



Port Health & Environmental Services Committee

Date: WEDNESDAY, 12 SEPTEMBER 2012

Time: 1.45 pm

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

John Tomlinson (Chairman)	Robert Howard
Sheriff & Deputy Wendy Mead (Deputy Chairman)	Vivienne Littlechild
John Absalom	Alderman Ian Luder
Alderman Nick Anstee	Robert Merrett
Deputy John Barker	Brian Mooney
Deputy John Bennett	Barbara Newman
Nigel Challis	Deputy Janet Owen
Deputy Billy Dove	Deputy John Owen-Ward
Bob Duffield	Ann Pembroke
Kevin Everett	Deputy Gerald Pulman
Deputy Bill Fraser	Deputy Richard Regan
George Gillon	Delis Regis
Deputy Stanley Ginsburg	Matthew Richardson
Deputy Revd Stephen Haines	Deputy Robin Sherlock
Deputy Pauline Halliday	Jeremy Simons
Dr Peter Hardwick	Deputy Michael Welbank

Enquiries: Katie Odling
tel. no.: 020 7332 3414
katie.odling@cityoflondon.gov.uk

Lunch will be served at 1pm in the Guildhall Club.

Chris Duffield
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

3. **MINUTES**

To agree the public minutes and summary of the meeting held on 4 July 2012.

For decision

(Pages 1 - 6)

A) **OLYMPIC/PARALYMPIC UPDATE**

To receive a verbal update from the Director of the Built Environment and the Director of Markets and Consumer Protection.

For Information

4. **ELECTION OF VERDERERS - PROXY VOTE**

Report of the Town Clerk.

For Decision

(Pages 7 - 10)

5. **INTRODUCTION PAPER FOR A PROPOSED REVIEW OF THE CITY OF LONDON WASTE STRATEGY**

Report of the Director of the Built Environment.

For Decision

(Pages 11 - 18)

6. **CITY OF LONDON CEMETERY AND CREMATORIUM BUSINESS PLAN - PROGRESS REPORT**

Report of the Director of Open Spaces.

For Information

(Pages 19 - 26)

7. **BUSINESS PLAN 2012 - 15: 1ST APRIL 2012 - 31ST JULY 2012**

Report of the Director of the Built Environment.

For Information

(Pages 27 - 36)

8. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2012 - 2015 - PROGRESS REPORT (PERIOD 1)**

Report of the Director of Markets and Consumer Protection.

(Pages 37 - 54)

For Information

9. **BUSINESS RISK MANAGEMENT - INITIAL REPORT**
Report of the Director of the Built Environment.
For Information
(Pages 55 - 80)
10. **CITY OF LONDON ECONOMIC CRIME PROTOCOL**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 81 - 108)
11. **LONDON GATEWAY PORT**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 109 - 118)
12. **PUBLIC NUISANCE REPORT**
Report of the Director of Markets and Consumer Protection.
For Information
(Pages 119 - 126)
13. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
14. **URGENT ITEMS**
Any items of business that the Chairman may decide are urgent.
15. **EXCLUSION OF THE PUBLIC**
MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

<u>Item No.</u>	<u>Paragraph(s) in Schedule 12A</u>
16 - 18	3
19 & 20	-

Part 2 - Non-public Agenda

16. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 4 July 2012.
For Decision
(Pages 127 - 128)
17. **DEBT ARREARS - PERIOD ENDING JUNE 2012**
Report of the Chamberlain.
For Information
(Pages 129 - 136)

18. **ANIMAL BY-PRODUCTS FACILITY FOR SMITHFIELD MARKET**
Report of the City Surveyor.

For Decision
(Pages 137 - 146)

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Wednesday, 4 July 2012

Minutes of the meeting of the Port Health & Environmental Services Committee held at the Guildhall EC2 at 1.45pm

Present

Members:

John Tomlinson (Chairman)	Deputy Stanley Ginsburg
Sheriff & Deputy Wendy Mead (Deputy Chairman)	Deputy Revd Stephen Haines
Deputy John Barker	Robert Howard
Deputy John Bennett	Barbara Newman
Nigel Challis	Deputy Janet Owen
Deputy Billy Dove	Deputy John Owen-Ward
Kevin Everett	Ann Pembroke
Deputy Bill Fraser	Deputy Richard Regan
George Gillon	Deputy Robin Sherlock

Officers:

Katie Odling	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Monaghan	- City Surveyor's Department
Steve Presland	- Department of the Built Environment
Doug Wilkinson	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Sue Ireland	- Director of Open Spaces
Gary Burks	- Superintendent & Registrar, City of London Cemetery & Crematorium
Nicky Johnson	- Head of Corporate HR Services

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Robert Duffield, John Absalom, Alderman Nick Anstee, Kevin Everett, Deputy Pauline Halliday, Dr Peter Hardwick, Vivienne Littlechild, Deputy Gerald Pulman, Delis Regis, Matthew Richardson, Jeremy Simons and Deputy Michael Welbank.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minutes of the meeting held on 1 May 2012 were approved as a correct record.

MATTERS ARISING : -

Queen's Diamond Jubilee – River Pageant (Item 6) – The Chairman reported the successful cleansing operation following the River Pageant and staff in the cleansing and maintenance teams were congratulated on their efforts.

Annual Air Quality Monitoring Review and Air Quality Strategy Progress Report (Item 13) – Members were informed that a letter had been sent to the Mayor of London from the Leaders of Westminster City Council and Camden Borough Council and the Chairman of the Policy and Resources Committee regarding improving Air Quality in London, a copy of which was tabled at the meeting.

Annual River Inspection (Item 18) – The Chairman thanked those present that were able to attend the recent Annual River Inspection which he reported was a successful and enjoyable day.

4. LOVE CLEAN STREETS PRESENTATION

The Committee received a presentation from Ian Blackburn (Love Clean Streets) which informed Members regarding the new mobile phone app for 'Love the Square Mile' which enabled easy reporting of environmental issues from your mobile phone.

The Chairman thanked Mr Blackburn for his presentation and informed Members that the links to the app for the various devices had been circulated via e-mail.

5. REVIEW OF GOVERNANCE ARRANGEMENTS REPORT

Consideration was given to a report of the Town Clerk, prepared on behalf of the Governance Working Party, to seek comments, if any, from this Committee on the governance arrangements introduced in 2011 and the impact they may have had on the operation of this Committee.

RESOLVED : - That it be noted that there were no areas of concern that required reporting to the Governance Working Party.

6. CHIEF OFFICER APPOINTMENTS

Consideration was given to a report of the Town Clerk regarding the dissolution of the Department of Environmental Services and the involvement of the Chairman of the Port Health and Environmental Services Committee in the appointment of the Director of Markets and Consumer Protection and the Director of Open Spaces.

The Chairman advised that this report would also be submitted to the Open Spaces and Markets Committees for information.

RESOLVED : - That,

- i) the report be noted by the Corporate HR Unit and be required to make the necessary preparations to give Port Health and Environmental

Services Committee appropriate representation in the future appointments of the Director of Markets and Consumer Protection and the Director of Open Spaces; and

- ii) the Terms of Reference of the Port Health and Environmental Services Committee be amended at the next appropriate opportunity to reflect the wishes of the Committee.

7. REVENUE OUTTURN 2011-12

Consideration was given to a joint report of the Chamberlain, the Director of the Built Environment, the Director of Markets and Consumer Protection and the Director of Open Spaces which compared the revenue outturn for the services overseen by this Committee in 2011/12 with the final agreed budget for the year.

Following a question raised regarding a bid for carry-forward of funds to 2012/2013, discussion ensued regarding the installation of a 4th Uri-lift public convenience, Members were informed that it was unlikely that a Uri-lift would be installed in the Aldgate area during this financial year due to the works that were scheduled to start shortly. Members considered that Smithfield (Charterhouse Street) should be considered as an area with a need for a Uri-lift, however, prior to this, market traders would need to be consulted and a report would be required to be considered by this Committee at any decision stage.

In respect of the Community Toilet Scheme, there were currently 60 premises operating within the scheme and officers were actively ensuring that the logo for the scheme was adequately displayed on every premise.

Members briefly discussed the issues of adequate public conveniences outside or close to Fabric nightclub.

Provision also for public conveniences for women was also requested to be re-considered by officers, although it was noted that this was likely to be at significant cost to the Corporation and it was agreed to include a response within the report on Public Conveniences due to come to this committee in November.

RESOLVED :- That the revenue outturn report for 2011/12 and the proposed carry forwards of underspendings to 2012/13 be noted.

8. ENTERPRISE CONTRACT UPDATE

Members received an oral update from the Director of Highways and Cleansing regarding the Enterprise contract. The Director reported that the operation was performing well and the Corporation was working closely with Enterprise to improve communications.

9. TIME BANDING SCHEME UPDATE

Consideration was given to a report of the Director of the Built Environment which provided an update regarding progress in the implementation of the Time

Banding Scheme for bagged waste (sacks) and loose recycling since 1 April 2012.

The Committee congratulated the Cleansing team for their continued efforts.

RESOLVED : - That,

- i) the report be noted; and
- ii) an independent customer survey be undertaken before the end of the financial year of 2012/13.

10. BUSINESS PLAN 2011-12 FOURTH QUARTER PROGRESS REPORT

Consideration was given to a report of the Director of the Built Environment which set out the end of year performance for the Department against the KPIs on the business plan.

RESOLVED : - That the quarter 4 performance indicators for 2011/12 against the key performance indicators and Service Response Standards and the financial and statistical information contained within be noted.

11. DEPARTMENT OF MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2011/12 - OUTTURN REPORT

Consideration was given to a joint report of the Director of Markets and Consumer Protection and the Director of Open Spaces which set out the Business Plan progress information for 2011-2012 for the Port Health and Public Protection Division of the former Department of Environmental Services (DES), now part of the Department of Markets and Consumer Protection (M&CP).

RESOLVED :- That the report be noted.

12. ENFORCEMENT ACTIVITY AT MIDDLESEX STREET MARKET

Consideration was given to a report of the Director of Markets and Consumer Protection which provided information on enforcement activity at Middlesex Street Market. The report outlined the further enforcement action taken to date and confirmed that inspections would be undertaken on a regular basis in order to ensure that encroachments on City pavements are removed.

RECEIVED.

13. INTERIM POSITION ON VEHICLE ACCESS PERMIT CHARGES

Consideration was given to a report of the Director of Open Spaces which provided an update on the interim position regarding vehicle access permit charges.

One Member requested consideration of the impact on parking outside the Cemetery and the Director of Open Spaces confirmed that this would be looked at as part of the consultation.

RESOLVED : - That

- i) the appointment of Marketing Assistance Ltd at a cost of £9,800 to undertake consultations and research to identify public perception towards the introduction of a charge for permits and other opportunities to generate income, to support future management of the Cemetery be approved; and
- ii) a detailed report on the outcome of the consultation undertaken by Marketing Assistance Ltd., including the matter of charging for vehicle access into the site be received.

14. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were three questions raised : -

Cory Energy from Waste Plant –

A question was raised regarding the working environment of the Energy from Waste Plant and the possible health impacts on staff. The Director advised that he would be happy to mention to the management at Cory the concern raised by the Member, however, the City of London Corporation was not the enforcing authority for Cory.

Rose Alley –

Concern was expressed regarding the cleanliness of Rose Alley in Bishopsgate which was also renowned for rough sleepers. The Director confirmed that Rose Alley would be looked at and the issue of rough sleepers would be referred to the Community and Children's Services department.

Public Swimming on the River Thames –

A final question was raised regarding bathing in the river Thames and whether the water quality in central London had improved significantly to allow for bathing to take place. The Director advised that the Port Health Authority byelaw, which came into force on 1st July 2012, did not ban swimming in the Thames; it controlled swimming between Putney Bridge and Crossness (just below the Thames Barrier) by making it necessary to get the prior consent. It was introduced primarily for safety reasons.

15. URGENT ITEMS

There were no items of urgent business.

16. EXCLUSION OF THE PUBLIC

RESOLVED– That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

17. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 1 May 2012 were considered.

18. DEBT ARREARS – PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 31 MARCH 2012

Consideration was given to a joint report of the Director of the Built Environment, the Director of Markets and Consumer Protection and the

Director of Open Spaces regarding debt arrears for Port Health and Environmental Services – period ending 31 March 2012.

RECEIVED.

19. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

20. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no items of urgent business.

The meeting closed at 3.00pm

Chairman

**Contact Officer: Katie Odling
tel. no.: 020 7332 3414
katie.odling@cityoflondon.gov.uk**

Agenda Item 4

Committee(s):	Date(s):
Port Health Committee	12 September
Subject: Election of Verderers - proxy vote	Public
Report of: Town Clerk	For Decision

Summary

The Epping Forest Act 1878 provides that four Verderers be elected to serve on the Epping Forest & Commons Committee and that these elections should take place every seventh year. The Act permits corporation and companies on the Register of Commoners to vote by proxy.

In the past, the Chairmen of this Committee and the Epping Forest & Commons Committee have exercised proxy votes on behalf of the City. The Epping Forest & Commons Committee have already decided not to exercise this vote in the coming elections. This report asks Members to consider whether to request the Court of Common Council appoints the Chairman of this Committee as proxy to vote on behalf of the City in the southern parishes.

