

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	31 May 2018
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
Report of: Director of Markets & Consumer Protection	For Information
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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 £460K for the third full year of the operation of the levy.
 - 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
2. The latter includes Environmental Health, Licensing and Trading Standards, all of which contribute to the work of the Safer City Partnership, specifically the 2017-20 SCP Strategic Plan priorities and objectives 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 – Respond effectively to behaviour that makes the City a less pleasant place.
 - Night Time Economy Crime and Nuisance – To ensure the City remains a safe place to socialise.
3. 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

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

We will work to protect our residents, workers, businesses and visitors from theft and fraud.

5. 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 investigate and 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) 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 which are circulated to our partner agencies and are also placed on the MEMEX (the national Trading Standards intelligence database).
- c) Officers continue to 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. This liaison continues to pay dividends and one recent example led to the expulsion of a suspicious investment business in April 2018. A very early visit was made by Trading Standards Officers with support from the Police and this business has been disrupted and consumers protected.
- d) Trading Standards were heavily involved in a financial abuse 'task and finish' group that was 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. A positive outcome of this group was the delivery of a Financial Abuse conference that took place on 4 December 2017 at Guildhall. One of the invited speakers at this event, Professor Keith Brown, has since followed up with the CoL Trading Standards team and this has led to a joint meeting that is due to take place with the Lord Mayor in May to discuss other ideas about preventing financial abuse across the UK.
- e) Linked to this work on financial abuse is the issue of consumers being bombarded with cold calls on the telephone. Trading Standards has now installed call blocking equipment, funded by the National Trading Standards Scams Team, in the homes of two City residents and their recent feedback shows what a big difference it has made to their lives. The Scams Team also made a 'Friends Against Scams' presentation to a well-attended public protection lunchtime event.
- f) 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	13	17	17	64
2. Disruptions/interventions	1	2	0	0	3
3. Referrals to other agencies for action - e.g. City of London Police, Met. Police, FCA, other TS	3	1	0	0	4
4. Investigations resulting from Op Broadway intelligence	13	10	10	5	38
5. Contacts with 'enablers' - e.g. mail forwarding businesses, serviced office providers, banks	2	3	2	1	8
6. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	4	1	4	3	12
7. Binary options visits	125	0	20	0	145

6. The next issue that Trading Standards want to look at in relation to investment fraud is in relation to transactions involving cryptocurrencies. This is an emerging issue and a paper was taken to the PH&PP Committee on 6 March 2018 to outline the plans for some work over the coming months.
7. More recently, contact has been made with the City of London Police training team that has resulted in Trading Standards being invited to present to existing Police Officers and new recruits. The purpose of these presentations is to explain the role of Trading Standards and to maximise the opportunities for joint working and the exchange of relevant intelligence.

Anti-Social Behaviour (ASB)

8. The Public Protection Teams support the SCP objectives to:
 - ***Respond effectively to behaviour that makes the City a less pleasant place***
9. The two main issues being tackled by the Public Protection Service are:
 - Illegal Street Trading
 - Noise complaints service

Illegal Street Trading

10. 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 Solicitor (CS) is preparing five prosecutions of two illegal nut-sellers, with recommendations for Criminal Behaviour Orders (CBO's) being sought post-conviction for both traders. One ice cream van and one peanut trolley have been seized in April 2018 and are being retained.
11. The Section 101 agreements with London Borough of Southwark (LBS), to allow the City to enforce against illegal trading just over the border into Southwark, for example on the south side of Millennium Bridge, have been agreed in principle by Port Health and Environmental Services Committee (PHES) and LBS. A draft agreement to enable this arrangement has been produced by the City Solicitor. A report has gone to Court of Common Council and been approved for these new powers to be delegated to the PHES Committee. The commencement date is subject to LBS signing the Section 101 agreements.
12. All known hotspots are visited during the day and some evenings most week days, and ad hoc on Saturdays and/or Sundays to disrupt any attempt at trading 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 has been extended over the spring and summer months.

