



Safer City Partnership Strategy Group

Date: THURSDAY, 24 SEPTEMBER 2015
Time: 11.00 am
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

11. **LONDON FIRE BRIGADE**

For Information
(Pages 1 - 2)

12. **PUBLIC PROTECTION SERVICE (ENVIRONMENTAL HEALTH, LICENSING AND TRADING STANDARDS) UPDATE**

For Information
(Pages 3 - 16)

Items received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Monthly Statistical Bulletin

12 months ending August 2015

In dr.	Short description	DAC	Boroug h	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	2014/15 Total	Year to date target	Year to date actual	Target	Rolling 12 months actual	Stretch target	Stretch target achieved
LI 1ii	Primary fires - injuries (excl. prec. checks)	NE	City	2	0	0	0	0	0	0	0	0	0	0	0	3	0	0	1	2	1	
LI 2	Arson incidents (all deliberate fires)	NE	City	0	0	0	0	0	0	1	0	0	0	0	0	4	0	0	0	1	0	
LI 3	Dwelling fires - all	NE	City	2	1	1	0	2	2	1	1	0	2	1	0	14	3	4	6	13	5	
LI 4	All outdoor rubbish fires	NE	City	2	2	0	3	0	2	1	4	1	2	0	1	23	5	8	13	18	10	
LI 5	Fires in care homes / sheltered housing	NE	City	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	★
LI 6i	HFSV by LFB staff - volume	NE	City	30	50	37	32	32	29	68	29	57	46	44	38	490	200	214	480	492		
LI 6iii	P1 HFSVs - high risk people/places (%)	NE	City	73%	120%	85%	80%	78%	60%	163%	73%	138%	110%	90%	93%	105%	80%	86%	80%	97%		
LI 6iv	HFSV - area risk (geographic borough)	NE	City	30	50	109	114	97	92	46	29	42	36	38	38	722	103	183	246	721		
LI 7	Time spent by station staff on CFS	NE	City	16%	19%	11%	11%	12%	15%	15%	11%	16%	17%	13%	13%	13%	12%	13.8%	12%	13.5%		
LI 8i	Non-dom primary fires in RRO properties	NE	City	7	4	4	6	4	2	6	5	4	5	4	4	48	21	22	51	55	44	
LI 12	AFA's - buildings that are not dwellings	NE	City	49	67	63	78	83	50	60	61	61	70	74	77	775	325	343	779	793	631	
LI 13	Shut in lift releases	NE	City	5	8	2	5	7	4	4	9	8	5	5	5	67	33	32	78	67	68	★

Monthly Statistical Bulletin

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SM 1i	All fires attended	NE	City	11	9	7	9	9	7	9	11	7	10	7	7	98	42	103	▲
SM 1ii	All primary fires	NE	City	9	7	6	6	7	4	8	7	5	8	5	6	69	31	78	▲
SM 1iii	All smaller (secondary) fires attended	NE	City	2	2	1	3	2	3	1	4	2	2	2	1	29	11	25	▼
SM 2ii	Road vehicle fires - del/unk motive	NE	City	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	◀▶
SM 3ii	Grass / open land fires - del/unk motive	NE	City	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	◀▶

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Safer City Partnership Strategy Group Thursday 24 September 2015

Public Protection Service (Environmental Health, Licensing and Trading Standards) update

Economic Crime – The City of London Trading Standards Service working in partnership

- The City of London Trading Standards Service is continuing with two large investigations: Operation Addams and Operation Curie, with the assistance of the Tri-Regional Scambusters Team and support from the City of London Police. A third investigation, Operation Wade has been reviewed and will not be continued. The investigations are into the fraudulent selling of alternative investment commodities such as diamonds, gold, wine and carbon credits. There are still over 500 victims involved and more than £1 million in consumer detriment, but the team anticipates a decision on the institution of legal proceedings in respect of Operation Addams during September/October 2015. The case is very labour intensive and alternative strategies for taking Operation Curie forward are being discussed..
- The City's Trading Standards Service is still participating in Operation Broadway, a joint operation with the City of London Police, the Metropolitan Police, National Fraud Intelligence Bureau, the Financial Conduct Authority and HM Revenue and Customs.
 - This operation is addressing the problem of "boiler rooms" that perpetrate these frauds and which are based at serviced and virtual offices within the City of London. The operation continues to be successful to date with multi agency meetings taking place every two weeks and deployments to businesses suspected of involvement in fraud happening on a regular basis.
 - The Day of Action was held in March and was judged to be a success by all agencies involved and it is planned to repeat the exercise this Autumn.
 - Trading Standards Tri-regional Scambusters are committed to continued support of Operation Broadway during 2015/16 and discussions are taking place to look into a London-wide Trading Standards team being established to keep the pressure on mail forwarding businesses..
- Trading Standards has taken two successful prosecutions against mail forwarding businesses, under section 75 of the London Local Authorities Act 2007 (LLA). Mail forwarding business (sometimes known as virtual offices) can play a key role in enabling fraud: providing fraudulent investment companies with a prestigious and apparently legitimate City address when in reality they have no physical presence here.
- Section 75 LLA places obligations on mail forwarders to carry out checks on the validity of their clients in order to reduce the risk of inadvertently facilitating crime. Servcorp UK Limited became the first company to be prosecuted on 17 July. They were fined £21,000 and ordered to pay £11,500 costs after pleading guilty to seven offences of failing to keep proper records relating to mail forwarding clients.