Recommendation:

That consideration be given to whether or not the Committee wishes to recommend to the Court of Common Council that the Chairman be appointed as proxy to vote on behalf of the City in the southern parishes in the election of Verderers 2013.

Main Report

Background

1. The Epping Forest Act 1878 requires that elections are held every seven years to return four Verderers to serve on the Epping Forest and Commons Committee. Two Verderers are elected for the northern Forest parishes and two for the southern Forest parishes. This history of the Verderers dates from 1130 when their function was to act as Forest Magistrates enforcing the Forest Laws and looking after interests of the Crown. The 1878 Epping Forest Act perpetuated the position of Verderer, but modified the role to represent the interests of commoners as full members of the Epping Forest & Commons Committee. With the change in the character of the Forest, and the decline in grazing land, the Verderers have for many years now considered their role more widely representing both commoners and the public living around the Forest.
2. Elections have been held every seventh year since 1880, no later than the twentieth day of March in each election year. The Verderers take office on the twenty-fifth day of March in the year of election. The next election of Verderers must be held no later than 20 March 2013. To this end, the Epping Forest & Commons Committee have already made arrangements for the

review and settling of the Register of Commoner, dates for nomination meetings and polls.

3. Eligibility to be included on the Register of Commons is based on the ownership or occupation of land and tenement lying within the ancient boundary of Epping Forest. As such, organisations as well as individuals are able to register a right of common. In the past, the Chairman of this Committee has exercised a proxy vote in the election of Verderers on behalf of the City as landowner of the cemetery in the southern parishes, and the Chairman of the Epping Forest & Commons Committee on behalf of the City as a landowner in the northern parishes.

Current Position

4. To facilitate the election of Verderers, the Epping Forest & Commons Committee have agreed two special meetings of their Committee to settle the Register of Commoners on 25 and 29 January 2013; nomination meetings are to be held on 25 February 2013 and, if polls are demanded they are to be held on 27 February in the southern parishes and 28 February 2013 in the northern parishes.
5. The Epping Forest & Commons Committee considered the possibility of exercising a proxy vote at their July Committee meeting. The Committee decided not to exercise the vote as it was not felt to be appropriate for the Committee to participate in the elections, as the successful candidates will become Committee Members.

Options

6. While the Act permits corporations and companies on the register of commoners to vote by proxy appointed in writing sealed with the common seal, officers question whether it continues to be appropriate for the City to exercise a vote in the election of Verderers. This election is not covered by the usual requirement for a secret ballot and Members may consider that it is preferable for the Corporation to stand back from participating in an election which chooses people to sit on one of its own Committees.
7. If Members wish to exercise the vote, it will be necessary to recommend to the Court of Common Council that your Chairman (or if he is unable to vote, your Deputy Chairman) be appointed as proxy to vote on behalf of the Corporation in the election for the southern parishes. This recommendation to the Court is necessary as the proxies must be sealed by the Court of Common Council.
8. Members are asked to consider whether they wish to exercise the option of proxy voting.

Corporate & Strategic Implications

9. To satisfy the provisions of the Epping Forest Act 1878, elections of Verderers have taken place every seventh year since 1880. Arrangements for the election are managed by the Epping Forest & Commons Committee and the cost is met from the Town Clerk's Elections budget.

Conclusion

10. The Committee has the option of exercising a vote in the election of Verderers in 2013 due to its ownership of the cemetery. Given the election is for representatives to serve on one of the City's own Committees, and it is not a

secret ballot, Members may feel that it is preferable not to exercise the proxy vote.

Background Papers:

- *Election of Verderers – dates of nominations and polls, 9 July 2012 Epping Forest & Commons Committee Report*
- *Election of Verderers 2013, 14 May 2012 Epping Forest & Commons Committee Report*
- *Epping Forest Act 1878 (Fourth Schedule)*

Appendices

The Forest boundary for the purpose of registration is illustrated at Appendix 1

Contact:

Esther Sumner | esther.sumner@cityoflondon.gov.uk | 1481

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Committee: Port Health and Environmental Services	Date: September 2012
Subject: Introduction Paper for a Proposed Review of the City of London Waste Strategy	Public
Report of: Director of Built Environment	For decision

Summary

This report is to inform Members that following a number of significant changes in policy at national and local levels the City of London's current Waste Strategy 2008 – 2020 requires a review.

These changes are;

- Government review of Waste Policy by the Department of Environment, Farms and Rural Affairs (DEFRA) in 2011.
- The implementation of The Mayor of London's Municipal and Business Waste Strategies also in 2011.
- The start of the City's new contract for waste collection and street cleansing services (October 2011).
- The transfer of the commercial waste business to Enterprise Managed Services under the new contract (October 2011).
- The Riverside Energy from Waste (EfW) facility at Belvedere becoming fully operational (11th October 2011) and accepting all of the City's residual waste.
- The market value of recycling materials.

In light of these changes it is proposed to review the existing strategy and produce a first draft proposal of a new waste strategy document. This proposal will be shared with PHES Members for views and comments via arranged facilitated workshop sessions. With agreement a consultation draft will then be produced for general consultation and then final approval by this committee.

It is anticipated that the process will be completed by summer of 2013, a detailed time line can be found in Appendix 1.

Recommendations

It is recommended that this committee:

1. Endorse the decision to produce a New Waste Strategy for the City of London which addresses the changes in national and local policy together with the new contractual arrangements.
2. Agrees the process and timeline as described in the report.

Main Report

Background

Why does the City need a Waste Strategy?

1. All Waste Disposal Authorities in England, under the Waste and Emissions Trading (WET) Act 2003, have a duty to have in place a strategy for the management of their municipal waste. Local authorities should either produce or contribute to a Strategy or equivalent. The long term strategic planning is vital to all authorities in securing both the infrastructure and service developments necessary to deliver more sustainable waste management and it therefore makes good business sense to have a clear strategy on how we intend to treat waste looking to the future.

The current Waste Strategy.

2. The current Waste Strategy was written in 2007 and published in January 2008; it covers the period 2008 – 2020. When produced there was a commitment to review it periodically to ensure that the City had a relevant Waste Strategy document. In November 2011, Cleansing Services started working in partnership with LRS consultancy in a process to identify if there had been any significant changes in government waste and recycling policy, legislation or local strategies which may impact on the City's waste strategy.
3. This work highlighted that since the writing of 2008 document there have been significant changes in policy at national and local levels and also the city's contractual arrangements have changed which makes it essential that the current Waste Strategy be reviewed and updated.

Why is there a need to have a revised Waste Strategy for the City of London?

4. The following significant changes in policy have been identified:
 - a) A government review of Waste Policy in 2011.

The Governments review of National Waste Policy in 2011 placed a much clearer focus on 'Waste Prevention' and the need to ensure all material resources are fully valued both financially and environmentally. Whilst previous national strategies have placed a heavy focus on recycling rates the 2011 policy review removed the national Indicators 191, 192 and 193 and instead urged councils to focus on local issues and concerns and indicated a move towards the use of a carbon metric/ measurement. This is a methodology or model of standard measurement (weighting) applied to each material stream in recycling to measure the CO2 equivalent. It takes into account the whole life-cycle, giving the CO2 equivalent for each material returned to a virgin material state. E.g. for aluminium it would include the mining, smelting, transport, manufacturing etc.

The government review of Waste Policy 2011 also outlined the intention to develop materials recycling facility (MRF) codes of practice, this will be "key to maintaining the credibility of co-mingled collections under the revised Waste Framework Directive". The review also placed strong emphasis on incentives for recycling as well as on the quality and frequency of services provided to residents as opposed to merely providing a basic service.

b) The implementation of The Mayor of London's Municipal and Business Waste Strategies also in 2011.

The Mayor of London's Municipal Strategy was similar in focus to the National Policy Review, again moving away from the need merely to provide a basic collection service and how to go further in service provision especially for flatted properties which make up a significant proportion of London's housing stock. This included objectives around the establishment of a London wide network for the collection of bulky waste as well as a more general focus on repair and reuse.

The Mayor also placed an emphasis on the measurement of Carbon as a key indicator moving forward whilst still setting stretching goals for recycling rates, waste reduction and the amount of waste being sent directly to landfill.

Alongside the Mayor of London's Municipal Strategy he also produced a Business Waste Strategy which highlights the steps that the Mayor will take to help businesses identify and implement waste prevention measures and increase the uptake of recycled or reclaimed materials used, something which had not previously received much attention in London wide strategy documents.

c) The start of the City's new contract for waste collection and street cleansing services (October 2011).

The start of the new contract has led to new opportunities in the development of the services provided to residents. Enterprise Managed Services have committed to supporting the City in a number of ways to improve frontline services, including the development of Recycling Roadshows and innovative methods of service delivery to maximise opportunities for recycling and reuse.

d) The transfer of the commercial waste business to Enterprise Managed Services under the new contract (October 2011).

The previous Waste Strategy included targets for increasing the commercial customer base; although it is still in the City's interest that our current commercial contractor has a successful business we cannot directly influence the uptake of the service from businesses. Instead our role must now focus on supporting businesses to sustainably manage their waste by offering advice and resources.

e) The Riverside Energy from Waste (EfW) facility at Belvedere becoming fully operational and accepting all of the City's residual waste.

Now that the City have secured a long term contract for the disposal of its waste into Belvedere (until 2025) this element of the Waste Strategy is

less significant, the previous Strategy focussed heavily on this element in assessing the best option for the disposal of waste.

f) The market value of recycling materials.

When the previous strategy was written comingled recycling collected by the City was sorted by a third party (MRF operators) who charged a fee per tonne for carrying out this operation (still much lower than the costs of disposal to landfill). The value of recyclable material has since increased significantly (but still variable) and it is now standard practice for MRF operators to pay for receiving recyclables as there is money to be made from selling these items on for re-processing. The City has been in a good position to capitalise on this by having short term yearly contracts and this should be taken into account in the new strategy. It should be noted that the recycling market is subject to considerable swings dependent upon world markets, therefore the City's strategy will need to recognise this uncertainty.

Proposed process for engagement and developing a new Waste Strategy

5. From April 2012 work began on developing a proposal for a new Waste Strategy document. To start this process a workshop session was undertaken with key staff of the Cleansing Department and supported by the City's Planning Policy team to identify proposals for the direction and purpose of the new document. The plan is that the new strategy document should be an iterative, working document which could easily be transposed into departmental, team and individual objectives which will give responsibility and ownership in the achievement of the targets and that they will be reviewed on an annual basis.
6. A comprehensive modelling exercise was carried out to model trends in the city's waste streams over the past three to five years to establish accurate projections and targets for consideration. A proposed initial list of key objectives has been identified and will also act as a starting point to consult on going forward in the process of engagement.
7. It is intended to produce a first stage draft Waste Strategy document, this will be used as a basis to engage and consult Members. It is proposed that the process will be to invite Members of this committee to a facilitated workshop session which would give Members the opportunity to have their views heard and for them to input into the development of the waste strategy document. (two workshop dates are to be arranged, possibly one afternoon and one early evening.)
8. Following Members input a second draft document will be produced; this will be presented to this committee for approval at the November meeting. If approved the second draft waste strategy document will then be released for public consultation; this process will allow members of the public, businesses within the Square Mile, neighbouring authorities and other key stakeholders to respond. Responses will be collated, reviewed and any appropriate comments or changes will feed into the final draft document.

9. The final draft document will be brought back to the Port Health and Environmental Services committee to seek approval. This is planned for June 2013.
10. It is proposed to publish the final Waste Strategy in the summer of 2013. A timeline table can be found in Appendix 1

Impact

11. The impact of a revised Waste Strategy will be to build on the key principles from the previous waste strategy and develop a document which provides a clear direction for how the City will sustainably manage its waste moving forward.
12. There will be a clear focus on waste reduction and increasing recycling rates generally and from street arisings and from residential properties in particular, by reviewing service provision, providing clear information and making it as easy as possible to recycle.
13. In addition to this it will ensure that any waste disposed of is dealt with using the best environmentally practical option.

Next steps

14. The next steps are to continue with the current project timeline as outlined in paragraph 16 to ensure that the new waste strategy document is produced and launched in the summer of 2013.
15. Members will be invited to attend the workshop sessions in October 2012 and will receive notification of the dates.

Financial and Risk Implications.

16. Intrinsic to the objectives of this waste strategy is the need to evaluate contracts on a yearly basis to ensure that best value for money is being achieved. In addition to this the Waste strategy will be a key document to ensuring recycling is prioritised over and above waste disposal which in itself has financial benefits.
17. Costs for the disposal of waste are significant, £125/ Tonne, and recently the market for recycling materials has been fairly strong, either close to nil cost or providing a modest income for every tonne that has been recycled in the City. Therefore changing peoples' behaviour from waste disposal to recycling will have a positive impact on our budgets for managing waste and recycling.
18. As an example, we currently dispose of 1493 tonnes of residual waste; this costs £125/tonne, costing £186,625. By changing peoples' behaviour and moving 10% of the residual waste to recycling, the financial benefits would be a saving of disposal costs of £18,662 (149tonnes x £125/tonne) based on zero charge for recycling.

