterly basis to align with other statistical evidence in future.



16. The City Corporation's revised noise strategy has been published and a revised Code of Construction Practice Eighth Edition is out for public consultation until July 2017.

Night Time Economy Crime and Nuisance

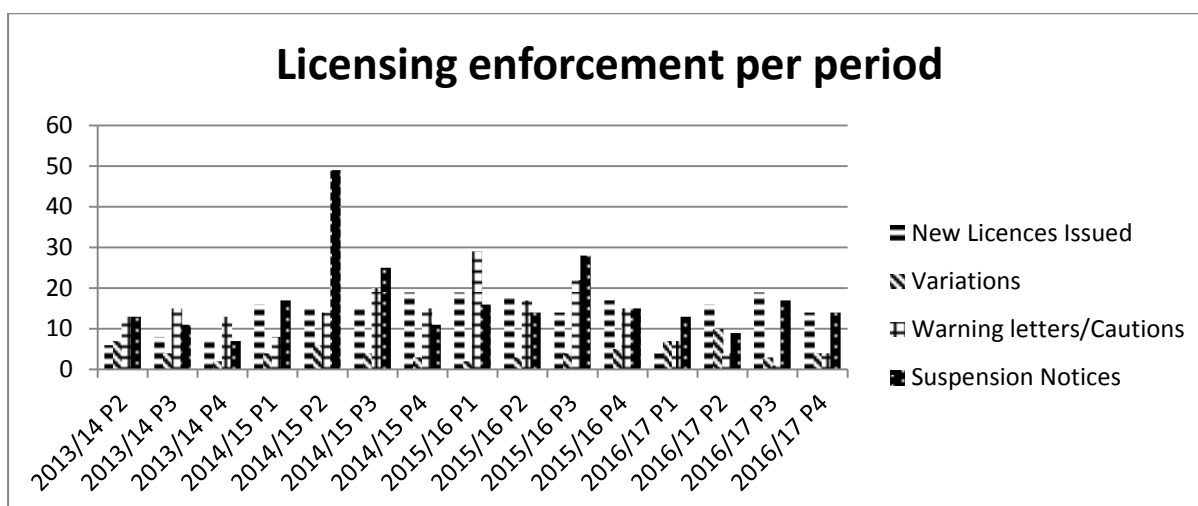
17. The Public Protection Teams support the SCP objectives to:

- ***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.

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	4	7	7	13
<u>2016/17</u>	2	16	10	4	9
<u>2016/17</u>	3	19	3	1	17
<u>2016/17</u>	4	14	4	4	14

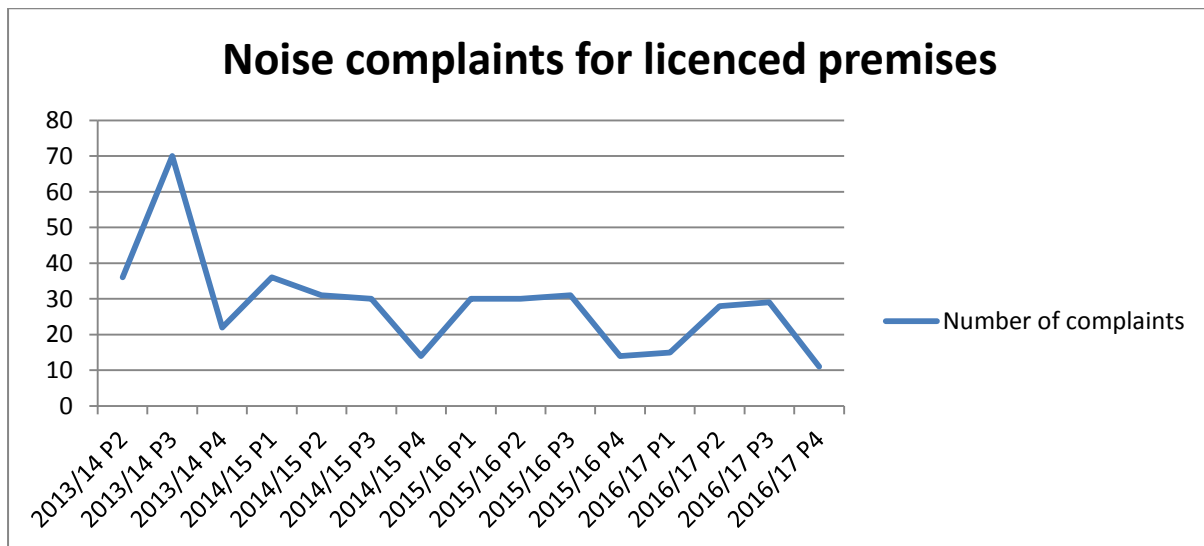


19.. The number of hearings and reviews remains at very low level year on year. There were 5 Hearings and one review in the calendar year 2016 compared with 20 hearings and 3 reviews in 2013. Since January this year there has been one review as reported previously (Madison, at roof level in One New Change). There have been two further hearings for new licences bringing the total to four so far in 2017 and one hearing which rejected an application for a Temporary Event Notice which had been challenged by the City Police.

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	15
2016/17	2	28
2016/17	3	29
2016/17	4	11



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 however we will continue to liaise with participants and the primary national scheme, Best Bar None to assess if there are any further changes/amendments necessary in the future.
22. The Safety Thirst scheme 2017 takes into account feedback from members of the award scheme received both before and after the award ceremony in 2016 including;
 - 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.
23. The scheme has been launched and the first applications have already been received. The award ceremony is anticipated to take place in October again this year. 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

24. 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. Amounts collected so far this year forecast a similar amount of income for the third levy year October 2016/17, suggesting there is still no disincentive against trading as a result of the levy. 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.
25. A regular meeting between City Police, Community Safety Team and Licensing Team to consider levy spending has been instigated and the most recent meeting was held on 9th May. Areas of significant expenditure on the City Police portion of the levy are the night time policing of licensed activities, an additional intelligence post in the City Police Licensing Team and potentially a bid for a mobile CCTV facility to cover areas less well covered by the City CCTV network. The levy continues to support its 'out of hours' noise service, additional cleansing activity and will be considering a bid from Club Soda to extend their scheme to encourage consumption of less alcoholic drinks and alcohol-free alternatives. The Community Safety Team are to investigate the implementation for the Christmas 2017 period of cycle paramedics along with City Police to reduce the burden on Police and London Ambulance Service dealing with those who have been over consuming alcohol in this period and may be supported by levy funding.

Corporate & Strategic Implications

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