Because of the above and the continued on-street presence, illegal street trading has been kept to a minimum.

13. A report will be presented to Resource Allocation Sub and Planning and Transportation Committee's on 3rd and 8th May seeking Member agreement for funding to undertake enforcement on City Bridges via City Bridge Trust. Additionally, a meeting with LB Tower Hamlets (LBTH), LBS, City Police and other interested parties was held on 29 March to agree joint enforcement arrangements as LBTH are now keen help with the problems in this location. Further joint actions are to be agreed. A S 101 with LBTH has been suggested to avoid any enforcement issues once actions commence on the shared Millennium Bridge between City and LBS jurisdictions.
14. A training protocol for the London Local Authorities Act 1990 has been prepared for the bridge and other staff as this is the legislation that will be used outside the City boundary, once the commencement date for the S.101 agreement is agreed.

Noise Complaints Service

15. The Pollution Team dealt with 259 noise complaints between 1st January 2018 and 31st March 2018 of which 93.8% were resolved. In addition, they also assessed and commented on 336 Planning, Licensing and construction works applications and 329 applications for variations of work outside the normal working hours. Comparatively in the same period for 16/17 the Pollution Team dealt with 202 noise complaints of which 96% were resolved. In addition, they also assessed and commented on 213 Planning, Licensing and construction

works applications and 120 applications for variations of work outside the normal working hours.

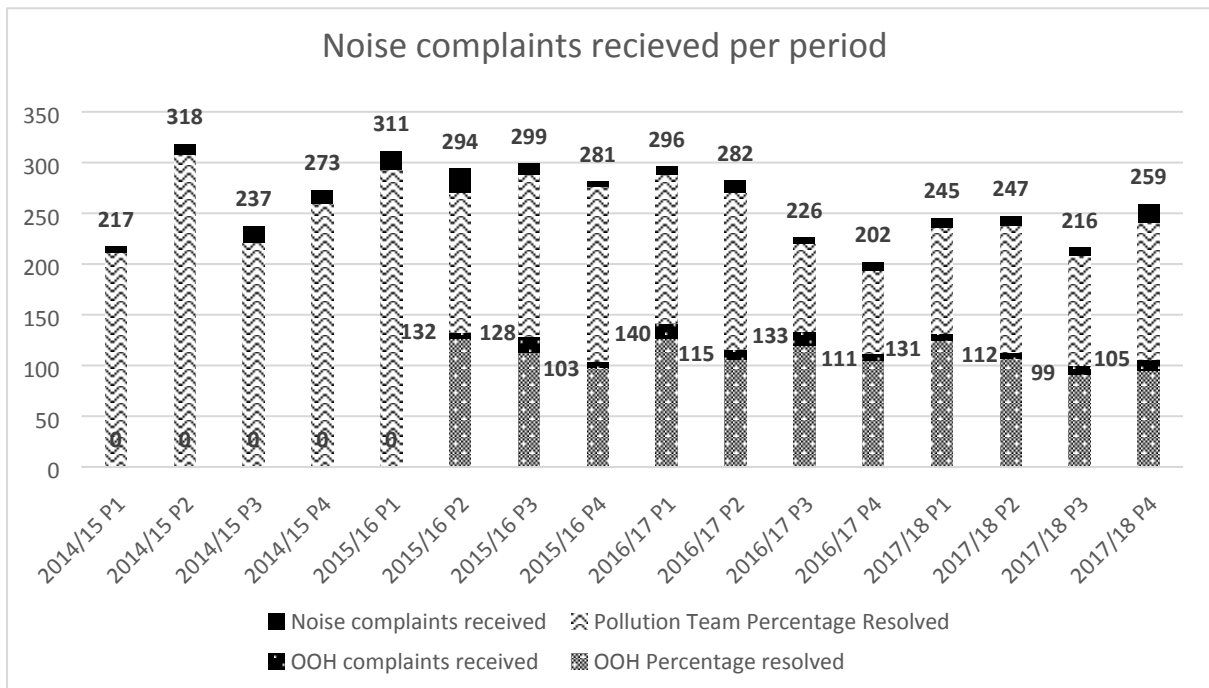
16. The Out of Hours Service dealt with 105 complaints between 1st January 2018 and 31st March 2018 and response (visit) times were within the target performance indicator of 60 minutes in 90.1% of cases, and often only 30 minutes. Comparatively, in the same period for 16/17 the Out of Hours Service dealt with 112 complaints and response (visit) times were within the target performance indicator of 60 minutes in 94% of cases, and often only 30 minutes.

