

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	15 September 2017
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	Public
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 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 £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 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

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, 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 action taking place within the City of London. 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 also taken to 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.

- b) As an extension of Operation Broadway, an additional Trading Standards contractor 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. By training officers from other local authorities on how to enforce the provisions of the London Local Authorities Act, it ensures a consistent approach to enforcement and also has the potential to generate more intelligence for Operation Broadway. 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. So far, we have worked with 11 London Boroughs and up until the end of August 2017 have carried out 109 inspections. Another three London Boroughs have asked for assistance and this will be provided in September and October. Survey forms have been sent to the Boroughs that we have assisted so far and the feedback has been excellent, particularly in giving officers the confidence to carry out their own inspections without our help in the future. The contractor recruited to carry out this work has contributed to the work of the Trading Standards team and has raised the profile of the City of London enormously. This work will continue until at least the end of December 2017.
- c) The use of intelligence is very important when carrying out our work with partner agencies and we use established methods recognised across the whole enforcement community. This involves the use of what are termed 3x5x2 intelligence forms. In order to improve the way that intelligence is recorded, the City of London Police is going to be training all Trading Standards staff in the coming months. This will make it easier for our intelligence to be inputted onto the Police database.
- d) There is considerable activity that goes on behind the scenes in trying to tackle investment fraud:
- Officers regularly attend a number of different meetings including the Business Centre Association (BCA) forum to engage with those involved in mail forwarding and serviced office activity. The BCA share intelligence with us and one recent example led to investigations being made by officers into an investment business based in Bishopsgate. Enquiries identified a number of consumers who were investing money into a questionable scheme and, as a direct result, one consumer desisted from investing £50,000. Other meetings include one attended by the fraud specialists from the main High Street banks and an officer also attended a meeting at the National Crime Agency about pension fraud.
 - 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 and planning is now underway for a Financial Abuse conference that is taking place in December.

- Her Majesty's Treasury recently announced plans for a complete ban on all cold calling activities relating to pension products and Trading Standards submitted a comprehensive response to their original consultation.

- An emerging issue relating to the sale of binary options has come under the Trading Standards microscope. Binary options are effectively a form of gambling but often 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. Premises promoting binary options have been identified with a potential link to the City of London and around 120 visits have taken place since April. The binary sector is very fluid and many of the businesses that claim to be associated with the Square Mile are actually just squatting. This work is ongoing.

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

2017/2018	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
1. Op Broadway deployments	17				17
2. Disruptions/interventions	1				1
3. Referrals to other agencies for action - e.g. City of London Police, Met. Police, FCA, other TS	3				3
4. Investigations resulting from Op Broadway intelligence	14				14
5. Contacts with 'enablers' - e.g. mail forwarding businesses, serviced office providers, banks	2				2
6. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	4				4

5. Trading Standards recently concluded an investigation into a UK based debt collector who was chasing storage payments from vulnerable consumers who had been previously defrauded as part of a diamond investment scam. The debt collector has now signed an undertaking under the Enterprise Act to regulate his future behaviour. Police are still investigating the original sale of the diamonds and Trading Standards are working with the City of London and Metropolitan Police in trying to reunite the victims with their diamonds which are currently in the possession of the Swiss authorities.

6. Knife crime across London is now running at a very high level and is causing serious concern at the Mayor's office. London Trading Standards, the Community Interest Company that represents all 33 London Trading Standards Services, has been raising the profile of the issue and, in particular, working with retailers to prevent sales of knives taking place to the under 18s. As a result, the City Of London Trading Standards is now starting a project to advise retailers of their responsibilities and is planning to carry out some test purchasing activity in partnership with the Police.