19. These figures clearly show the financial benefits of having a strategy focused on changing behaviour in this way.

Legal Implications

20. None

Property Implication

21. None

HR Implications

22. None

Strategic Implications

23. It is essential that the Waste Strategy strategically aligns with government and London wide policy as well as being in tune with internal policies to maintain the Golden Thread. To ensure that this happens officers are liaising with other corporate internal departments during the production of the strategy. When the draft is produced it will be circulated internally and externally for consultation. Consultees will include the GLA and London councils.

24. The review of the Waste Strategy aligns with the City of London's Strategic Objectives:

Strategic Aim 2 - To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors whilst delivering sustainable outcomes.

Strategic Aim 3 - To provide valued services to London and the nation

Background Papers

1. City of London Waste Strategy 2008 – 2020
2. Government Review of Waste Policy 2011
3. Mayor of London Business Waste Strategy 2011
4. Mayor of London Municipal Waste Strategy 2011

Contact:

doug.wilkinson@cityoflondon.gov.uk

Appendix 1

Timeline and key dates for producing the Waste Strategy.

The table below sets out the project time line to complete the new Waste Strategy.

July 2012	Development of proposed objectives and waste stream modelling	Complete
August 2012	Preparation of First Draft Strategy document and Identification of Key Stakeholders, appropriate consultation methods etc.	Complete
September 2012	Committee Report informing PHES Members of proposed review process.	
October 2012	First Draft Strategy distributed to Members. Members workshop sessions	
November 2012	Second Draft of Strategy produced and presented to PHES Committee for approval to go to public consultation	
December 2012	Go out to internal and public consultation (3 month Statutory period)	
March 2013	Consultation closes, responses analysed	
April 2013	Amendments to strategy made following consultation responses	
May 2013	Final Draft developed, Action and monitoring plan for objectives put in place	
June 2013	Report to PHES Committee for final approval	
	New Waste Strategy Document Launched	

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Agenda Item 6

Committee(s):	Date(s):
Port Health and Environmental Services Committee	12 September 2012
Subject: City of London Cemetery and Crematorium Business Plan - progress report	Public
Report of: Director of Open Spaces	For information

Summary

The aspects of the overall Open Spaces Department Business Plan for 2012-2015 that related to the City of London Cemetery and Crematorium were presented to this Committee on 1 May 2012. This report presents a review of progress on the Plan and a summary of financial performance, as it relates to the Cemetery and Crematorium, for the four month period up to 31 July 2012.

The Cemetery and Crematorium has recently been successful in receiving a further Green Flag Award this year and has retained its Green Heritage Site status.

There are four key performance indicators relating to the site and they are generally on target, as detailed in Appendix A.

At the end of this period, the local risk budget is underspent by £23,000, as outlined in Appendix B. However, the Cemetery is expected to remain broadly in line with its local risk budget at the end of the year.

Recommendation

I recommend that Members note the progress made in implementing the Business Plan and receive the report.

Main Report

Background

1. The Business Plan for the Open Spaces Department for 2012-2015 was approved by the Open Spaces Committee on 25 April 2012, when the targets and performance indicators were agreed. The aspects of the Plan that related to the Cemetery and Crematorium were reported to the Port Health and Environmental Services Committee on 1 May 2012. In view of the timetable for future meetings, it has been agreed that four monthly progress reports will be submitted to this Committee, to provide up to date information on the implementation of the Plan.

Current Position

2. The Plan identified the strategic aims for the Department for the next three years, as follows:
 - *Provide safe, secure and accessible Open Spaces and services for the benefit of London and the Nation.*
 - *Involving communities and partners in developing a sense of place through the care and management of our sites.*

- *Deliver sustainable working practices to promote the variety of life and protect the Open Spaces for the enjoyment of future generations.*
- *Promote opportunities to value and enjoy the outdoors for recreation, learning and healthy living.*
- *Manage, develop and empower a capable and motivated work force to achieve high standards of safety and performance.*

Performance Indicators

3. The overall Open Spaces Business Plan has four key performance indicators that relate to the Cemetery and Crematorium. Appendix A shows progress to date on the 2012/13 indicators and generally these indicators are on target.

Key Projects

4. The Plan also contains a number of key projects which were agreed for the next three years, at an individual Open Space level.
5. The Cemetery and Crematorium has recently heard that it has again received a Green Flag Award and has also retained its Green Heritage Site status. The Open Spaces Department has received 15 Green Flag Awards in all this year and 9 of the sites have achieved Green Heritage Site status. No other key projects were listed for completion at the Cemetery in the first four months.
6. The remaining key projects which are listed in the Plan for the Cemetery for 2012/13 and 2013/14 are generally on target and updates will be provided in future reports.

Risk Register

7. A copy of the departmental Risk Register was included in the new Business Plan that was submitted to this Committee in May. In support of the key elements of corporate Risk Management, it has been agreed that any changes to the departmental Register should be included in future Business Plan progress reports.
8. A review of the departmental Register has taken place and it is proposed that the status of two of the risks should change, having assessed the current arrangements that are in place. Risk no.1 relating to the possibility of health and safety procedure failures has been assessed as having a moderate rather than a major impact. For risk no.2, the likelihood of buildings deteriorating through insufficient maintenance has been revised from possible to unlikely.

Financial Implications

9. In order to simplify and streamline the reporting of financial performance, the monitoring of local risk budgets under each Chief Officer's control is now fully integrated into Business Plan progress reports.
10. The Cemetery and Crematorium was underspent by £193,000 at the end of 2011/12. However the Director of Open Spaces applied to carry forward local risk budgets for the Cemetery totalling £74,000 into this financial year and the application has recently been approved.
11. Appendix B shows a comparison of revenue budget with actual income and expenditure for the Cemetery and Crematorium for the first four months of 2012/13. Commitments as well as actual spend have also been considered, where appropriate, and at the end of this period,

the local risk budget for the site is underspent by £23,000. However, the Cemetery is expected to remain broadly in line with its local risk budget at the end of the year.

Corporate & Strategic Implications

12. The Business Plan details how the Open Spaces Department's activities and key projects support the five themes in the City Together Strategy and contribute to the City's Corporate Plan. The Business Plan also considers the financial, HR, sustainability and property implications of the Department's work.

Conclusion

13. This report outlines the good progress that has been achieved in the first four months in meeting the objectives and the key projects in the new Business Plan relating to the Cemetery and Crematorium. The key elements of the Plan continue to be discussed at the monthly management meetings and a more detailed quarterly review is carried out, to assess performance and consider any new priorities. Monthly financial reports are also produced for all sites, to ensure that all local risk budgets are monitored closely and the Director has continued to hold regular budget review meetings with each Superintendent.

Contact:

Denis Whelton

020 7332 3517

denis.whelton@cityoflondon.gov.uk

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Open Spaces Department Business Plan 2012-15
 Progress Report to Port Health & Environmental Services Committee
 As at 31 July 2012
 Key Performance Indicators

Ref.	Measure name	Linked to Departmental Objective	Target 2012 - 2013	Performance April - July 2012
OS17	Maintain our market share of burials	Quality	Achieve 8% market share of burials	7.6% achieved *
OS18	Maintain our market share of cremations	Quality	Achieve 23% market share of cremations	23.8% achieved *
OS19	Increase the target income for the Cemetery & Crematorium.	Quality	Achieve an income target of £4.05m	Income of £1.33m achieved to date
OS20	Increase the number of cremations using the new fully abated cremator	Quality	Carry out 60% of cremations using the new cremator	60% achieved

* First three months only
 – figures for July not yet available

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**Comparison of Revenue Budget with Actual Income and Expenditure
for the period 1 April to 31 July 2012**

Committee: - Port Health and Environmental Services

Chief Officer: - Director of Open Spaces

	Latest Approved Budget for full year 2012/13	4 months to 31 July 2012			Forecast for the year 2012/13			Comment
		Budget	Actual plus commit- ments	Variance	Latest Approved Budget for Year	Forecast Outturn for Year	Forecast Over/ (Under) spend for Year	
	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	
CITY FUND								
City of London Cemetery & Crematorium	(1,312)	(410)	(433)	(23)	(1,312)	(1,312)	0	More burials and cremations than usual in this period
Local Risk	(1,312)	(410)	(433)	(23)	(1,312)	(1,312)	0	
Central Risk	0	0	0	0	0	0	0	
Total Local and Central Risk	(1,312)	(410)	(433)	(23)	(1,312)	(1,312)	0	

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Committee(s):	Date(s):
Port Health and Environmental Services	12 September 2012
Subject: Business Plan 2012-15: Progress Report – 1 st April 2012 – 31 st July 2012	Public
Report of: Director of the Built Environment	For Information

Summary

This progress report covers the period April 1st 2012 – July 31st 2012. Progress is noted on items of particular relevance to the Port Health and Environmental Services Committee.

The Department are achieving on three of the five relevant KPIs.

At the end of July 2012 (accounting period 4) the Department of Built Environment was £15k (0.2%) underspent against the local risk budget to date of £7.1m, over all the services now managed by the Director of Built Environment. Appendix C sets out the detailed position for the individual services covered by this department.

Overall the Director of Built Environment is currently forecasting a small underspend position of £183k (1%) for his City Fund and Bridge House Estate services.

Recommendations

I recommend that Members note progress, relevant to the work of this committee, on the Business Plan and:

- Note the performance indicators and objectives for 2012/13
- Note the financial and statistical information contained

Main Report

Background

1. The first Business Plan of the Department of the Built Environment was approved by this Committee on 1st May 2012. Since then it has been agreed that progress reports will be submitted to this committee three times per year complete with triannual updates on key performance indicators and objectives.
2. The report also updates Members on significant achievements that have been made during this period April 1st 2012 – 31st July 2012.

Achievements

3. The recent reletting of the Highways maintenance contract to JB Riney should produce an average 18% saving across all works areas.
4. The Community Toilet Scheme now exceeds 60 members in the City. The scheme encourages business in the City to allow use of their facilities, free of charge, by the general public.

Recycling

5. In May 2012 we partnered with Taylor, the world's number one manufacturer of metal bins to provide the Barbican, Golden Lane Estate, Mansell Street Estate and Middlesex Street Estate with a waste management overhaul, including the installation of 22 waste units, 20 WEEE (Waste Electric and Electronic Equipment) bins and 15 foot-operated food waste bins throughout the sites. It is anticipated that these new units will increase recycling rates.
6. In addition, we installed a further 100 'Renew Recycling' bins. These bins take paper only and it is hoped will address the issue of discarded free newspapers on the city streets. With a recycling target of 1.5 tonnes per annum these bins will boost the volume of recycling in the City.

Key Performance Indicators

7. A number of Key Performance Indicators (KPIs) were detailed in the Business Plan, and progress is monitored regularly by local management teams, as well as the department Senior Management Team. Significant progress has been made in a number of key objectives and details can be found in Appendix A.
8. Five relevant KPIs are being reported to this Committee and we are on target for three of these. Additional information can be found in Appendix B.

Financial and Risk Implications

1. The 1st April – 31st July 2012 monitoring position for Department of Built Environment services covered by Port Health & Environmental Services, Planning & Transportation and Open Spaces Committees is provided at Appendix C. This reveals a net underspend to date for the Department of £15k (0.2%) against the overall local risk budget to date of £7.1m for 2012/13.
2. Overall the Director of Built Environment is currently forecasting a small underspend position of £183k (1%) for his City Fund and Bridge House Estate services under his control. He will be continuing to closely monitor all his budgets in order to ensure he remains within his overall resource base. The table below details the summary position by Fund.

Local Risk Summary by Fund	Latest Approved Budget	Forecast Outturn	Variance from Budget +Deficit/(Surplus)	
			£'000	%
City Fund	18,085	17,902	(183)	1%
Bridge House Estates	221	221	0	0%
Total Built Environment Services Local Risk	18,306	18,123	(183)	1%

3. The reasons for the significant budget variations are detailed in Appendix C, which sets out a detailed financial analysis of each individual division of service relating to this Committee receiving the report and a single summary line for the remaining Committees the Directors of Built Environment supports. This enables Members to concentrate on the services they have responsibility for, yet still receive an overall position for the Department of Built Environment.

Port Health and Environmental Services Committee

4. There is currently a better than budget position of £15k at the end of the period 1st April – 31st July 2012 for Port Health & Environmental Services Committee. The Director is also currently forecasting a year end better than budget position of £92k, which is largely due to contract savings for street cleansing services.

Planning and Transportation Committee

6. There is currently a better than budget position of £1k at the end of the period 1st April – 31st July 2012 for Planning & Transportation Committee. The Director is currently forecasting a year end better than budget position of £91k, principally due to additional income for hoarding & scaffolding licences and road closure licences, which is partly offset by a projected shortfall in off-street parking income.
7. Overall the Director of Built Environment is currently projecting a better than budget position over all his services of £183k, however, this is subject to income activity remaining at current levels.

Consultation

9. The Chamberlain and Town Clerk (HR) have been consulted in the preparation of this report.

Background Papers:

DBE Business Plan 2012/15

Q1 Progress Report (P&T 18th September 2012)

Provision of Free On-Street Recycling Containers (27th September 2007)

Appendices

Appendix A: Q1 Objective results

Appendix B: Q1 KPI results

Appendix C: Finance report

Contact:

Elisabeth Hannah

elisabeth.hannah@cityoflondon.gov.uk | 0207 332 1725

Simon Owen (financial information)

simon.owen@cityoflondon.gov.uk | 0207 332 1358

Appendix A

Transportation & Public Realm	
TP1: Increase household recycling rates	Significant work is being done on this objective. In particular during the first quarter of the year a review of all recycling facilities on the estates was complete. Since then an additional recycling assistant has been recruited and a report on waste disposal has been commissioned.
TP5: Deliver implementation of time banding scheme	Project underway and going well. A dedicated enforcement team have been addressing issues at Bishopsgate.