- On 23 July 2015, Regus Management UK Limited was convicted not only for failing to keep proper records, but for telling a consumer that a mail forwarding client had a physical presence at their offices and that no complaints had been received about them, when this simply was not true. Regus were found guilty of six offences and fined £11,000 and also had to pay the Corporation's costs of £16,500.
- These cases generated considerable publicity with articles in various publications including the Financial Times and The Guardian. As a result, a journalist from The Guardian accompanied the team on some visits which resulted in further positive publicity for the Corporation and Operation Broadway.

Street Trading

- There still appears to be limited demand for short-term licences, as foreseen in the City Street Trading Policy. There remains very little street trading activity in the City, mainly ad hoc occasional nut sellers on the south side London Bridge/Millennium Bridge. Occasional Ice Cream vans have been sighted on London Bridge at weekends where they are positioned for a 'quick get-away' to avoid enforcement action. Further joint operations will be planned with City Licensing team and City Police dependent on intelligence received on activity within the City.

Late Night Levy

- The Levy came into effect on 1 October 2014. 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.
- To date the Levy has raised £192K. Most renewals of fees (and hence raising of levy) occur in August through to September and it is anticipated that on current projections an overall sum of £450K will be raised by October with £297K going to the City Police.
- A report on the Levy was presented to the Licensing Committee after six months of operation on 6 May 2015, and accounts will be the subject of public report after a year in October 2015. The City Police and City Corporation will provide a detailed breakdown of expenditure specifically targeted at issues associated with licenced premises open between 0001 and 0600. It is anticipated that the report on the operation of the first 12 months of the Levy and the associated expenditure will be presented at the first opportunity to the Licensing Committee on 27 January 2016.

Safety Thirst

- 751 applications for 2015/16 were sent out to all previous applicants and the rest of those premises licensed in the City of which 41 were completed and returned to us. The large majority of assessments were completed by the end of August although

there is a contingency for any necessary revisits/late applicants in September. The awards date will remain 12 October 2015 in the Livery Hall.

- Application forms have been tailored to particular premises. This will make the application form easier to complete and assist granting awards for different types of premises such as pubs, hotels and restaurants comparing like with like.
- The criteria for passing the award have been re-assessed. This assists in introducing different grades of premises award. The grades being a pass (which will also meet the requirements for a 30% reduction in the late night levy), commended, highly commended and an award for the best premises.
- Of the 41 applications, 31 premises passed the assessment, 4 premises were missing criteria during the assessment but did not pursue their application and 6 premises withdrew their application prior to the assessment.
- Of those 31 that passed, these are the categories they fall into:

Bar:	16 premises
Club:	2 premises
Events Venue:	4 premises
Pub:	7 premises
Restaurant:	2 premises

Noise Service

- The Pollution Team dealt with 289 noise complaints between 1st June and 31st August 2015 of which 94.6% were resolved. In addition, they also assessed and commented on 334 Planning, Licensing and construction works applications and 120 applications for variations of work outside the normal working hours.
- The Out of Hours Service dealt with 125 complaints in April to the 22nd May and response (visit) times were within the target performance indicator of 60 minutes in 93.6% of cases, and often only 30 minutes.
- Further training, through mentoring and coaching on powers delegated to officers by has been ongoing for Environmental Health Officers (EHOs) and for Street Environment Officers (SEOs) from the Department for the Built Environment (DBE).
- This is part of the on-going programme to maintain competency in line with Better Regulation Delivery Office (BRDO) guidelines. Additional training is being planned for later this financial year for the same purposes.
- To date the City's response to the new 'Community Trigger' has not been required under the Anti-social Behaviour, Crime and Policing Act 2014 which can be sought by individuals affected by repeated incidents. The Pollution Team will be represented on the panel considering case reviews as they arise. The use of Community Protection Notices (CPN's) under this act appears to provide a potential remedy for

premises causing concern (ASB) outside their building, e.g. due to patrons leaving and dispersing which was not previously available under other public health legislation. This has so far not been required but it will be considered as part of the review of the Statement of Licensing Policy and a separate protocol for controlling external drinking.