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. 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. The City will seek a Criminal Behaviour Order (CBO) for the nut seller on London Bridge the next time he is prosecuted following advice from the Comptroller and City Solicitor, however since that advice, in the aftermath of the London Bridge/Borough Market terrorist attack, the trader has not returned and has taken to trading near Tower Bridge in London Borough of Tower Hamlets.
9. Illegal ice cream trading has unfortunately returned to the City although the trading visits are ad hoc and generally timed to avoid normal operating hours for enforcement officers. Following a report to Port Health and Environmental Service Committee on July 4 2017 it was agreed to apply extra resource to disrupt the ice cream and nut selling activity primarily in the vicinity of London/Millennium Bridges and St Pauls Cathedral.
10. Support has been agreed with the City Police in responding to requests for help in seizing ice cream vans as their powers are needed to stop the vehicles and then utilise the seizure powers available to authorised officers and Police. The operation has been underway at weekends since mid-August and will continue into October if this proves necessary.
11. We are continuing to seek 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. Following efforts from Members with their political counterparts in

Southwark our officers have met again with LB Southwark and they have agreed this delegation at officer level. We are awaiting the draft report to their Cabinet Members for this to be confirmed this and this is anticipated imminently. The City Solicitor's advice is that this will need to be agreed at Court of Common Council as well as through LB Southwark's legal procedures.

12. The Community Police are continuing 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.

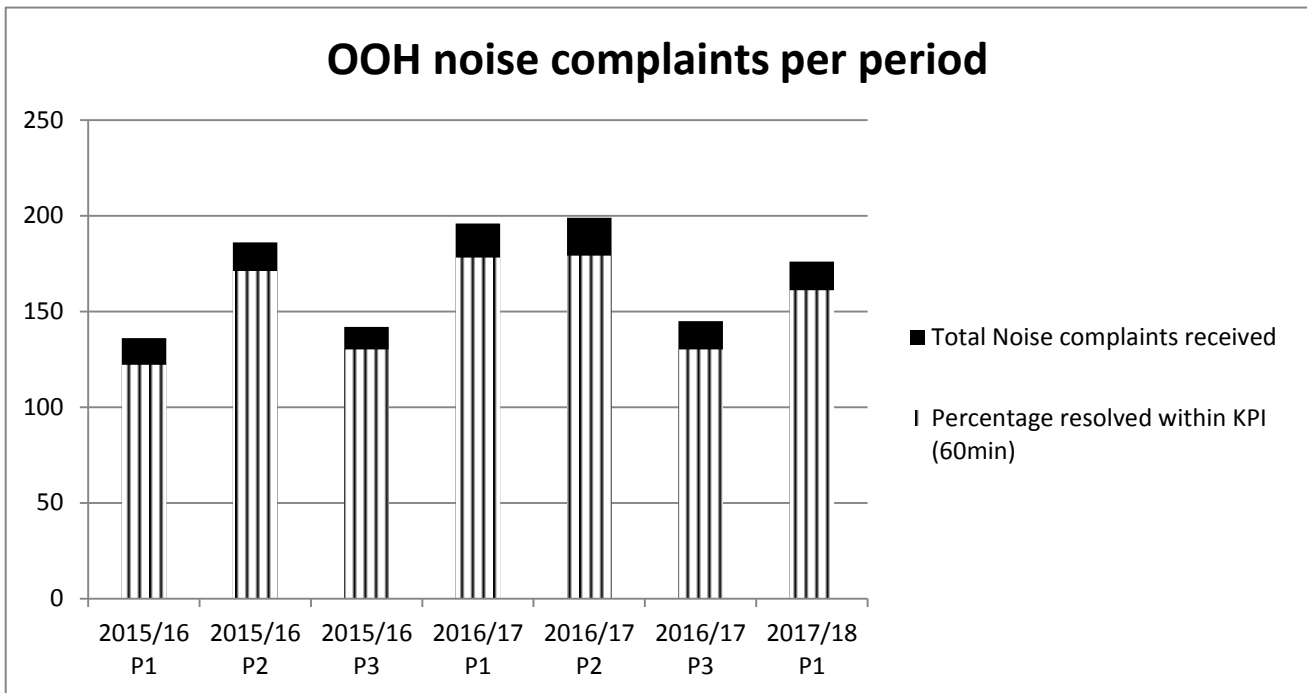
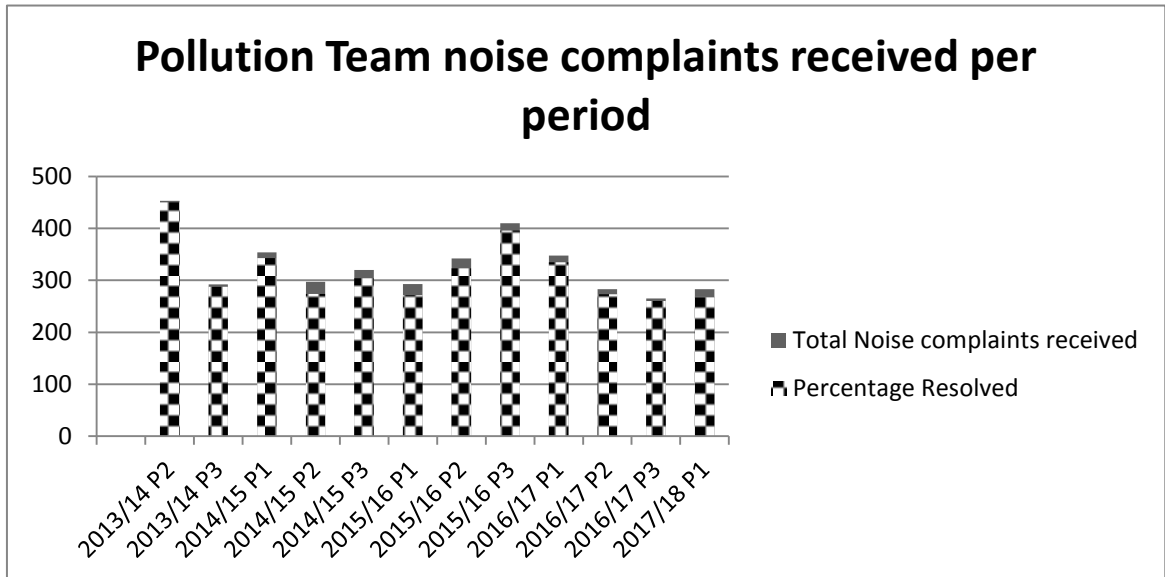
Noise Complaints Service