17. The Pollution Team served 1 s.80 (Environmental Protection Act notice), 7 S.61 (Prior consent) Control of Pollution Act Notices and 1 consent between 1st January and 31st March 2018. In the same period for 2016/2017 the Pollution team issued 4 Control of Pollution Act Notices (s.61), and 1 S.80.

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

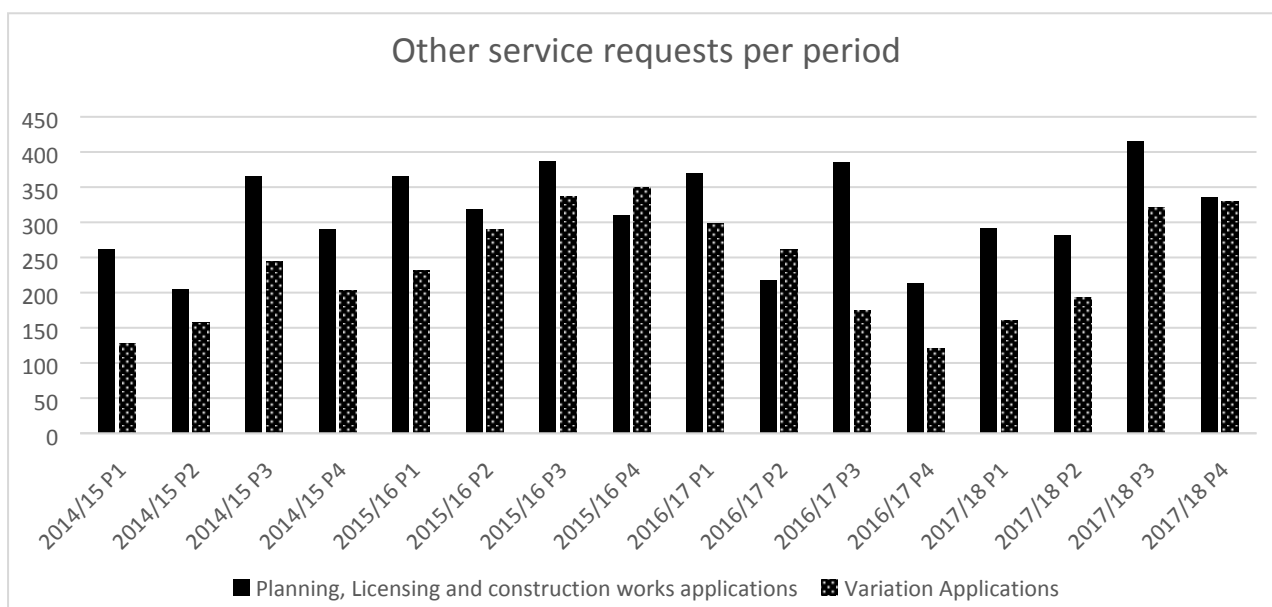
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2014/15	1	217	97.2%	N/A	N/A
2014/15	2	318	94.7%	N/A	N/A
2014/15	3	237	93.2%	N/A	N/A
2014/15	4	273	94.5%	N/A	N/A
2015/16	1	311	93.6%	N/A	N/A
2015/16	2	294	92.2%	132	96.9%
2015/16	3	299	96.3%	128	87.85%
2015/16	4	281	97.5%	103	95.06%
2016/17	1	296	97%	140	90.3%
2016/17	2	282	95.7%	115	92.3%
2016/17	3	226	96.5%	133	90.1%
2016/17	4	202	96%	111	93.9%
2017/18	1	245	95.9%	131	94.9%
2017/18	2	247	96.4%	112	95.3%
2017/18	3	216	96.3%	99	90.9%
2017/18	4	259	93.8%	105	90.1%



