

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	3 November 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 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 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 13 London Boroughs and up until the end of September 2017 have carried out over 100 inspections. A report on this work has been presented to the Port Health and Public Protection Committee and also the July meeting of the Economic Crime Board. 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 due to train Trading Standards Officers during October. 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 are becoming more confident in spotting fraudulent businesses and closing them down before they have the opportunity to defraud consumers.
 - 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 on 4 December 2017. The Town Clerk has agreed to open this event. Linked to this work on financial abuse is the issue of consumers being bombarded with cold calls on the telephone. Trading Standards is now working closely with Adults Services and has identified two City residents who will be receiving call blocking equipment from a national funding stream.
 - 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 125 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 now being progressed with a major day of action that is taking place on 17 October 2017 and it is likely to attract significant media attention.

- 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	11			28
2. Disruptions/interventions	1	2			3
3. Referrals to other agencies for action - e.g. City of London Police, Met. Police, FCA, other TS	3	1			4
4. Investigations resulting from Op Broadway intelligence	14	0			14
5. Contacts with 'enablers' - e.g. mail forwarding businesses, serviced office providers, banks	2	3			5
6. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	4	1			5
7. Binary options visits	125	0			125

5. Acid attacks have been in the news during the summer and the Government has announced proposals to introduce legislation to try and tackle this issue. There will be a ban on the sale of corrosive substances to anyone under the age of 18 years and it is anticipated that Trading Standards will be given responsibility for the enforcement of this legislation. Although there have been no reported incidents in the City, Trading Standards will work collaboratively with colleagues across London on this issue.
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 during October.

7. During July, Trading Standards contributed to a London-wide illicit tobacco campaign and set up a stall with colleagues from Public Health in Bishopsgate. Officers engaged with smokers with a view to gaining intelligence about the supply of illicit tobacco and raising the profile of this criminal activity.

Anti-Social Behaviour (ASB)

8. 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

9. As reported in September 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. A small amount of illegal street trading activity also remains in the City and fringes with Southwark, primarily nut sellers on the south side London Bridge/Millennium Bridge. At the 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. Since 7th August a dedicated enforcement team has been in place to tackle illegal street trading primarily at weekends and mainly concerning Ice cream vans and the sale of peanuts using carts. Support has been agreed with the City Police, when they are available depending on operational priorities, 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.
11. The team have been active 7 days a week and the main hotspots enforced on include –
 - London Bridge
 - Southwark Bridge (COL remit only)
 - Blackfriars Bridge

- Millennium Bridge (COL remit only)
- St Peter's Hill
- Distaff Lane
- Knightrider Court
- St Pauls Cathedral
- Paternoster Row
- Water Lane
- Thames Path (Blackfriars Bridge – Tower of London)

In this time 3 ice cream vans and 4 trollies have been seized. When Police assistance has not been available making effective seizure difficult legally, witness statements are always completed, prosecution packs compiled and sent to City Solicitor. The results so far are:-

- Ice cream – 6 prosecution packs (1 pending which will be heard on 30th November)
- Peanuts – 7 prosecution packs (5 pending – 4 for one individual (1 will be heard on the 30th November) and one for a separate persistent trader) Criminal Behaviour Orders will be sought for both post convictions.

Of the 7 successful prosecutions so far, fines are as follows –

- Fines - £2120
- Costs - £3216 (this includes department costs)
- Surcharge - £180

The average total cost to offender on each offence is £1000.00. Two nut selling carts were granted forfeiture and disposed of and for this calendar year eight have been sent for scrapping with one awaiting the court hearing for forfeiture. The ice cream vans had to be returned upon written request given the registered keepers had no prior convictions within 3 years however the convictions now received mean we will be able to seek forfeiture of the vans should the same traders be caught attempting to trade in the City in the next 3 years.

As a result of the above and the continued on-street presence, illegal street trading has been kept to a minimum. All hotspots are visited throughout the day and evening every day, which means illegal traders are now operating on Southwark or Tower Hamlets area and the occasions where they try and operate within the City of London they are dealt with quickly. The operation will continue at least until the end of October and further operations will then be considered.