Charity Collections on the street (Chuggers)

Background

This issue was last considered by the Policy & Resources Committee in December 2012 – see attached report at Appendix A. Since that time, neither the Police nor the City Corporation’s Licensing team has any record of complaints from members of the public. However, chuggers are still active in the City, and since August any collectors contravening the PFRA rule book conduct rules have been challenged by Police officers, PCSO’s, licensing officers and other City Corporation enforcement officers. The PFRA rule book can be found at <http://www.pfra.org.uk/assets/resources/standards/Street%20Rule%20Book%20May%202013.pdf>

There are no legal powers to prevent chuggers obtaining bank details or requesting some form of electronic payment. The only legislation relates to cash collections.

As indicated in the attached report, it is possible to enter into a (PFRA) Site Management Agreement (SMA) with the Public Fundraising Regulatory Association to restrict times and locations of collections within a local authority’s area. However, entering into such an arrangement could be seen to condone the activity and encourage chuggers to operate within the Square Mile. It should be noted that the sanctions against chuggers not complying with the PFRA rule book are very limited.

Current position

There are currently 105 SMA’s in England but to date, no negotiations have been undertaken with the PFRA to establish whether such an arrangement could be beneficial to the City Corporation. This is in line with the decision of the Policy & Resources Committee and due to the lack of complaints received. However, the head of Standards and Allocations at the PFRA has offered to meet with the City Corporation to consider whether an agreement could be reached.

Should the Safer City Partnership Strategy Group consider that the level of “chugging” activity within the City is unacceptable, and that a SMA would be beneficial, this will be investigated and reported to your next meeting. Examples of the requirements of London SMA’s are at Appendix B.

Jon Avern
Port Health & Public Protection Director
11 September 2015

Committee: Policy and Resources	Date: 13 December 2012
Subject: Discouraging aggressive charity collections on the street ("chugging")	Public
Report of: Director of Markets & Consumer Protection	For Decision
<u>Summary</u>	
<p>Concerns have been expressed by the Police Committee regarding the potential nuisance caused by charity collectors on City Streets who stop people – known as “chuggers”. As there are no legal sanctions currently available, the Committee requested that the matter be referred to your Committee for consideration.</p> <p>This report examines the options that are available to discourage the practice and outlines the rules that should be followed by members of the Public Fundraising Regulatory Association (PFRA), which purports to represent 95% of the organisations involved in the practice.</p> <p>The following options have been identified to tackle this issue.</p> <ol style="list-style-type: none"> i. Write to the Chief Executives of the relevant charities and request that they comply with PFRA rules. ii. Refer complainants to the PFRA. iii. Investigate complaints and undertake monitoring to ensure compliance with PFRA rules, then refer any collectors that are not complying to the PFRA under its complaints procedure. iv. Establish a site management agreement with the PFRA for the whole of the City. v. Explore the possibility of introducing byelaws to prevent the nuisance caused by chugging in the City. <p>Recommendations</p> <p>I recommend that your Committee considers the above options and, depending on the seriousness with which you view the activity, instructs officers to proceed accordingly but, in the first instance, options (i), (ii) and (iii) are approved by your Committee, and that the number of complaints is recorded to see if compliance improves.</p>	

Main Report

Background

2. The administration associated with the issuing of permits for legitimate charity collections is carried out by officers of the City of London Licensing Service on behalf of the City of London Police. This covers the places and times where collections can be carried out in the City.
3. The City Corporation, together with other local authorities, has experienced an increase in the number of collectors attempting to stop people in the street and ascertain either bank details, obtain a signature on a direct debit mandate or make donations to a particular charity by texting a number from a mobile telephone which deducts a sum from the senders bank account. The collectors known as “chuggers” do not have permits to carry out street collections.
4. A report submitted to the Police Committee on 11 July 2012 considered whether there was any existing legislation that could regulate this activity, and included two legal opinions from QCs. The conclusion was that chuggers comply with current legislation.
5. Consequently, given that aggressive charity collections can cause a nuisance to pedestrians and the practice can affect businesses, particularly small retailers, the Police Committee agreed that the matter should be referred to the Policy & Resources Committee for consideration.
6. Since that time, officers have investigated the options open to the City Corporation and met with a representative of the Public Fundraising Regulatory Association. This organisation has recently introduced new rules for its members and these are discussed below.
7. The purpose of this report, therefore, is to examine the options available to your Committee to discourage this practice and to seek approval for the most appropriate option.