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
2014/15	1	262	127	1	0	2	N/A
2014/15	2	205	157	1	1	2	N/A
2014/15	3	365	244	0	1	3	N/A
2014/15	4	290	203	2	0	2	N/A
2015/16	1	366	232	1	0	2	N/A
2015/16	2	319	290	3	0	1	N/A
2015/16	3	387	336	1	2	7	N/A
2015/16	4	310	349	4	0	2	N/A
2016/17	1	370	299	5	0	6	N/A
2016/17	2	217	262	0	1	2	N/A
2016/17	3	386	175	3	0	9	N/A
2016/17	4	213	120	0	1	4	N/A
2017/18	1	291	161	2	0	0	1
2017/18	2	281	193	4	1	5	3
2017/18	3	415	321	0	1	12	1
2017/18	4	336	329	0	1	7	1

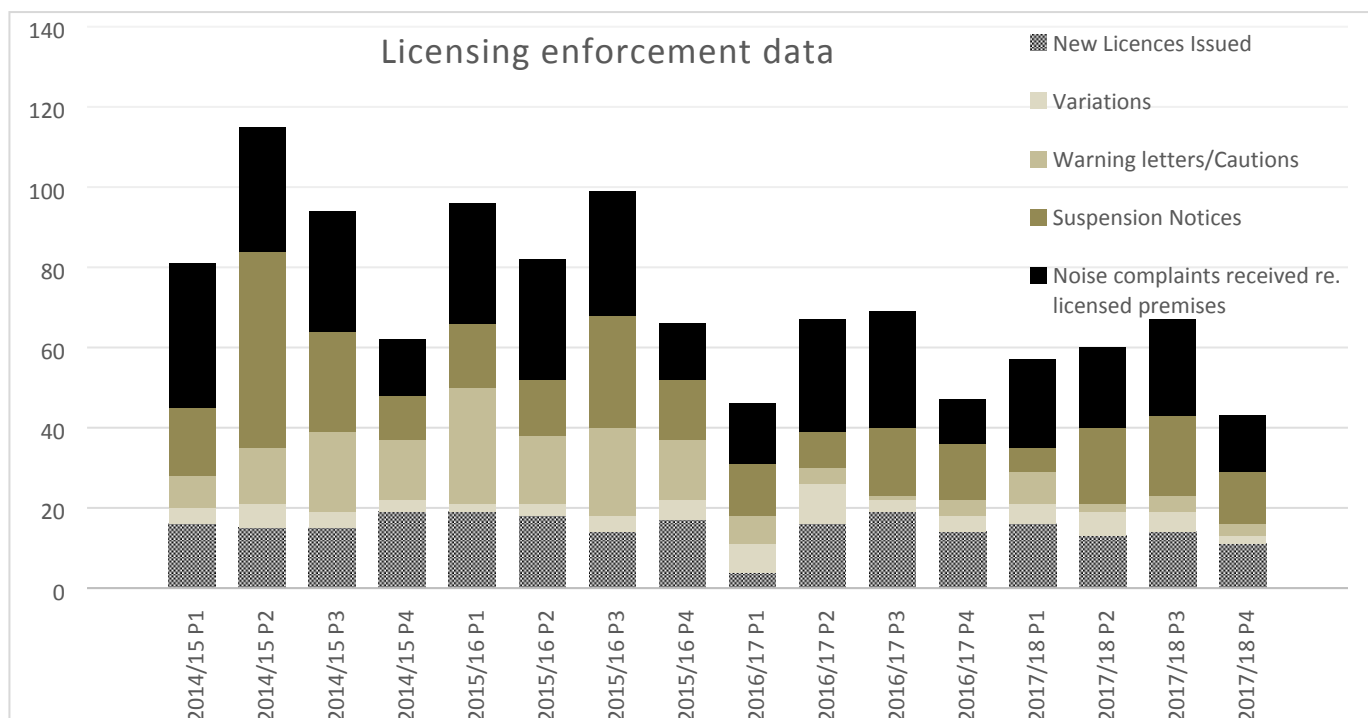


19. Further advice from counsel concerning the consultation concerning noisy works on Saturday mornings, following approval of the City Corporation’s revised Code of Construction Practice Eighth Edition has been sought via the Comptroller and City Solicitor. The consultation will commence in May 2018.

Enforcement

20. 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	Noise complaints received re. licensed premises
2014/15	1	16	4	8	17	36
2014/15	2	15	6	14	49	31
2014/15	3	15	4	20	25	30
2014/15	4	19	3	15	11	14
2015/16	1	19	2	29	16	30
2015/16	2	18	3	17	14	30
2015/16	3	14	4	22	28	31
2015/16	4	17	5	15	15	14
2016/17	1	4	7	7	13	15
2016/17	2	16	10	4	9	28
2016/17	3	19	3	1	17	29
2016/17	4	14	4	4	14	11
2017/18	1	16	5	8	6	22
2017/18	2	13	6	2	19	20
2017/18	3	14	5	4	20	24
2017/18	4	11	2	3	13	14



21. The number of hearings and reviews remains at a low-level year on year. Since January 2018 there have been two hearings conducted one in relation to the Barbican Centre in Beech Street Tunnel and one in relation to Benk and Bo, Gravel Lane. A further three hearings were scheduled but the applications were withdrawn. There have been no reviews of premises. The 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has seven establishments as a red, significant risk, six establishments as amber, potential risk with the remaining 846 licensed premises in the City on green, little or no risk of undermining the licensing objectives (as at end February 2018).

22. 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 above with the Licensing Event Data to illustrate the trend over the last three years. The number is consistent with previous years and there is no indication that of any increasing trend which supports the generally good findings of the 'RAG' assessments in the City although that has increased in the Christmas period with more premises in both red and amber than in the previous report.