12. 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 have seen their draft report agreeing to this in principle but are still awaiting the final confirmation of their agreement.

Noise Complaints Service

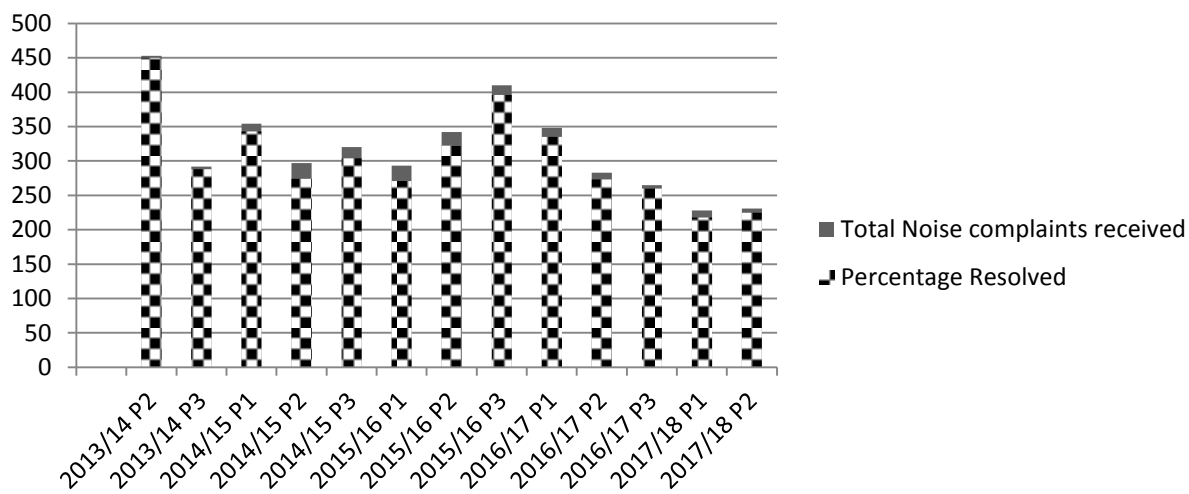
13. The Pollution Team dealt with 231 noise complaints between 1st July 2017 and 30th September 2017 of which 96.1% were resolved. In addition, they also assessed and commented on 280 Planning, Licensing and construction works applications and 192 applications for variations of work outside the normal working hours. Comparatively in the same period for 16/17 the Pollution Team dealt with 272 noise complaints of which 95.6%% were resolved. In addition, they also assessed and commented on 207 Planning, Licensing and construction works applications and 272 applications for variations of work outside the normal working hours.
14. The Out of Hours Service dealt with 112 complaints between 1st July 2017 and 30th September 2017 and response (visit) times were within the target performance indicator of 60 minutes in 91.9 % of cases, and often only 30 minutes. Comparatively, in the same period for 16/17 the Out of Hours Service dealt with 155 complaints and response (visit) times were within the target performance indicator of 60 minutes in 92.4% of cases, and often only 30 minutes.
15. The Pollution Team served four S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, one s.80; five S.61 (Prior consent) Control of Pollution Act Notices and three consents between 1st July and 30th September 2017. In the same period for 2016/2017 the Pollution team issued two Control of Pollution Act Notices (s.61) relating to work at construction sites and one section 80.
16. The trends for noise related complaints in total are set out in the tables below for information