13. The Pollution Team dealt with 313 noise complaints between 1st April 2017 and 31st July 2017 of which 95% were resolved. In addition, they also assessed and commented on 366 Planning, Licensing and construction works applications and 232 applications for variations of work outside the normal working hours. Comparatively in the same period for 16/17 the Pollution Team dealt with 348 noise complaints of which 96.4%% 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.
14. The Out of Hours Service dealt with 176 complaints between 1st April 2017 and 31st July 2017 and response (visit) times were within the target performance indicator of 60 minutes in 92% of cases, and often only 30 minutes. Comparatively, in the same period for 16/17 the Out of Hours Service dealt with 196 complaints and response (visit) times were within the target performance indicator of 60 minutes in 91% of cases, and often only 30 minutes.
15. The Pollution Team served two S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, and issued 13 S.61 (Prior consent) Control of Pollution Act Notices and three consents between 1st April and 31st July 2017 relating to construction sites. In the same period for 2016/2017 the Pollution team served 5 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.
16. 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

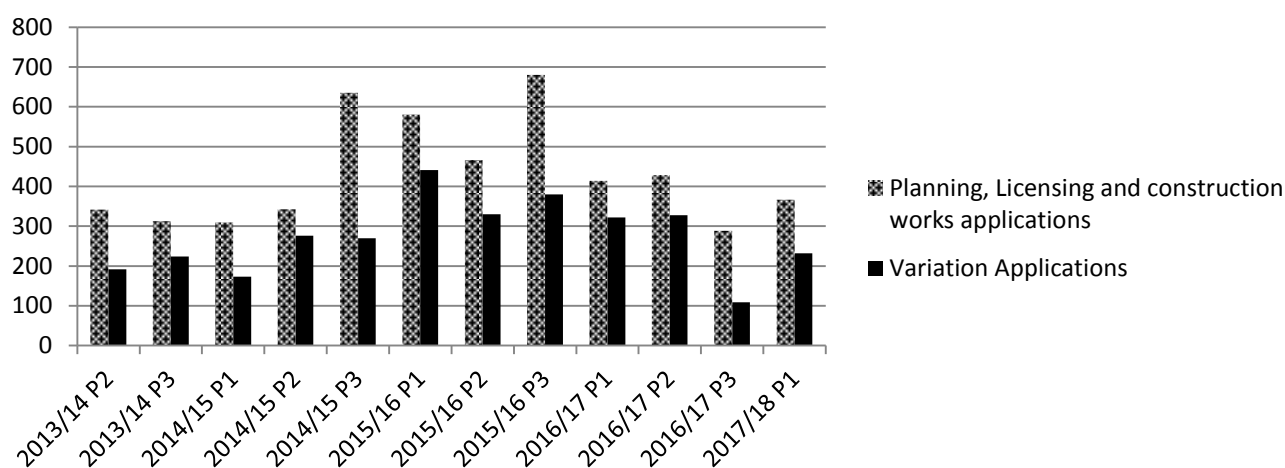
2015/16	1	293	92.6%	136	90.3%
2015/16	2	342	94.7%	186	92.3%
2015/16	3	410	96.8%	142	92.2%
2016/17	1	348	96.4%	196	91.8%
2016/17	2	283	96.7%	199	90%
2016/17	3	265	98.4%	145	90.74%
2017/18	1	283	95%	176	92%