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Appendix B

		Target	T1 1/4/12 – 31/7/12	
Transportation & Public Realm				
NI 191	To reduce the residual annual household waste per household.	<565 kgs	153.58	☹
NI 192	Percentage of household waste recycled.	40%	31.21%	☹
NI 195	Percentage of relevant land and highways from which unacceptable levels of litter, detritus, graffiti and fly-posting are visible.	2%	1.16%	☺
TPR1	No more than 3 failing KPIs, per month on new Refuse and Street Cleansing contract	<12 per period	11	☺
TPR4	No more than 10 unresolved 'time banding' queries.	<10	0	☺
Comments:	NI 191: This data is based on a triannual return which equates to 450kg per annum NI 192: This has been adversely affected by increased mechanised sweeping and the closure of a reprocessing facility for street arisings. NI195: The Keep Britain Tidy survey that provides this indicator is in 3 tranches - the first of these will be conducted 23-27 July.			

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Department of Built Environment Local Risk Revenue Budget - 1st April to 31st July 2012
(Income and favourable variances are shown in brackets)

Appendix C

	Latest Approved Budget 2012/13 £'000	Budget to Date (Apr-Jul)			Actual to Date (Apr-Jul)			Variance Apr-Jun £'000
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	
Port Health & Environmental Services (City Fund)								
Public Conveniences	760	418	(133)	285	384	(147)	237	(48)
Waste Collection	292	376	(316)	60	333	(305)	28	(32)
Street Cleansing	3,985	1,772	(119)	1,653	1,757	(122)	1,635	(18)
Waste Disposal	712	319	(82)	237	399	17	416	179
Transport Organisation	169	76	(13)	63	89	(40)	49	(14)
Walbrook Wharf	825	286	(30)	256	227	(22)	205	(51)
Cleansing Management	385	128	0	128	118	0	118	(10)
Built Environment Directorate	514	168	0	168	147	0	147	(21)
TOTAL PORT HEALTH & ENV SRV COMMITTEE	7,642	3,543	(693)	2,850	3,454	(619)	2,835	(15)
TOTAL PLANNING & TRANSPORTATION COMMITTEE	10,514	6,732	(2,565)	4,167	6,822	(2,656)	4,166	(1)
TOTAL OPEN SPACES COMMITTEE	150	50	0	50	51	0	51	1
TOTAL BUILT ENVIRONMENT LOCAL RISK	18,306	10,325	(3,258)	7,067	10,327	(3,275)	7,052	(15)

Forecast for the Year 2012/13			Notes
LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	
760	752	(8)	1
292	297	5	
3,985	3,938	(47)	2
712	695	(17)	3
169	171	2	
825	812	(13)	4
385	367	(18)	
514	518	4	
7,642	7,550	(92)	
10,514	10,423	(91)	
150	150	0	
18,306	18,123	(183)	

Notes

- Public Conveniences** - the variance to date is due to additional funding of £150k from the LATS reserve fund, transferred to meet the additional costs of the agency workers equal pay claim.
- Street Cleansing** - the projected year end underspend mainly relates to savings on the main contract.
- Waste Disposal** - the variance to date mainly relates to a debtor raised in 2011/12 for management fees/royalties to be paid by MRS, that is still largely outstanding.
- Walbrook Wharf** - the variance to date mainly relates to delays in payments on the security contract against the budget profile.

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Agenda Item 8

Committee(s):	Date(s):
Port Health and Environmental Services	12 September 2012
Subject:	Public
Markets & Consumer Protection Business Plan 2012-2015: Progress Report (Period 1)	
Report of:	For Information
The Director of Markets and Consumer Protection	

Summary

This report provides an update on progress against the Business Plan of the Port Health and Public Protection Division (PH&PP) of the Department of Markets and Consumer Protection (M&CP), for Period 1 (April–July) of 2012-13 against key performance indicators (KPIs) and objectives outlined in the M&CP Business Plan.

The report also includes details of enforcement activity carried out by the PH&PP Division during Period 1, a summary of our key risks, and a financial update.

The report consists of:

- Performance against the key performance indicators (KPIs) – Appendix A
- Progress against our key objectives – Appendix B
- Enforcement activity – Appendix C
- Key risks – Appendix D
- Financial information – Appendix E

Recommendations

It is recommended that your Committee notes the content of this Report and its appendices.

Main Report

Background

1. To ensure that your Committee is kept informed of progress against the current business plan, it has been agreed that progress against key performance indicators (KPIs), key objectives and a financial summary will be reported on a periodic (four-monthly) basis. This approach allows Members to ask questions and have a timely input on areas of particular importance to them.
2. In the 2012-15 M&CP Business Plan five KPIs were identified to facilitate measurement of performance across the Port Health and Public Protection (PH&PP) Division. The KPIs were reviewed and updated to demonstrate the performance of the main elements of the work carried out.

3. The Business Plan also sets out six key objectives for the PH&PP Division.
4. Periodic progress will be reported to the relevant Committees as well as being discussed by Senior Management Groups to ensure any issues are resolved at an early stage. Members are also encouraged to ask the Directors for information throughout the year.
5. In order to provide more information on the work carried out by the PH&PP Division, each periodic report will include a summary of enforcement activity carried out. Also provided is a summary of the Division's key risks.

Current Position

6. In Period 1 of this financial year, we have met or exceeded all four of the relevant reported KPIs for the Port Health and Public Protection Division (one of the total of five KPIs is not applicable this quarter, being an annual indicator). More detail is provided in Appendix A.
7. Progress is being made against our six key objectives, and details are shown in Appendix B.

Financial and Risk Implications

8. The 1 April – 31 July 2012 monitoring position for Department of Markets & Consumer Protection services covered by Port Health & Environmental Services and Licensing Committees is provided at Appendix E. This reveals a net underspend to date for the Department of £71k (4.9%) against the overall local risk budget to date of £1.5m for 2012/13.
9. Overall the Director of Markets & Consumer Protection is currently forecasting an overspend position of £93k (2.8%) for his City Fund and City Cash services under his control, the majority of which relates to additional staffing costs at the Animal Reception Centre to accommodate the increased workload. He will be continuing to closely monitor all his budgets in order to ensure he remains within his overall resource base. The table below details the summary position by Fund.

Local Risk Summary by Fund	Latest Approved Budget	Forecast Outturn	Variance from Budget	
			+Deficit/(Surplus)	
	£'000	£'000	£'000	%
City Fund	2,969	3,054	85	2.9%
City Cash	379	387	8	2.1%
Total Built Environment Services Local Risk	3,348	3,441	93	2.8%

10. The reasons for the significant budget variations are detailed in Appendix E, which sets out a detailed financial analysis of each individual division of service relating to this Committee receiving the report and a single summary line for the remaining Committees the Director of Markets & Consumer Protection supports. This enables Members to concentrate on the services they have responsibility for, yet still receive an overall position for the Department of Markets & Consumer Protection.
11. There is currently a better than budget position of £41k at the end of the period 1st April – 31st July 2012 for Port Health & Environmental Services Committee. However, the Director is currently forecasting a year end worse than budget position of £104k, which is largely due to additional staffing costs at the Animal Reception Centre to accommodate the increased workload. It is hoped that the performance of income, most noticeably Passports for Pets and CVED's may provide the opportunity to close this budget gap.

Strategic Implications

12. The monitoring of performance indicators across the Division links to all three Corporate Plan Strategic Aims (To support and promote 'The City'; To provide modern, efficient and high quality local services for the Square Mile; and, To provide valued services to London and the nation).

Consultees

13. The Town Clerk and the Chamberlain have been consulted in the preparation of this report.

Background Papers

Department of Markets & Consumer Protection Business Plan 2012-2015 and Appendix B: Port Health & Public Protection Business Plan 2012-2015 (PH&ES Committee 01/05/2012)

Appendices

Appendix A – Performance Management Report 2012-13 Period 1

Appendix B – Period 1 2012-13 Progress against Key Objectives

Appendix C – Enforcement Activity Period 1 2012-13

Appendix D – Key Risks

Appendix E – Financial Statements: Department of Markets and Consumer Protection

Contact:

Joanne Hill (Performance information - Department of Markets and Consumer Protection)

020 7332 1301

joanne.hill@cityoflondon.gov.uk

Simon Owen (Financial information – Department of Markets and Consumer Protection)

020 7332 1358




simon.owen@cityoflondon.gov.uk



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**Performance Management Report 2012-13
Period One: 1 April – 30 July 2012**



**Department of Markets and Consumer Protection
Port Health and Public Protection Division**

Progress against Business Plan Performance Indicators

	This indicator is performing to or above the target.
	This indicator is a cause for concern, frequently performing just under target.
	The indicator is performing below the target.

	Public Protection	Actual 2011-12			Target 2012-13	Actual 2012-13	Status
		Qtr 2	Qtr 3	Qtr 4			
LEH1	To improve overall Food Hygiene Standards in the City by reducing the compliance risk ratings for food businesses compared to previous inspections.	13.64	13.55	13.63	<15	13.83	
LEH4	Percentage of justifiable noise complaints investigated that result in a satisfactory outcome.	N/A	N/A	N/A	90%	92%	
LTS8	Percentage of identified "rogue traders" brought to compliance.	*	*	83%	80%	*	N/A

* Annual Indicator
LEH1 – The risk rating (based on the Food Standards Agency Standard) is an aggregate of matters that can be controlled by the business and an improvement will be seen by an overall reduction in the compliance risk score as a result of contact and intervention. As a target for ongoing improvement, using the 06/07 baseline of <29 and the 11/12 annual average figure of 13.85, the target for 12/13 is <15.
LEH4 – This is a new indicator for 2012-13.

	Port Health and Animal Health	Actual 2011-12			Target 2012-13	Actual 2012-13	Status
		Qtr 2	Qtr 3	Qtr 4			
LPH1	Percentage of consignments of products of animal origin (POAO) that satisfy the checking requirements cleared within five days of presentation of documents/consignments.	99.6%	94%	96%	90%	92%	
LVS1	Less than 4% of missed flights for transit of animals caused by the Animal Reception Centre (ARC).	2.1%	2.8%	7.9%	<4%	0%	

LPH1 - i.e. time elapsed between receipt of documents/presentation of container to release, on electronic cargo handling system. Period 1 -This is an overall figure consisting of 92% for Tilbury and 92% for Thamesport.

2012-2013 Progress against Port Health & Public Protection Key Objectives

Ref:	Objective	Progress to date
1	London 2012 Olympic Games: maximise benefit and minimise risks.	April – July 2012
	Maintain an Olympics-specific operational business and services risk matrix.	<ul style="list-style-type: none"> • Business and Services Risk Matrix produced and up-dated live in the run up to Games as different issues and priorities emerged. • Process informed team and service managers of resources needed and where they were to be targeted. • Key 'Games-time' activities identified and resources deployed.
	Ensure that suitable contingency plans are drawn up to address any risks including arrangements to provide a 24 hour on-call service of trained staff for likely health protection, food and safety duties during the Games period.	<ul style="list-style-type: none"> • EH Staff rota instigated to give a 24/7 presence in the City with others on stand-by and ready to attend should the need arise. • Further rota to be instigated for Paralympics after review of activity for first Games period. • Olympic Torch Relay and all three Marathons staffed and effectively regulated. • Smithfield Enforcement Team staffing arrangements put in place to cover revised Market operating hours. Smithfield Enforcement staff available from 12 midnight. Animal By Product facility open from 2am.
	Arrangements to include planning for and a response to surges in demand (large infectious disease outbreak).	<ul style="list-style-type: none"> • All EH staff underwent training in outbreak plans and protocols, and training including desk top exercises for food poisoning and sampling was carried out with Health Protection Agency (HPA) assistance. • Participated in London major incident exercises undertaken with HPA, London Fire Brigade and the Health & Safety Executive.
	Use FSA funding to enable migration to the new national Food Hygiene Rating Scheme (FHRS).	<ul style="list-style-type: none"> • Completed the migration from Scores On The Doors to FHRS by April 2012. • Participated in Food Standards Agency (FSA)'s London-wide launch of their Food Hygiene Rating Scheme (FHRS) in mid-July 2012. • All scoring data now on FSA's FHRS website for consumers to access.