Current Position

8. As indicated above there is currently no legal sanction that can be exercised against “chugging”, but in mid August, the Public Fundraising Regulatory Association (PFRA), introduced a new rule book for street face to face (F2F) fund raising. The PFRA is the charity led self-regulatory membership body for all types of F2F fund raising, with both charity and fund raising agency members, allegedly comprising about 95% of the organisations currently involved in all types of F2F activity. It has 143 members: 111 are charity members, 26 fund raising agencies and 6 associates. This figure is

out of 162,624 charities registered with the Charity Commission as at 30 September 2012.

9. An initial survey of the charities and City locations involved in chugging identified the following:

Charities	
Age UK*	Merlin*
Aids UK	Save the Children*
British Heart Foundation*	Shelter *
British Red Cross *	St Mungos *
Greenpeace*	Unicef *
Healing UK	World Vision *
Help for Heroes	World Wildlife Fund*

* denotes user members of the PFRA.

Locations	
Aldgate East	High Holborn
Bank	Liverpool Street
Bank Station	Lombard Street junction/King William Street
Cannon Street	Moorgate junction/London Wall
Cheapside	Poultry
East Cheap	St. Martin's Le-Grand,
Fenchurch Street (Tower Hill)	St. Paul's
Fish Street Hill (Monument)	Tower Hill Tube Station
Fleet Street	

10. Under the new PFRA rules that were introduced on 20 August 2012, a chugger must not:
 - i. Follow a person for more than three steps;
 - ii. Stand within three metres of a shop doorway, cash point, pedestrian crossing or station entrance;
 - iii. Sign up to a direct debit anyone unable to give informed consent through illness, disability or drink or drugs;
 - iv. Approach any members of the public who are working, such as tour guides or newspaper vendors;
11. Further to this, fund raisers must always terminate an engagement when they are clearly and unambiguously asked, by speech or body language, to do so.
12. The rules, which were trialled for a year, enhanced the existing Code of Practice produced by the Institute of Fund Raising. Fund raising organisations that transgress the rules will rack up a series of penalty points that will then be converted into a monetary fine once they reach a threshold.
13. There are penalties of 20, 50 or 100 points, which are awarded by the PFRA against a fund raising organisation – whether they are agencies or charities running in house teams - each time they breach one of these rules. When a fund raising organisation’s points tally exceeds 1,000 points, that total is converted to a monetary fine on the basis of £1 per point. Further breaches are invoiced by the PFRA at £1 per point per month.
14. The PFRA will monitor compliance with both the new rules and the Code of Practice through a mystery shopping programme, spot checks by its compliance staff, and through co-regulation with the fifty local authorities with which it has site management agreements (SMAs).
15. The aim of the SMA scheme is to facilitate F2F fund raising in a given location or locations within a local authority area and provide a balance between the right of the charity to fund raise and the right of the public to go about their business with the least possible impression of inconvenience. These provisions only apply in “public places” i.e. highways, open spaces etc., over which the local authority has a duty of care to provide and protect access.
16. Typically, a SMA will address issues such as location and frequency of visits, permitted team sizes, communication channels and dealing with complaints. The PFRA claims that once an agreement is in place it should minimise the administration for all concerned, providing just one channel

for information which is the PFRA, instead of dealing with each individual charity and fund raising organisation separately.

17. The Local Government Association is promoting the scheme and conducted a survey of those councils that had implemented a voluntary agreement which showed that 74% found them very or fairly successful at regulating chugging.
18. The PFRA has a complaints procedure where by it will respond to and deal with any complaints made directly about F2F relating to:
 - a. a breach of the IOF Code of Practice on F2F activity, such as abuse, harassment, approaching pedestrians in a non-designated area.
 - b. a breach of a SMA such as five chuggers in an area where there are only supposed to be four.
 - c. a complaint (or observation) about the nature of F2F fund raising in general.
 - d. a complaint about the operation of F2F fundraising, either where a SMA is or is not in place, such as where there appear to be too many chuggers in a given street or at a given time.
19. The PRFA will deal with complaints made by local authority officers, elected members, police officers, other regulatory or government bodies, members of the public, any others at the discretion of the relevant PFRA staff member. There is a full procedure that deals with how the PFRA will handle and process the complaint as well as outcomes and records.
20. The City of Bradford Metropolitan District Council has byelaws for “good rule and government” in its area prohibiting touting for sale to the annoyance or obstruction of passers-by, which it now uses against chuggers. The PFRA is challenging another local authority that is planning to introduce byelaws to address this nuisance.
21. The Government’s Public Administration Committee recently took evidence from the Chief Executives of the Institute of Fundraising, the Fundraising Standards Board, and the PFRA. The PRFA emphasised that where it had site management agreements in place with a local authority there was a great reduction in the level of complaints. This approach would probably need to be tried before it would be possible to argue strongly for the introduction of a byelaw.