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
2017/18	1	366	232	2	0	13	0

Other Service Requests per period



17. The City Corporation's revised noise strategy has been published and a revised Code of Construction Practice Eighth Edition was out for public consultation until July 2017. The report asking for Members to agree the new edition will go to the appropriate Committees in September and October.

Night Time Economy Crime and Nuisance

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

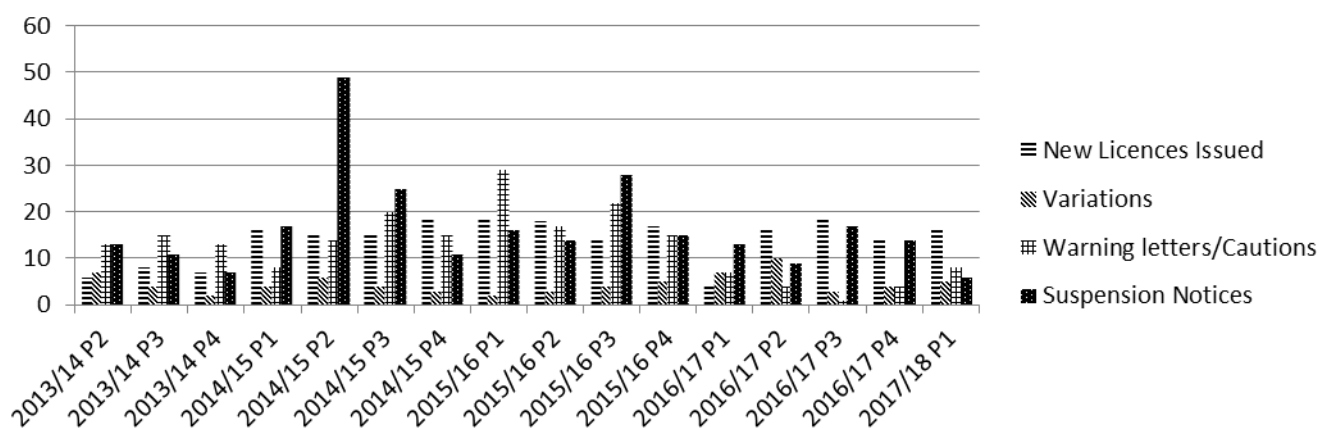
- ***Promote a City that is safe and pleasant to socialise in***
- ***Promote the Safety Thirst scheme to more premises and maximise its potential as a vehicle to promote community safety***
- ***Develop new approaches to address problems associated with our Night Time Economy during periods of peak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

Enforcement

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
<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
<u>2017/18</u>	1	16	5	8	6