	<p>Use FSA funding to raise local food business compliance in the lead up to the Games, to further support migration to FHRS and to enhance our food sampling program.</p>	<ul style="list-style-type: none"> • A variety of interventions were undertaken including officers carrying out visits to poorly performing food businesses and which were rated 0 & 1 on the new FHRS scheme (approx. 60 businesses). • Additional visits made to certain businesses to help explain the Food Standards Agency's new national Food Hygiene Rating System where it adversely affected them. • Additional visits made in the run-up to and during the Games period to other businesses who were not scheduled for an imminent full inspection, so as to advise them on key preparations such as food safety management, not over-stocking high-risk foodstuffs, staff training, additional licensing requirements – e.g. extra tables & chairs - etc. and scheduling out-of-hours deliveries. • Weekly sampling visits arranged as part of a co-ordinated London-wide programme.
2	<p>Health & Safety Information Campaign.</p> <ul style="list-style-type: none"> • To undertake a promotional campaign, by March 2013, around current key issues in health & safety as they affect the wide variety of City businesses from SMEs to multinational organisations and across different industry sectors. 	<p>April – July 2012</p> <ul style="list-style-type: none"> • Main work is scheduled to be carried out post-Olympics, October to December 2012.
3	<p>Finalise and Develop an Economic Crime Strategy for the City of London in conjunction with City of London Police.</p> <ul style="list-style-type: none"> • Draft Strategy to be finalised and circulated for consultation by July 2012. • Strategy to be presented to the Safer City Partnership. • Approval by PHES Committee. • Devise implementation plan. 	<p>April – July 2012</p> <ul style="list-style-type: none"> • A Lunchtime launch event has been held with partner organisations. • The Strategy is being presented to the September Port Health and Environmental Services Committee.

4	<p>Develop and roll out Air Quality Communications Strategy.</p> <ul style="list-style-type: none"> • Develop simple messages by July 2012. • Devise effective way to reach out to City stakeholders. 	<p>April – July 2012</p> <ul style="list-style-type: none"> • Strap line has been developed. • Communications packs have been designed and printed. • Packs given out at Bike Week and City Residents Meetings.
5	<p>Review Port Health Service Management and Operational Arrangements.</p> <ul style="list-style-type: none"> • Review the management structure and optimise the structure to ensure effective use of staff resources. • Consider current roles and development opportunities to provide more efficient service delivery. • Ensure right staff at the right level in the right location. 	<p>April – July 2012</p> <ul style="list-style-type: none"> • Terms of Reference and Scope have been agreed with David Smith. • Data gathering is due to commence shortly.
6	<p>Enhance MoU with City of London Police.</p> <ul style="list-style-type: none"> • Agree new drafts of supplementary procedures and protocols, by June 2012. • Implement new documents and review as required. 	<p>April – July 2012</p> <ul style="list-style-type: none"> • Item 4a/4b SOP regarding information sharing is being reviewed by Rita Jones of CoLP, and Steve Blake. • Code of Practice (item 5a) is to include roles and responsibilities of each organisation in the draft version for consultation in August/September. • Items 5i, 5j and 5k are complete. • Item 5l report to Police Committee, NFA available without legislation change except possible withdrawal of City support to 'chugging' charities in the City.

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**Port Health & Public Protection Enforcement Activity
Period 1 (April – July) 2012-13**

Food Safety	2012-13 Target (where applicable)	Period 1 Total
Programmed inspections	Food Hygiene: 1027 Food Standards: 102	<u>Food Hygiene:</u> 354 <u>Food Standards:</u> 76
Hygiene Emergency Closures	N/A	0
Voluntary closures	N/A	0
Complaints & service requests received	N/A	68
Notices served	N/A	10
Prosecutions	N/A	1

Health & Safety	2012-13 Target (where applicable)	Period 1 Total
Programmed Cooling Tower inspections	120	33
Other H&S Inspections	7 High Risk 25 MST *	0
H&S Project visits	25 Asbestos	0
Accident notifications	N/A	91
Complaints & service requests received	N/A	75
Notices	N/A	1
Prosecutions	N/A	1

*MST – Massage and Special Treatment

**Port Health & Public Protection Enforcement Activity
Period 1 (April – July) 2012-13**

Trading Standards	2012-13 Target (where applicable)	Period 1 Total
Inspections and visits	N/A	27
Complaints & service requests received	N/A	168
Home Authority referrals	N/A	53
Consumer credit investigations	N/A	24
Consumer safety notifications	N/A	0
Acting as a responsible authority for Licensing Applications	N/A	14
Prosecutions	N/A	0

Pollution	2012-13 Target (where applicable)	Period 1 Total	% Noise Complaints Resolved	Notices Served	Prosecutions
Complaint investigations, noise	N/A	414	92%	4	0
Complaint investigations, other	N/A	61	N/A	0	0
Licensing, Planning and Construction Works applications assessed	N/A	304	N/A	2	N/A
No. of variations (to construction working hours) notices issued	N/A	85	N/A	N/A	N/A

**Port Health & Public Protection Enforcement Activity
Period 1 (April – July) 2012-13**

Animal Health & Welfare	2012-13 Target (where applicable)	Period 1 Total	Warning Letters	Notices Served	Prosecutions
Animal Reception Centre					
Throughput of animals (no. of consignments)	N/A	7212	1	47	0
Animal Health					
Inspections carried out*	N/A	135	6	11	1
*N.B. Due to the legislation, most of the Animal Health licensing inspections are carried out at the end of the calendar year and figures will, therefore, fluctuate across quarters.					

Port Health	2012-13 Target (where applicable)	Period 1 Total	Cautions	Notices Served	Prosecutions
Food Safety inspections and revisits	N/A	43%	0	0	0
Ship Sanitation Inspections and Routine Boarding of Vessels	N/A	168	0	0	0
Imported food Not of Animal Origin - document checks	N/A	5548	0	82	0
Imported food Not of Animal Origin - physical checks	N/A	647	0	0	0
Number of samples taken	N/A	129	N/A	N/A	N/A
Products of Animal Origin Consignments – document checks	N/A	4059	0	41	0
Products of Animal Origin Consignments – physical checks	N/A	2750	0	0	0
Number of samples taken	N/A	164	N/A	N/A	N/A

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Port Health and Public Protection Key Risks

The table below shows a selection of our key risks which form part of our Departmental Risk Register. These are reported to Committee as part of the periodic Business Plan Progress Reports.

Risk No.	Risk Direction	Risk Details	Risk Owner/ Lead Officer	Existing Controls	Likelihood (previous assessment)	Impact (previous assessment)	Status after existing controls	Further Action
PP4	↔	Outbreak of Legionnaires disease (<i>Legionella</i> sp.) in the City which is associated with one of our cooling towers at Smithfield Market.	Port Health & Public Protection Director	Regular (1-3 years depending upon risk) independent audit by Environmental Health Officers looking at all aspects of the water risk management systems in place.	Unlikely	Major	A	No further action at present.
PH1	↔	Any further downturn in aviation/travel e.g. a worldwide flu pandemic could well affect income projections.	Port Health & Public Protection Director	Marketing of our services and increase share of animal health work across London. The freehold of the Animal Reception Centre has been purchased to allow improvements to the premises.	Possible	Moderate	A	No further action at present.
PH1	↔	Due to the general downturn in trade a reduction in the level of imported goods is expected which could have adverse financial consequences.	Port Health & Public Protection Director	We are making preparations to service the new London Gateway port which is being constructed on the former Shellhaven site. We hold regular meetings with Ports' management to monitor trade patterns and to ensure that we can service their needs.	Possible	Moderate	A	No further action at present.
PP1	↔	That a major prosecution case for regulatory non-compliance fails with costs not being awarded back to the City of London and associated reputational damage in the media.	Port Health & Public Protection Director	1. Enforcement Policy in accordance with current legislation and guidance 2. Officers trained in enforcement 3. Pre-approval consultation with C&CS including counsel's opinion if necessary before CO Approval to prosecute. 4. Legal "fighting fund" established.	Rare	Major	A	No further action at present.

Key

AH Animal Health
PH Port Health
PP Public Protection

Status

R - Red
A - Amber
G - Green

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Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 31st July 2012
(Income and favourable variances are shown in brackets)

Appendix E

	Latest Approved Budget 2012/13 £'000	Budget to Date (Apr-Jul)			Actual to Date (Apr-Jul)			Variance Apr-Jan £'000
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	
Port Health & Environmental Services (City Fund)								
Coroner	46	15	0	15	19	0	19	4
City Environmental Health	1,923	649	(77)	572	703	(97)	606	34
Pest Control	82	59	(27)	32	53	(24)	29	(3)
Animal Health Services	(205)	630	(515)	115	687	(558)	129	14
Trading Standards	288	85	0	85	85	(4)	81	(4)
Port Offices & Launches	968	1,017	(490)	527	957	(518)	439	(88)
Meat Inspector's Office (City Cash)	379	140	(1)	139	149	(8)	141	2
TOTAL PORT HEALTH & ENV SRV COMMITTEE	3,481	2,595	(1,110)	1,485	2,653	(1,209)	1,444	(41)
TOTAL LICENSING COMMITTEE (City Fund)	(133)	121	(152)	(31)	122	(183)	(61)	(30)
TOTAL MARKETS & CP LOCAL RISK	3,348	2,716	(1,262)	1,454	2,775	(1,392)	1,383	(71)

Forecast for the Year 2012/13			Notes
LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	
46	45	(1)	1
1,923	1,921	(2)	
82	74	(8)	
(205)	(114)	91	
288	289	1	
968	983	15	
379	387	8	
3,481	3,585	104	
(133)	(144)	(11)	3
3,348	3,441	93	

Notes:

- 1. Animal Health Service** - the projected overspend is due to additional staff resources required for the increased workload. The performance of income, most noticeably Passports for Pets will continue to be monitored and may provide the opportunity to close this budget gap.
- 2. Port Offices & Launches** - the variance to date is mainly due to additional CVED income, however, it is too early to predict if this trend will continue to year end.
- 3. Licensing** - the favourable variance and projected year end underspend is mainly due to one-off increases in entertainment licence fees.

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Agenda Item 9

Committee(s):	Date(s):
Port Health & Environmental Services Committee	12 Sep 12
Planning & Transportation Committee	18 Sep 12
Subject: Business Risk Management - Initial Report	Public
Report of: The Director of the Built Environment	For Information
<u>Summary</u> This report provides Members with information regarding the Business Risks identified within the Department of the Built Environment in accordance with the City's risk management framework as approved by the Audit and Risk Management Committee in October 2011. Recommendations <ul style="list-style-type: none">• Members are asked to note this report and to note that future reviews, on an exception basis, will be incorporated into the periodic departmental performance reports (normally quarterly in the case of the Planning & Transportation Committee and 4 monthly in the case of Port Health and Environmental Services Committee).	

Main Report

Background

1. In October 2011, the Audit and Risk Management Committee agreed a revised risk management framework, contained within the Risk Management Handbook.
2. Departments are required to undertake regular systematic review of their key operational risks and to report, not less than quarterly, to Service Committee(s).

Current Position

3. The Department has reviewed its business risks in accordance with the risk management framework.
4. 21 risks have been identified of which none is Red, 14 are Amber and 7 are Green.
5. Appendices A(1) – (3) give an overview of all risks by committee responsibility and Appendices B(1) – (3) give details of the Amber Risks, also by committee responsibility.

Strategic Risks

6. The department is the Owner of two Strategic Risks:

SR 4 – Planning Policy

City Corporation not seen to, or unable to, significantly influence general planning framework and legislation or transport plan decision makers in London, leading to lack of capacity of system to service the City.

This strategic risk is reflected in the business risk "Adverse Planning Policy Context" (DBE/POLY/1) which is assessed as Amber.

SR5 – Flooding

City Corporation fails to adequately address the impact of a major flood on the City in relation to businesses, roads, transportation, etc.

Because of the location there is a particular business risk associated with Walbrook Wharf and this strategic risk is reflected in the business risk "A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot" (DBE/TPCL/5) which is assessed as Green.

Corporate & Strategic Implications

7. This review has been conducted in accordance with the corporate risk management framework, contained within the Risk Management Handbook.

Conclusion

8. The Department has reviewed its business risks and will report, on an exception basis, as part of the departmental quarterly performance report.

Background Papers:

None

Appendices:

Appendix A – Overview of All Risks

A(1) – Planning & Transportation Committee

A(2) – Port Health & Environmental Services Committee

A(3) – Both Committees

Appendix B – Details of Red/Amber risks

B(1) – Planning & Transportation Committee

B(2) – Port Health & Environmental Services Committee

B(3) – Both Committees

Contact: Richard Steele

richard.steele@cityoflondon.gov.uk | telephone number: 020 7332 3150

Appendix A(1) – Overview of All Risks (Planning & Transportation Committee)

Reference DBE/PLSV/2	Owner Department of the Built Environment / Development Division / Development Management		
Risk Title	Procedural errors and/or unsound decisions	Impact 4	Likelihood 3 Risk 18
Risk Description	A decision is made (or advice is given) which is capable of successful challenge (JR/Ombudsman/Appeal etc)		
Further Actions			
Reference DBE/POLY/1	Owner Department of the Built Environment / Policy & Performance / Development Plan		
Risk Title	Adverse planning policy context	Impact 3	Likelihood 3 Risk 13
Risk Description	City Corporation not seen to, or unable to, significantly influence general planning policy or transport plan decision makers in London, leading to lack of capacity of the system to service the City. Proposed national relaxation of planning controls over change of use from offices to housing has not been included in the National Planning Policy Framework (March 2012) however separate proposals to relax controls over change of use from hotels to housing are the subject of fresh consultation This risk also applies to the Strategic Transport Team.		
Further Actions			
Reference DBE/PLSV/5	Owner Department of the Built Environment / Development Division / Development Management		
Risk Title	Uncertainty of the legislative environment and Central Government advice in respect of Development Management	Impact 3	Likelihood 3 Risk 13
Risk Description	Uncertainty of the legislative environment and Central Government advice in respect of Development Management		
Further Actions			
Reference DBE/DSUR/2	Owner Department of the Built Environment / District Surveyor		
Risk Title	Budget Loss over 3/5 year period	Impact 3	Likelihood 3 Risk 13
Risk Description	CIPFA guidance states that the Building Regulations chargeable account should balance over this period.		
Further Actions			

Reference DBE/PLSV/3	Owner Department of the Built Environment / Development Division / Development Management	
Risk Title	Not being alive to the needs/requirements of the world financial centre and the political environment	Impact 4 Likelihood 1 Risk 11
Risk Description	Not being alive to the needs/requirements of the world financial centre and the political environment	
Further Actions		
Reference DBE/TPCT/2	Owner Department of the Built Environment / Transportation & Public Realm / City Transportation	
Risk Title	Local Implementation Plan (LIP)	Impact 3 Likelihood 2 Risk 10
Risk Description	TfL funding for Local Investment Plan ceased or significantly reduced.	
Further Actions		
Reference DBE/POLY/2	Owner Department of the Built Environment / Policy & Performance / Development Plan	
Risk Title	Outdated City development plan policies	Impact 3 Likelihood 2 Risk 10
Risk Description	Failure to update City development plan policies in accordance with national and strategic context can reduce the City Corporation's ability to permit appropriate development or refuse inappropriate development. Publication of National Planning Policy Framework (March 2012) provides an updated context for development plan preparation.	
Further Actions	Changes to national and strategic policy context in 2012 will require further development plan updating. Examples include changes to neighbourhood planning and CIL funding arrangements. Development Management Development Plan Document in preparation during 2012-13 will provide an opportunity to update as needed. Preparation of City CIL will also be progressed during 2012-13.	