Options

22. Depending on the seriousness with which your Committee views this activity, there are a range of options that can be considered to tackle it.
 - i. write to the Chief Executives of the relevant charities and request that they comply with PFRA rules.
 - ii. refer complainants to the PFRA.
 - iii. Investigate complaints and undertake monitoring to ensure compliance with PFRA rules, then refer any collectors that are not complying to the PFRA under its complaints procedure.
 - iv. establish a site management agreement with the PFRA for the whole of the City.
 - v. explore the possibility of introducing byelaws to prevent the nuisance caused by chugging in the City.
23. Options i and ii have minimal resource implications, but any monitoring of compliance with PFRA rules that is carried out will incur officers' time, although this could be undertaken by a range of departments and the City of London Police.
24. It is possible that a brief campaign to ensure that all charities comply with the PFRA rules would have the desired effect, but as not all charities are members of the organisation there could still be some non-compliance.
25. Section 39 of the City of London (Various Powers) Act 1961 allows the City Corporation to make byelaws where necessary and appropriate for the good rule and government of the City of London and for the suppression of nuisances. This would require a formal consultation process and the approval of the Department for Communities and Local Government. It is likely that this process would take between one and two years.

Proposals

26. I propose that your Committee considers the above options and determines the one that is commensurate with the seriousness with which you view chugging in the City. Depending on the option(s) you select, a further report could be brought before your Committee to update you on actions taken and the outcome of any compliance checks.

27. In the first instance I recommend that options (i), (ii) and (iii) are approved by your Committee and that the number of complaints is recorded to see if compliance improves.

Corporate & Strategic Implications

28. Any action taken to control chugging in the City will be in accordance with the strategic aim: to provide modern, efficient and high quality local services and policing within the square mile for workers, residents and visitors with a view to delivering sustainable outcomes.

Implications

29. The financial implications of taking action against “chuggers” will need to be assessed in the light of the option determined by your Committee. There would be additional costs associated with any increased monitoring, and the costs would be greater if, after any byelaws were enacted, prosecutions were being undertaken. There would also be some costs associated with staff time and newspaper advertising if the introduction of byelaws was pursued.
30. The legal implications will only need to be taken into account if byelaws are to be sought. These would need to be the subject of a more detailed report.

Conclusion

31. Whilst there is no legal sanction against ”chugging”, there are other mechanisms for discouraging the activity and there is also the potential to explore the introduction of byelaws to prevent potential nuisance caused by the practice.

Background Papers:

Charitable collections in the City of London - report to the Police Committee on 11 July 2012.

[PFRA Rules for Street F2F](#)

[PFRA Complaints Procedure](#)

[PFRA Site Management Agreement](#)

Contact:

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Examples of requirements included in London Site Management Agreements

	Croydon (Town Centre)	Hillingdon	Kingston	Redbridge	Haringey	Ealing	Havering (Romford Town Centre)	Richmond	Harrow	Westminster	Wimbledon BID
Area	2 zones	2 zones	4 areas	1 area	4 areas	3 areas	1 area	6 areas	1 area	28 sites	3 zones
No. of collectors	Max of 5(3)	2 per zone	Max of 6	Max of 6	3,3,3 and 6	4 per area	Max of 5	5,4,3,3,3 & 3	Max of 4	Max of 2-5	1, 2 & 2
Days	M, W & Th	3 per week	3 per week	3 per week	2,2,2 and 4	Various	M, Tu & Th	3,3,2,2,2 & 2	3 per week	2-3 per week	Mon - Fri
Time	09:00- 19:00	09:00- 19:00	09:00- 19:00	08:00- 21:00	09:00- 19:00	10:00- 18:00	09:00-18:00	09:00- 19:00	09:00- 19:00	10:00-20:00	10:00-18:00
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- Plus so many metres from particular points
- Only one charity per day
- Not all collectors together
- Main areas sub-divided with limits of fundraisers
- Additional Exclusion dates

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