Safety Thirst

23. The Safety Thirst Award ceremony was held on 24 October 2017 in the Livery Hall at Guildhall. Whilst the number of awards was almost the same as the previous year with 46 awards compared to 47 in 2016, there were significantly more premises achieving the higher 'commended' award (18 compared with 7 in 2016). The Safety Thirst scheme is highly regarded by licensees in the City of London and they are always keen to participate and to improve on their level of accreditation. The scheme has been reviewed prior to its 2018 launch in May, to

ensure that any new initiatives, especially around the night time economy, crime reduction and vulnerability have been scoped in.

Late Night Levy

24. The amount of levy collected in 2017/18 is £460,000 and has provided a similar level of income for the third levy year October 2016/17 (£454,00), compared with £445,000 in 2014/15 in the first levy year, suggesting there is still no disincentive against trading because of the levy. 70% of levy, which provided £307,000 in 2016/17, 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 report on the income and expenditure is provided annually to the Licensing Committee with latest report considered at their February 7 meeting. This suggested changes in procedure and governance to make the City Police spend both more easily accountable and to simplify the governance of the funds within the City Police. Areas of significant expenditure on the City Police portion of the levy continue to be the night time policing of licensed activities and an additional intelligence post in the City Police Licensing Team. The levy continues to support the 'out of hours' noise service and additional cleansing activity. A levy supported project from Club Soda extending their scheme to encourage consumption of less alcoholic drinks and alcohol-free alternatives continues to promote lower and non- alcoholic drinks at licensed establishments in the City.

Corporate & Strategic Implications

26. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2017 - 20, and its priorities and objectives.
27. 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 arrangements for the Secure 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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