Reference DBE/PLSV/1

Risk Title **Owner** Department of the Built Environment / Development Division / Land Charges **Impact** 3 **Likelihood** 2 **Risk** 10

Risk Description Record keeping - inadequate and/or inaccurate

Data held and used by Local Land Charges is either incorrectly supplied, incorrectly recorded within the team or incorrectly provided to others.

Further Actions Further work in preparation for migration to a semi-automated Local Land charges Search answering system and publishing Land Charges data on the internet to ensure that the data sets are accurate. Managers responsible for data sets to enter into Service Level Agreements to ensure accuracy.

Reference DBE/DSUR/3

Risk Title **Owner** Department of the Built Environment / District Surveyor **Impact** 3 **Likelihood** 2 **Risk** 10

Risk Description The Division becomes too small to be viable

Reduced income resulting in staffing levels that don't provide sufficient breadth of knowledge and experience to offer a viable competitive service.

Further Actions

Reference DBE/DSUR/1

Risk Title **Owner** Department of the Built Environment / District Surveyor **Impact** 2 **Likelihood** 3 **Risk** 8

Risk Description Legislation changes

The government are looking at all regulatory functions to relieve the burden on industry. Any changes to the remit of the Building Regulations will affect the financial viability of the Division.

Further Actions

Owner Department of the Built Environment / Policy & Performance / Monitoring & Information

Risk Title Incorrect data provided on Public Access Map **Impact** 2 **Likelihood** 2 **Risk** 5

Risk Description

Public Access Map is widely used internally and an extract is provided to the public on request. It has been generated following a long series of site-specific investigations but is still imperfect as for some sites the situation on the ground and in documents is not clear. Property lawyers often seek certainty and may challenge the extract provided.

Further Actions

Map needs to retain its existing caveat with scope for re-classification in response to counter-evidence from third parties.

Need to continue improving mechanisms for change reporting with other teams / sections / departments

Owner Department of the Built Environment / Policy & Performance / Monitoring & Information

Risk Title Data submission failures **Impact** 2 **Likelihood** 2 **Risk** 5

Risk Description

Data updates not submitted to gazetteer hub or Mayor in accordance legal agreements. City gazetteer updates to the national hub are a legal requirement as part of the national Public Sector Mapping Agreement. Street gazetteer updates (for Associated Street Data) have been delayed while Highways Section have acquired suitable software. City development pipeline updates to the Mayor are required under the GLA Information Scheme. Failure to provide such updates can incur financial penalties.

Further Actions

Monthly street gazetteer updates with improvements in associated street data have commenced and will improve in quality during 2012 as the Highways Section master their new software.

Owner Department of the Built Environment / Development Division / Development Management

Risk Title Failing to take appropriate enforcement action **Impact** 2 **Likelihood** 2 **Risk** 5

Risk Description

Failing to take appropriate enforcement action, not responding appropriately to complaints leading to an unsatisfactory environment and amenity.

Further Actions

Appendix A(2) – Overview of All Risks (Port Health & Environmental Services Committee)

Reference DBE/TPCL/3	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 4	Likelihood 2	Risk 17
Risk Title	A fatal road accident			
Risk Description	An accident involving a Member/employee/contractor on City of London business leading to a fatality. Possibility of a corporate manslaughter case against the Corporation.			
Further Actions	Liaise with HR and trade unions to review drink/drug policies. Fully implement driving licence checking procedure.			
Reference DBE/TPCL/1	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 4	Likelihood 2	Risk 17
Risk Title	Major contractor goes into liquidation before selling business as a going concern			
Risk Description	Major contractor goes into liquidation before selling business as a going concern			
Further Actions	Continue to monitor major contractor accounts - if cash flow issues worsen, make detailed contingency plans. With regard to the waste contractor vehicles and premises are contractually secure, so plans would involve mainly personnel.			
Reference DBE/TPCL/2	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 3	Likelihood 2	Risk 10
Risk Title	Service failure by major contractor			
Risk Description	Some aspect of service delivery could persistently fail to meet expectations either because tendered method statement unable to cope with actual needs or because the needs have changed since tendering.			
Further Actions	Review as part preparations for each Quarterly Partnership Board.			
Reference DBE/TPCL/8	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 3	Likelihood 1	Risk 6
Risk Title	Prohibition notice served on Cleansing fleet			
Risk Description	Fleet owned and maintained by Enterprise			
Further Actions	Always ensure that at least one CoL Manager is appropriately professionally qualified and training is up to date.			

Reference DBE/TPCL/5	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 2	Likelihood 2	Risk 5
Risk Title	A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot			
Risk Description	This could have several causes such as natural disaster, accident or terrorism/riot			
Further Actions	Continuity plans (including the waste and Cleansing contractor plans) to be reviewed and updated. Cost benefit of insuring this risk to be explored.			
Reference DBE/TPCL/4	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 2	Likelihood 1	Risk 3
Risk Title	City Streets/pavements not kept passable during times of snow			
Risk Description	City Streets/pavements not kept passable during times of snow			
Further Actions	Publish snow plan on website			

Appendix A(3) – Overview of All Risks (Both Committees)

Reference DBE/TPCT/8	Owner Department of the Built Environment / Transportation & Public Realm / City Transportation	Impact 3 Likelihood 3 Risk 13
Risk Title	Road Safety - people being killed as a result of changes to the highway or failure to rectify deficiencies	
Risk Description	Increase in road accidents	
Further Actions		
Reference DBE/TPCL/6	Owner Department of the Built Environment / Transportation & Public Realm / Cleansing	Impact 3 Likelihood 1 Risk 6
Risk Title	Long term disruption to supplies of diesel fuel	
Risk Description	Tanks at Walbrook Wharf hold sufficient for three weeks normal use. The stock is controlled and owned by Enterprise	
Further Actions	Review plans in the event that a risk escalation occurs.	

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Appendix B(1) – Details of Red/Amber risks (Planning & Transportation Committee)

DBE/PLSV/2 Department of the Built Environment / Development Division / Development Management

Procedural errors and/or unsound decisions

A decision is made (or advice is given) which is capable of successful challenge (JR/Ombudsman/Appeal etc)

Unmitigated ... Impact 4 Likelihood 4 Risk 21

Status Review signed off on 8 Aug 12 by Annie Hampson
Review due by 7 Nov 12

Detailed Risk(s)

Specific Risk	Mitigation
Because of the volume and variety of data which is required to be processed by a substantial number of officers and support staff -there is opportunity for error.	Experienced staff with appropriate safeguarding systems.
Wrong advice given in relation to planning enquiries, planning applications etc.	Experienced officers, good legal advice and managerial procedures.

Mitigated ... Impact 4 Likelihood 3 Risk 18

Further Action

Budget Loss over 3/5 year period

CIPFA guidance states that the Building Regulations chargeable account should balance over this period.

Unmitigated ... Impact 4 Likelihood 3 Risk 18

Status *Review signed off on 10 Aug 12 by David Clements*
Review due by 9 Nov 12

Detailed Risk(s)

Specific Risk	Mitigation
Need to reduce expenditure (particularly staff numbers) would lead to an inadequate skills mix.	Management review the skills mix on a regular basis.
Increase charges making the service uncompetitive.	Promote the merits of using a quality service.

Mitigated ... Impact 3 Likelihood 3 Risk 13

Further Action

Uncertainty of the legislative environment and Central Government advice in respect of Development Management

Uncertainty of the legislative environment and Central Government advice in respect of Development Management

Unmitigated ... Impact 4 Likelihood 4 Risk 21

Status Review signed off on 9 Aug 12 by Annie Hampson
Review due by 8 Nov 12

Detailed Risk(s)

Specific Risk	Mitigation
Central Government fee regulation changes lead to inability to control budgets (e.g. local fee setting or changes national fees)	Early notification & engagement through professional groups. Responding to Government consultations. Budgets reviewed annually with Chamberlain.
Changes in the scope of the planning process leading to impact on work flow	Early notification & engagement through professional groups. Responding to Government consultations.
Introduction of new procedures and requirements (e.g. CIL/SuDS)	Introduce procedures and new management structure to process new work

Mitigated ... Impact 3 Likelihood 3 Risk 13

Further Action

Adverse planning policy context

City Corporation not seen to, or unable to, significantly influence general planning policy or transport plan decision makers in London, leading to lack of capacity of the system to service the City.

Proposed national relaxation of planning controls over change of use from offices to housing has not been included in the National Planning Policy Framework (March 2012) however separate proposals to relax controls over change of use from hotels to housing are the subject of fresh consultation

This risk also applies to the Strategic Transport Team.

Unmitigated ... Impact 3 Likelihood 4 Risk 16

Status Review signed off on 10 Aug 12 by Paul Beckett
Review due by 9 Nov 12

Detailed Risk(s)**Specific Risk****Mitigation**

Mayoral strategic fund-raising for Crossrail (Sec106 & CIL) could affect City development viability.

Lobby Mayor & respond to consultation exercises on Crossrail funding.

Central Govt national policy initiatives do not take account of City-specific issues

Lobby Central Govt & respond to consultation exercises to increase understanding of City issues.

Mayoral strategic policy initiatives do not take account of City-specific issues

Lobby Mayor & respond to consultation exercises to increase understanding of City issues.

Central Govt transport policy does not meet City needs.

Lobby Central Govt & respond to consultation exercises to increase understanding of City transport needs.

Mitigated ... Impact 3 Likelihood 3 Risk 13

Further Action

Not being alive to the needs/requirements of the world financial centre and the political environment

Not being alive to the needs/requirements of the world financial centre and the political environment

Unmitigated ... Impact 4 Likelihood 4 Risk 21

Status Review signed off on 9 Aug 12 by Annie Hampson
Review due by 8 Nov 12

Detailed Risk(s)**Specific Risk**

The division is not alive to the requirements of the world financial centre (political environment)

Mitigation

Experienced staff, ongoing (CPD) training & professional networking within & beyond the City.
Membership of EDCOG at a senior level.
Role of CPAT includes ensuring that this department is properly briefed.
Corporate "feedback" (e.g. from Town Clerk) on the political pressures.
LDF policies kept under review to ensure that they mitigate this risk

Mitigated ... Impact 4 Likelihood 1 Risk 11

Further Action

The Division becomes too small to be viable

Reduced income resulting in staffing levels that don't provide sufficient breadth of knowledge and experience to offer a viable competitive service.

Unmitigated ... Impact 4 Likelihood 3 Risk 18

Status [Review signed off on 10 Aug 12 by David Clements](#)
[Review due by 9 Nov 12](#)

Detailed Risk(s)

Specific Risk	Mitigation
Competition drives fees to unsustainable levels.	Promote the merits of using a quality service.
City development market continues to slow down	None
District Surveyor's share of the market shrinks	Marketing on all fronts

Mitigated ... Impact 3 Likelihood 2 Risk 10

Further Action

Record keeping - inadequate and/or inaccurate

Data held and used by Local Land Charges is either incorrectly supplied, incorrectly recorded within the team or incorrectly provided to others.

Unmitigated ... Impact 3 Likelihood 4 Risk 16

Status *Review signed off on 8 Aug 12 by Annie Hampson
Review due by 7 Nov 12*

Detailed Risk(s)

Specific Risk	Mitigation
Data may not be correctly supplied to others	Management procedures
Data may not be entered by the section accurately	Management procedures and double checking system.
Data provided by other sections of the department and other departments may not be accurate	Management procedures and double checking system.

Mitigated ... Impact 3 Likelihood 2 Risk 10

Further Action

Further work in preparation for migration to a semi-automated Local Land charges Search answering system and publishing Land Charges data on the internet to ensure that the data sets are accurate. Managers responsible for data sets to enter into Service Level Agreements to ensure accuracy.