Noise Complaints

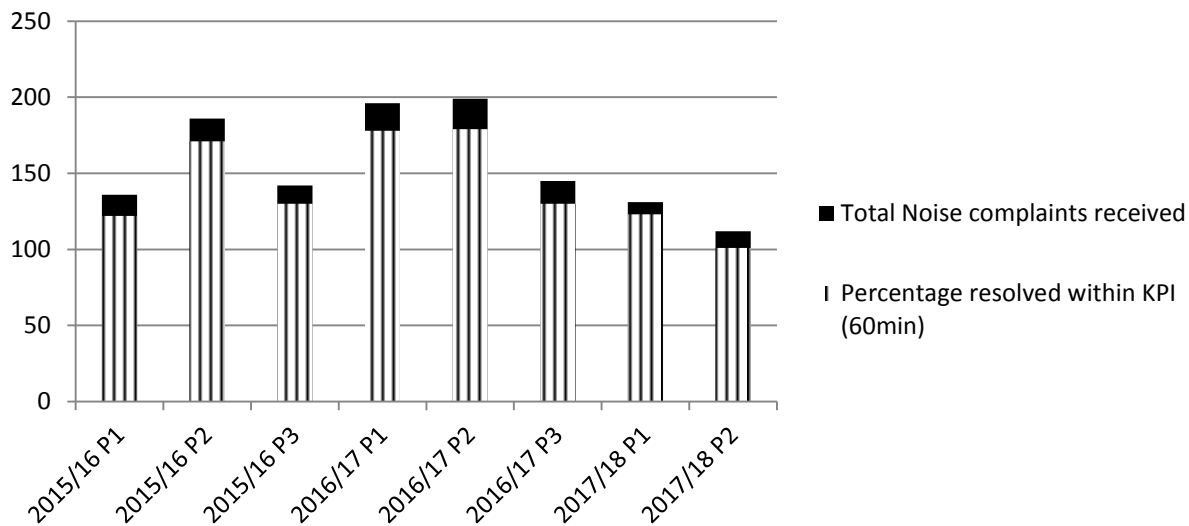
Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2013/14	2	453	99.5%	N/A	N/A
2013/14	3	292	98.7%	N/A	N/A
2014/15	1	354	97%	N/A	N/A
2014/15	2	297	92.3%	N/A	N/A
2014/15	3	320	95%	N/A	N/A
2015/16	1	293	92.6%	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	228	96.1%	131	94.8%
2017/18	2	231	96.1%	112	91.9%

*Please note that as of 01/04/2017 all stats will be reported on quarterly.