Licensing enforcement per period

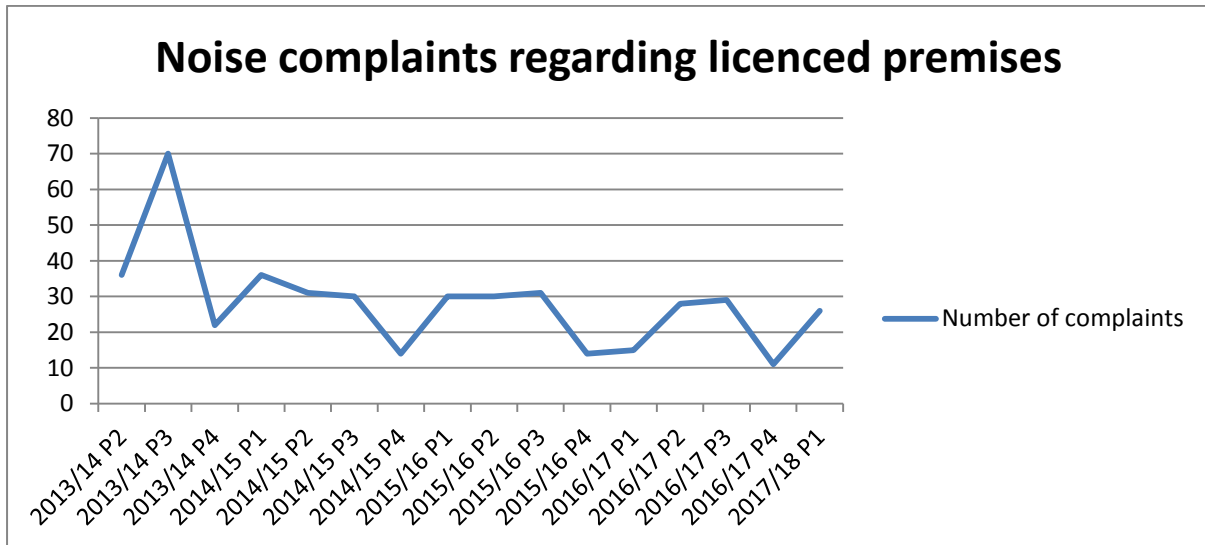


20. The number of hearings and reviews remains at very low level year on year, however since the last meeting on 12 June there have been six hearings mainly generated by residents in and around Creechurch Lane concerned about new establishments in the vicinity. There have been no reviews of premises and the 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has no premises as red risks, only two premises on amber with all the rest of the 851 licensed premises in the City on 'green'.

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 below to illustrate the trend over the last three years and although the number is up for this first period compared with the same time last year there is no indication that this is likely to be an increasing trend.

Noise complaints for licenced premises

Year	Period	Number of complaints
2013/14	2	36
2013/14	3	70
2013/14	4	22
2014/15	1	36
2014/15	2	31
2014/15	3	30
2014/15	4	14
2015/16	1	30
2015/16	2	30
2015/16	3	31
2015/16	4	14
2016/17	1	15
2016/17	2	28
2016/17	3	29
2016/17	4	11
2017/18	1	26



Safety Thirst

22. The reviewed Safety Thirst Award is underway and the award ceremony will be held on 24 October this year in the Livery Hall at Guildhall. There has been a small increase in applicants and we anticipate from the assessments carried out so far that we will exceed the number of successful awards given in 2016. Following the award we intend to continue our discussions with Best Bar None, which has recently received some renewed support from the Home Office and Metropolitan Police to consider whether it is worth amalgamating our award with theirs.

Late Night Levy

23. The amount of levy collected so far this year project a similar level of income for the third levy year October 2016/17 as previous years at £445,000, 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.

24. There is now 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 2 August. 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. The bid for a mobile CCTV facility to cover areas less well covered by the City CCTV network has been successful and is in the process of 'fitting out' before it becomes available for operational use. The levy continues to support the 'out of hours' noise service and additional cleansing activity. A bid from Club Soda to extend their scheme to encourage consumption of less alcoholic drinks and alcohol-free alternatives was presented to the Licensing Committee in July and is being considered at present as further information has been provided. 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. The Town Clerk has written to the London Ambulance Service seeking support for additional resource in the City over the Christmas period this year.

Corporate & Strategic Implications

25. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2016/17, and its priorities and objectives.
26. 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 new arrangements for the Secure City Programme.
27. The Department is also represented on other relevant Boards and Groups, including the Serious Organised Crime Board.

Conclusion

28. 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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