Outdated City development plan policies

Failure to update City development plan policies in accordance with national and strategic context can reduce the City Corporation's ability to permit appropriate development or refuse inappropriate development.
 Publication of National Planning Policy Framework (March 2012) provides an updated context for development plan preparation.

Unmitigated ... Impact 3 Likelihood 3 Risk 13

Status [Review signed off on 10 Aug 12 by Paul Beckett](#)
[Review due by 9 Nov 12](#)

Detailed Risk(s)

Specific Risk	Mitigation
Development plan preparation is subject to uncertainty arising from public consultation	Informal and formal consultation to address issues early in the process
Development plan preparation is subject to uncertainty arising from public examination	Following best practice to reduce uncertainty at public examination
Plan preparation needs professional expertise and sufficient funding	DP Team to be adequately staffed and resourced

Mitigated ... Impact 3 Likelihood 2 Risk 10

Further Action Changes to national and strategic policy context in 2012 will require further development plan updating. Examples include changes to neighbourhood planning and CIL funding arrangements.

Development Management Development Plan Document in preparation during 2012-13 will provide an opportunity to update as needed.

Preparation of City CIL will also be progressed during 2012-13.

Local Implementation Plan (LIP)

TfL funding for Local Investment Plan ceased or significantly reduced.

Unmitigated ... Impact 3 Likelihood 4 Risk 16

Status Review signed off on 20 Aug 12 by Steve Presland
Review due by 19 Nov 12

Detailed Risk(s)

Specific Risk	Mitigation
Low to nil funding (up to £3M p.a. at risk). Failure to progress medium-term programmes. Public expectations related to project delivery are not met.	Corporate support for the process to ensure timely submissions of a LIP that is fully compliant with TfL requirements. Ongoing staff training. Member involvement with bid proposals. Ongoing engagement with GLA officers. Key projects could possibly be funded by S106 or Community Infrastructure Levy.

Mitigated ... Impact 3 Likelihood 2 Risk 10

Further Action

Legislation changes

The government are looking at all regulatory functions to relieve the burden on industry. Any changes to the remit of the Building Regulations will affect the financial viability of the Division.

Unmitigated ... Impact 3 Likelihood 4 Risk 16

Status [Review signed off on 10 Aug 12](#) by [David Clements](#)
[Review due by 9 Nov 12](#)

Detailed Risk(s)

Specific Risk	Mitigation
Removal of Section 20 of the London Building Acts controls. The government have stated that this section will be repealed. Implementation date expected to be April or October 2013. 1) direct loss of income 2) indirect loss of income - at present applicants come to CoL because only we can do S20 work and for their convenience they also chose CoL to do general Building Regulations work.	Generate alternative income streams within the Non Building Regulations section of the budget. Market the merits of the high quality of service in highly specialised areas.
Introduction of Appointed Persons with subsequent diminuation of Building Control input.	Respond to proposal as part of the consultation.
Any other changes to the extent of Building Regulations control.	Respond to any proposals at the time.

Mitigated ... Impact 2 Likelihood 3 Risk 8

Further Action

Appendix B(2) – Details of Red/Amber risks (Port Health & Environmental Services Committee)

DBE/TPCL/1 Department of the Built Environment / Transportation & Public Realm / Cleansing

Major contractor goes into liquidation before selling business as a going concern

Major contractor goes into liquidation before selling business as a going concern

Unmitigated ... Impact 4 Likelihood 2 Risk 17

Status Review signed off on 20 Aug 12 by Steve Presland
Review due by 19 Nov 12

Detailed Risk(s)	Mitigation
Specific Risk	
Disruption to some commercial waste collections	Draw up Contingency Plan
Disruption to vehicle maintenance, including to City of London Police vehicles)	Draw up Contingency Plan
Disruption to street cleansing	Draw up Contingency Plan
Disruption to household refuse collection services	Draw up Contingency Plan

Mitigated ... Impact 4 Likelihood 2 Risk 17

Further Action Continue to monitor major contractor accounts - if cash flow issues worsen, make detailed contingency plans. With regard to the waste contractor vehicles and premises are contractually secure, so plans would involve mainly personnel.

A fatal road accident

An accident involving a Member/employee/contractor on City of London business leading to a fatality. Possibility of a corporate manslaughter case against the Corporation.

Unmitigated ... Impact 4 Likelihood 3 Risk **18**

Status **Review signed off on 20 Aug 12 by Steve Presland**
Review due by 19 Nov 12

Detailed Risk(s)

Specific Risk	Mitigation
Insurance incorrect	Implement policy
Vehicle inadequately maintained	Implement policy
Incorrect driving licence	Systematic checking procedure now partly in place
Staff driving whilst under stress or unduly tired.	Implement policy

Mitigated ... Impact 4 Likelihood 2 Risk **17**

Further Action Liase with HR and trade unions to review drink/drug policies.

Fully implement driving licence checking procedure.

Service failure by major contractor

Some aspect of service delivery could persistently fail to meet expectations either because tendered method statement unable to cope with actual needs or because the needs have changed since tendering.

Unmitigated ... Impact 3 Likelihood 4 Risk 16

Status Review signed off on 20 Aug 12 by Steve Presland
Review due by 19 Nov 12

Detailed Risk(s)

Specific Risk

Mitigation

To be identified through contract monitoring, including Partnership Board.

Specific to any area identified

Mitigated ... Impact 3 Likelihood 2 Risk 10

Further Action Review as part preparations for each Quarterly Partnership Board.

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Appendix B(3) – Details of Red/Amber risks (Both Committees)

DBE/TPCT/8 Department of the Built Environment / Transportation & Public Realm / City Transportation

Road Safety - people being killed as a result of changes to the highway or failure to rectify deficiencies

Increase in road accidents

Unmitigated ... Impact 4 Likelihood 5 Risk **23**

Status Review signed off on 20 Aug 12 by Steve Presland
Review due by 19 Nov 12

Detailed Risk(s)

Specific Risk

Perceived failure to carry out duty of road safety on the highway. If design seen as contributory factor, personal and Corporate liability may arise

Mitigation

Formally adopted Road Safety Plan; keeping up with the latest regulations and best practise; close liaison with police to ensure an accurate database; regular reviews by skilled practitioners to ensure early actions aimed at prevention. Ensure that the Road safety staff are trained to carry out safety audits at an advanced level.

Mitigated ... Impact 3 Likelihood 3 Risk **13**

Further Action

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Committee(s):	Date(s):
Port Health and Environmental Services	12 th September 2012
Subject: City of London Economic Crime Protocol	Public
Report of: Director of Markets & Consumer Protection	For Decision
<p><u>Summary</u></p> <p>This report seeks approval from members of “The Economic Crime Protocol for the City of London”. This protocol, the first in the UK, seeks to bring together enforcement partner organisations to provide an effective way of targeting economic crime and supporting the victims of economic crime.</p> <p>The overall intention of this protocol is to reduce economic crime within the City of London through a partnership approach involving all the regulatory agencies – the City of London Police, the Office of Fair Trading, the Financial Standards Authority and the Insolvency Service – as well as the City Corporation’s Trading Standards Service, by bringing to the issue, a wide-range of skills and expertise.</p> <p>The protocol also enables the agencies to agree to share intelligence, skills, knowledge and expertise and develop joint action plans to tackle all elements of economic crime in the City of London.</p> <p>The protocol supports Key Policy Priority KPP3 of the City of London’s Corporate Plan 2011-2015 and the fraud and economic crime priority of the Safer City Partnership.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • That Members support and endorse this protocol 	

Main Report

Background

1. Economic crime affects all the population, and it is estimated that half the UK population is targeted each year.
2. The City Corporation has a duty to enforce various pieces of legislation, through its Trading Standards Service including:-
 - the Consumer Protection from Unfair Trading Regulations 2008;
 - the Business Protection from Misleading Marketing Regulations 2008; and
 - the Consumer Credit Act 1974.

3. All of this legislation plus other legislation that the City Corporation has decided to enforce such as the Fraud Act 2006, seek to control fraud and scams.
4. There are other enforcement bodies concerned with the regulation and control of fraud:-
 - the City of London Police – who enforce the Fraud Act 2006 and related legislation, are the national lead force for fraud, and host the National Fraud Intelligence Bureau and Action Fraud;
 - the Financial Services Authority – who enforce the legislation relating to financial institutions including businesses offering collective investment schemes such as landbanking; and
 - the Insolvency Service – who are responsible for the conduct of companies and directors

being the principal ones in the City.

5. Each of these regulators deals with different aspects of fraud. For example Trading Standards may be looking at breaches of the Consumer Protection from Unfair Trading Regulations and the Insolvency Service will be examining whether the trader is a fit director under the Companies Act and whether the trading practices of the company are such that it ought to be wound up on the grounds of public interest.
6. There are also a number of other bodies that seek to deal with the victims of crime, the City Advice Service, Victim Support and local Adult Social Services teams.

Current Position

7. The approach to dealing with fraud and scams up until now has been fragmented and uncoordinated, with each enforcement body often dealing with matters in isolation, without involving any obvious partners and sometimes two bodies have dealt with the same issues without realising it.
8. However, there have been efforts made in recent years to coordinate intelligence and efforts. The National Fraud Intelligence Bureau coordinates and disseminates intelligence relating to fraud and Trading Standards have Regional Intelligence Officers. There are two ways that citizens can report crime, through Action Fraud and through the Citizens Advice Consumer Service and these have all assisted in providing a less fragmented approach to economic crime. Finally, the City of London Police are the National Lead Force on Economic Crime and this ground breaking piece of work fits well with this lead role.
9. As part of our business planning process however, it was identified that more work was needed to be done and it was felt that a joint approach to which all partners could sign up was essential, so that all roles and referral pathways were clear.
10. The **Safer City Partnership** whose role is to reduce the level of crime, disorder, anti-social behaviour and substance misuse in the City of London by partnership working between the Police, the City of London Corporation and other partners.

11. The City Corporation's Trading Standards were approached and agreed to become involved by first scoping out the project and then by developing a protocol with funding from the **Safer City Partnership**. This is the first initiative of its kind in the UK and it is hoped that it will be a model for other partnerships.
12. The **Safer City Partnership** Strategy Group had already agreed the following priorities for 2011-2014:
 - antisocial behaviour;
 - domestic abuse and violence against women and girls;
 - reducing re-offending;
 - night-time economy issues;
 - fraud and economic crime; and
 - counter terrorism

the Economic Crime Protocol clearly fits within the scope of these priorities.

13. The protocol seeks to inform, coordinate effort and educate partners as to the agencies involved and the options for seeking compliance from offenders and support for victims.
14. The objectives for resolving economic crime in the City of London are:
 - **Working with partner organisations** - to deal with economic crime in the most effective way;
 - **Awareness** – needs to be increased in order that members of the public and specifically groups identified as being particularly vulnerable to scams can protect themselves;
 - **Disruption of the fraud network** – by focussing on the web, telephone communications and finance;
 - **Enforcement against the perpetrators** - enforcement action can take many forms from undertakings, injunctions, cautions to prosecution; and
 - **Support for victims** - whilst it is unlikely that victims will be able to get their money back, victims can need support in stopping the scam and avoiding becoming victims again in future.
15. The protocol also provides a focus around which partners can meet, exchange and elaborate upon intelligence gathered and generally discuss matters of mutual concern. There have been several successful meetings already to discuss action on matters such as:-
 - **land banking** – the sale of plots land with alleged development potential as an investment opportunities at grossly inflated rates;
 - **wine scams** – speculative investments in wine held in bonded warehouse cellars that will allegedly increase in value with maturity; ,and
 - **email scams** – any electronic communication relating to fake prize draws, misdescriptions of goods, offers to sell lotions and potions etc.

and this coming together has enabled the partners to identify a lead agency in each case and plan action accordingly.

16. Finally, there has also been a small launch event to bring together partners and celebrate the completion of the agreement.

Proposals

17. Members are asked to support and endorse this protocol, which will lead to improved efficiency, better communications, more targeted enforcement and an improved experience for victims of economic crime.

Corporate & Strategic Implications

18. This protocol meets the City of London's Corporate Plan 2011-2015 Key Policy Priority below by engaging with the City London Police and national regulators on economic crime:-

KPP3 - Engaging with London and national government on key issues of concern to our communities including police reform, economic crime and changes to the NHS.

19. The development of the protocol is also a commitment within the Department of Markets and Consumer Protection's Business Plan 2012-2015.

Implications

20. There are no financial, HR or property implications
21. The City Solicitors, City Police and Community Services have all been consulted in the writing of this report.

Conclusion

22. This report discusses the present fragmented approach to the resolution of economic crime between enforcement partners and proposes a protocol to improve efficiency, communication and victim experience.

Background Papers:

None

Appendices

An Economic Crime Protocol for the City of London

Contact:

Nora Walsh, Trading Standards Manager

nora.walsh@cityoflondon.gov.uk

020 7332 3123



APPENDIX 1

ECONOMIC CRIME PROTOCOL

FOR THE CITY OF LONDON

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1.0 Introduction

There is a wide range of economic crime perpetuated against victims and this document outlines the types of scams, and the approach that will be taken in the City of London to tackle this issue.