Pollution Team noise complaints received per period



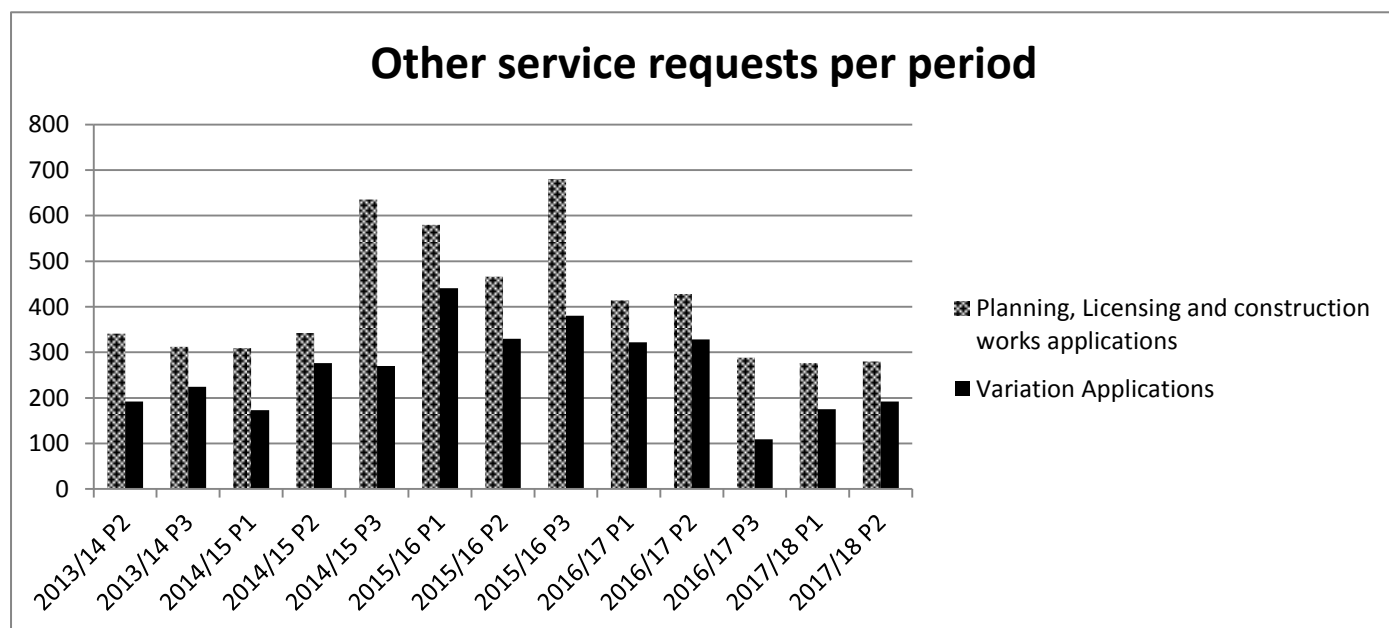
OOH noise complaints per period



Noise Service Requests

Year	Period	Planning, Licensing and construction works applications	Variation Applications	S.60 Notices Issued	S.80 EPA Notices	S.61 Notices Issued	Consent
2013/14	2	341	192	0	4	0	N/A
2013/14	3	312	224	2	2	5	N/A
2014/15	1	309	173	2	1	4	N/A
2014/15	2	342	276	1	2	3	N/A
2014/15	3	635	270	2	0	0	N/A
2015/16	1	580	441	3	0	3	N/A
2015/16	2	466	330	1	2	3	N/A
2015/16	3	680	380	5	0	6	N/A
2016/17	1	414	322	5	0	6	N/A
2016/17	2	428	328	1	1	6	N/A
2016/17	3	288	109	2	2	8	N/A
2017/18	1	276	175	2	0	11	1
2017/18	2	280	192	4	1	5	3

*Please note that as of 01/04/2017 all stats will be reported on quarterly.

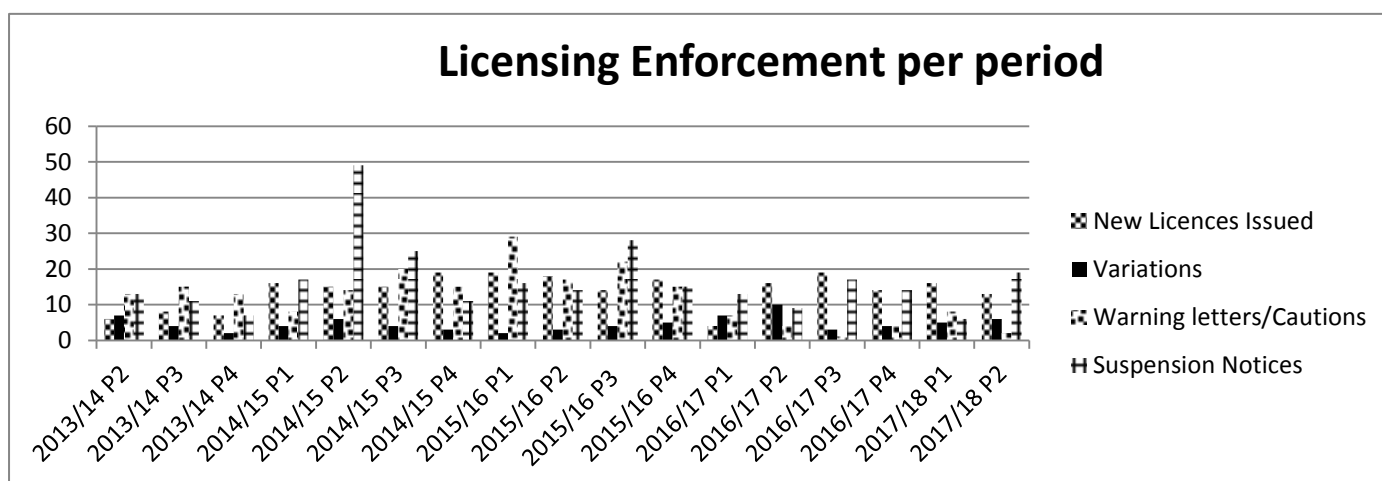


17. The City Corporation's revised Code of Construction Practice Eighth Edition was approved by the appropriate Committees in September and October. It was also agreed that there should be a consultation and review of the evidence base concerning noisy works on Saturday mornings

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
<u>2017/18</u>	1	16	5	8	6
<u>2017/18</u>	2	13	6	2	19

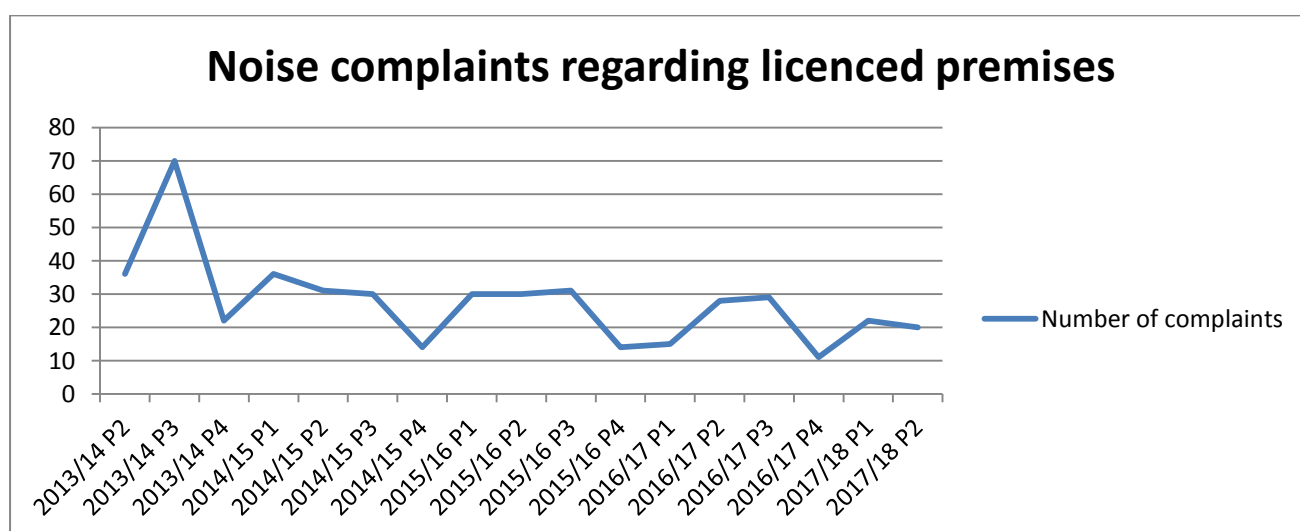


19. The number of hearings and reviews remains at very low level year on year, however since the last meeting on 15 September there have been three hearings scheduled one of which is concerning a Temporary Event Notice opposed by City Police. There have been no reviews of premises and the 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has one establishment as a red risk, with all the rest of the 851 licensed premises in the City on 'green'.

20. 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. Although the number is down for the second period compared with the same time last year there is no indication that of any increasing trend which supports the excellent findings of the 'RAG' assessments in the City.

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
2017/18	1	22
2017/18	2	20



Safety Thirst

21. The reviewed Safety Thirst Award ceremony will be held on 24 October this year in the Livery Hall at Guildhall. The number of actual awards is almost the same as last year with 46 awards compared with 47 in 2016. There are significantly more premises achieving the higher 'commended' rating (18 compared with 7 in 2016). We will again, following the award, continue our discussions with Best Bar None, which has this year received some renewed support from the Home Office and Metropolitan Police to consider again whether it is worth amalgamating our award with theirs.

Late Night Levy

22. The amount of levy collected so far this year project a similar level of income for the third levy year October 2016/17 £435,000, compared with £433,00 in 2015/16, suggesting there is still no disincentive against trading as a result of the levy. 70% of levy, which provided £317,000 in 2015/16, 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.

23. There is a regular quarterly 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 has been agreed to continue to promote lower and non- alcoholic drinks at licensed establishments in the City. The Community Safety Team are investigating 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. We understand that this has received a favourable response to the use of paramedics as piloted in 2016.

Corporate & Strategic Implications

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

25. 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.

26. The Department is also represented on other relevant Boards and Groups, including the Serious Organised Crime Board.

Conclusion

27. 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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