1.1 Economic Crime

Economic Crime is a far-reaching term covering many types of fraudulent activity. However, in this report, the Office of Fair Trading definition is used:

“A misleading or deceptive business practice where you receive an unsolicited or uninvited contact (for example, email, letter or advertisement) and false promises are made to con you out of money”

Individuals who fall victim to Mass Marketing frauds lose a staggering £3.5 billion each year.

A further £168 million is lost by the 2.6 million people who fall victim to online ticket fraud each year.

1.2 The Victims

We are all potential victims of economic crime; half the adult population is targeted every year.

However, an OFT study found that about 20% of the adult population were particularly vulnerable to scams.

The socially isolated were found to be less able to regulate emotions relating to scams and therefore this led them to being more vulnerable.

Good decision-makers who often have successful business or professional careers were another group identified as having above average vulnerability to mass marketing fraud. These people become victims because they generalise success in one area of their life to the gambling context. This group is unlikely to report the crime, feeling embarrassed and wishing to keep the matter private.

1.3 The Protocol's Objectives

The protocol has identified the following objectives for resolving economic crime in the City of London:

Working with partner organisations, to deal with economic crime in the most effective way.

Awareness – needs to be increased in order that members of the public and specifically groups identified as being particularly vulnerable to scams can protect themselves.

Disruption of the fraud network focussing on the web, telephony and finance.

Enforcement against the perpetrators. Enforcement action can take many forms from undertakings, injunctions, cautions to prosecution.

Support for Victims. Whilst it is unlikely that victims will be able to get their money back, victims can need support in stopping the scam and avoiding being victims in future.

1.4 Working With Partner Organisations

It is essential to collaborate with all the partners so as to provide a comprehensive system that will not only fight the crimes, but also provide support for the victims and create a greater awareness among the public at large.

The key partners in fighting economic crime in the City of London are:

- City of London Police Economic Crime Department
- National Lead Force,
- National Fraud Intelligence Bureau
- Trading Standards Service, City of London Corporation
- London Trading Standards Association (LOTSA) –the co-ordinating organisation for Standards in London
- Financial Services Authority
- Insolvency Service, Company Investigations Bureau

It is essential to involve partner organisations that are in a position to increase public awareness of the types of scams that are prevalent and encourage victims to come forward. These are:

- Safer City Partnership
- City of London Police – community policing
- City of London Trading Standards
- City of London Adult Social Care

Partners able to offer assistance and support to victims are:

- City Advice
- Victim Support

Whilst all scams have the hallmarks of being mass marketed deceptive business practices making false promises to con people out of money, each scam also has its own idiosyncrasies.

Therefore the precise mix of partnership expertise will vary depending on the scam.

Mass Marketed Fraud is always evolving with new schemes appearing every few months.

Intelligence must be shared amongst the Enforcement partners who can then cascade the information to the Support Partners.

The Financial Services Authority has set up a "Landbanking and Economic Crime Group" which meets every two months to discuss the latest Mass Marketed Frauds. It is attended by representatives from:

Financial Services Authority
National Fraud Intelligence Bureau
Insolvency Service Corporate Complaints
City of London Trading Standards

By sharing intelligence each organisation is has access to the best possible intelligence.

Early warning of new scams allows alerts to be issued in the hope and with the expectation that it will reduce the numbers of victims of the fraud.

By using existing networks, such as the Safer City Partnership, Adult Social Care, City Advice and TS Interlink, and developing new networks such as Facebook, the information can reach a wide section of the community.

2.0 Working Together

2.1 Trading Standards Service of the Markets and Consumer Protection Department working with the National Fraud Intelligence Bureau.

The police and trading standards have been working together to develop a more collaborative approach for dealing with economic crime.

A service level agreement has been drafted which sets out the process for crime referral, see Appendix 1.

In addition, telephone and email details have been provided to Trading Standards to enable direct contact to be made with the officers currently nominated for this role officers within the City of London Police.

This will streamline the contact process and overcome the difficulties Trading Standards previously had in not knowing who could be contacted to discuss matters of fraud that were being investigated by Trading Standards.

For the most urgent cases, where immediate action is required, contact telephone numbers have been provided to enable Trading Standards Officers to speak to the National Fraud Desk Duty Detective Inspector who will make the decision as to the level of police resources that can be made available and when.

For all other matters, referrals will be made, usually by email, to the National Fraud Desk and copied to DI Amanda Lowe. The email should be marked City of London Trading Standards.

Normally a decision will be given by the police within 1 month, however, if there is a need for a decision within a week, this should be made clear on the referral form and the matter will be prioritised.

The referral will be made on a form known as a 5x5x5 (see Appendix 2) and will give a detailed, clear summary of the alleged offences, involvement of other partner enforcement agencies, expectations, timescales and degree of urgency.

The case will be assessed by a Detective Inspector. The information will be further assessed using the Economic Crime Directorate Enquiry Matrix which will determine whether the case may be taken on by the National Lead Force. In borderline cases, the Detective Superintendent will consider the individual matter.

If the matter is not considered to be a police crime, a Detective Constable will advise Trading Standards of the decision and provide a written explanation of the rationale behind the decision.

If the information is believed by the DI to be a police crime the case will be recorded on Action Fraud, the national crime reporting database.

The Detective Inspector will decide whether the matter is suitable for investigation by:

National Lead Force
The City of London Police, or
Another police force

This decision will be ratified by the Quality Assurance Board.

The National Fraud Desk will be responsible for transferring the matter to the relevant police service.

The Detective Inspector will be responsible for advising Trading Standards which operational team in which jurisdiction has been passed the matter.

The investigating team will be responsible for providing feedback to Trading Standards.

2.2 Intelligence Sharing

It was agreed in principle that on some occasions, intelligence sharing would be useful to enable Trading Standards take the lead on a case, but supported by police intelligence.

However, an Information Sharing Agreement would have to be in place, detailing what information could be shared and for what purposes, among other things.

2.3 Joint Operations

Following the initial assessment of a Trading Standards referral to the National Fraud Desk, it may be appropriate to conduct a joint investigation. At the beginning of the investigation, clear parameters will be set detailing the specific responsibilities of each of the parties. The case will be reviewed periodically to ensure that resources and the investigation are being handled efficiently.

2.4 Alerts

In appropriate cases, joint alerts could be put out warning consumers of matters of concern.

3.0 Trading Standards working with the Financial Service Authority

The Financial Services Authority has four key objectives which are:

- maintaining market confidence
- securing the appropriate degree of protection for consumers
- fighting financial crime
- contributing to the protection and enhancement of the stability of the UK financial system.

The Financial Services Authority (FSA) can take action against breaches of the Financial Services and Markets Act (FSMA) 2000. However, the FSA is not a general fraud prosecutor, so if, for example, it becomes aware of a

landbanking business selling land that does not exist, or a carbon-credit firm selling non-existent carbon credits, then the FSA would pass the matter to the Police or Serious Fraud Office, depending on the scale of the perceived fraud. A referral to the appropriate organisation would be made, irrespective of potential breaches of FSMA, as the fraud would be the greater wrongdoing.

The FSA regulate collective investment schemes (CIS) of which Landbanking is an example and certain types of exchange contracts (often called 'futures'), such as Carbon Credits and a firm must be authorised by the FSA to promote or operate these activities in the UK

If Trading Standards receive a Landbanking complaint or query, contact should be made with the FSA and advice sought from them as to whether or not the scheme falls within the definition of a Collective Investment Scheme.

If Trading Standards become aware of other types of investment fraud such as boiler room schemes, the matter should initially be passed to the FSA for investigation. The FSA should let Trading Standards know the realistic time-frame for making a decision as to whether a formal investigation will take place.

4.0 Trading Standards working with the Insolvency Service Corporate Complaints

The Insolvency Service Corporate Complaints section have the power to seek a Winding Up Order against a company on the ground that it is in the public interest and can also apply to Court for a disqualification order against an individual director.

Section 449 of the Companies Act 1985 effectively prohibits the flow of information from the Insolvency Service during an investigation, even to other enforcement agencies.

This will inhibit the concept of working together, but nonetheless, a referral to the Insolvency Service Corporate Complaints team can be very effective in removing rogue directors and the rogue companies they run from the consumer landscape.

5.0 All Four Agencies Working Together

A meeting is held every two months with a representative of the National Fraud Intelligence Bureau, Trading Standards, Financial Services Authority and the Insolvency Service to discuss the fraud types which are most active, to share information and discuss the most effective means of combating them.

6.0 Types of Common Mass Marketed Frauds and the Lead Enforcement Team.

For each type of fraud, the nature of the activity is described below, and the lead organisation for tackling it has been identified.

6.1 Carbon Credits

This is the latest scam. A carbon credit is a certificate which represents the right to emit one tonne of carbon dioxide. These certificates can be traded for money.

There are two types of carbon credits, Voluntary Emission Reductions (VER) which involve the offset or reduction in carbon in any way, such as solar panels, and Certified Emission Reductions (CER).

UK consumers are being targeted to invest in VERs.

Governments and large companies trade in these CER credits, but is unlikely they would be offered to consumers in small volumes.

VER's, being voluntary involve a wide range of bodies and quality standards. If the company selling the VERs is not authorised by the FSA, the consumer will not have access to the Financial Ombudsman Scheme or the Financial Services Compensation Scheme.

6.2 Lead Enforcement Team - FSA

If the Carbon credit scheme is being run as a Collective Investment Scheme or a Futures contract, then these will be regulated by the FSA, and that body would be the Lead Enforcement Authority. That said, the FSA have found that most carbon-credit schemes that have come to the attention of the FSA are neither collective investments schemes or traded as futures, and since carbon credit trading is not a regulated product under the FSMA in the same way that shares are, fall outside the remit of FSMA and hence the FSA.

The FSA is, however, concerned about the way the schemes are being promoted to consumers and their viability as an investment.

If the carbon credit scheme is not a collective invest scheme nor traded as a future, the matter should be passed to Trading Standards for investigation under the Consumer Protection from Unfair Trading Regulations.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved.

Trading Standards should contact Safer City Partnership with a view to publicising the scam and warning people to be extra- vigilant.

7.1 Boiler Room Share Fraud

Consumers receive a cold call (although newspaper, magazine and emailed adverts can also be used) offering shares in worthless or non-existent companies. Huge returns are promised but invariably fail to materialise.

The companies are rarely authorised by the FSA and therefore the consumer does not have access to the Financial Ombudsman Service or the Financial Services Compensation Scheme.

7.2 Lead Enforcement Agency – FSA/Police

The Lead Enforcement Agency will be the FSA or the police.

If Trading Standards receive the initial complaint, the matter should be referred to the FSA and an Action Fraud report made.

Corporate Complaints at the Insolvency Service should be contacted if the company is registered in England and Wales.

8.1 Advance Fee Fraud (419's)

An email is received telling of a hard luck story where the sender is entitled to a large fortune, but he needs a kind individual to provide funds to enable him to get what is rightfully his. The large fortune will then be shared with the person who helped him.

This type of fraud got the name 419 as it refers to the article of the Nigerian Criminal Code dealing with fraud.

8.2 Lead Enforcement Team - Police

The Police will be the lead enforcement team and therefore details should be sent to the National Fraud Desk.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved

Trading Standards, where advised, should ensure that complainant alerts their bank and is signposted to civil advice at either City Advice (City residents) or Consumer Direct.

If the victim is an elderly vulnerable resident of the City, Trading Standards will notify Adult Social Care of the existence of the scam being operated. The victim should be asked if they would like their details passed to Adult Social Care, for additional support.

If the victim lives in the Barbican, put a notification on Barbican Talk.

9.1 Lottery/Prize Draw Fraud

The victim is contacted by email or letter and told that s/he has won a large amount of money on a (frequently international) lottery, or prize draw, all that is needed is an admin fee.

There may also be a premium rate phone number to ring.

There is no prize, it is only a matter of how much money is lost and whether the bank account details are given enabling the account to be emptied.

9.2 Lead Enforcement Agency

If victim is a City resident put them in touch with City Advice. Trading Standards should contact a City Advice manager and advise that victims of the scam may be seeking advice.

Contact the Insolvency Service Corporate Complaints, if a company registered in England and Wales is involved
Contact Safer City Partnership with a view to publicising the scam and warning people to be extra- vigilant.

10.1 Modelling Agency Fraud

Advertisements are placed for new models. Applicants are then asked to supply a portfolio of photographs for forwarding to clients. The naïve models inevitably do not have a portfolio and this is then arranged by the agency. It costs upwards of £400. The model may even be persuaded into department lessons and other skills which all have to be paid for in advance.

The modelling jobs, which were going to provide the income to cover the costs do not materialise.

10.2 Lead Enforcement Team

Contact Trading Standards which will be the lead enforcement team.

The Insolvency Service Corporate Complaints service should be contacted if a company registered in England and Wales is involved.

Trading Standards should ensure that the consumer has access to consumer advice either through City Advice, if they live in the City, or Consumer Direct, for those living elsewhere.

11.1 Wine Investment Fraud

The consumer is cold-called and offered the opportunity to invest in fine wine while it is still in the barrel and the price is low, it will then be stored in a bonded warehouse then bottled and sold for a high price.

Once again, fabulous brochures are sent to the consumer with a great deal of information about how the Chinese demand for wine has gone through the roof pushing prices up.

The victim pays the money and then waits for a couple of years for the wine to be ready for bottling and the fraud to be discovered.

11.2 Lead Enforcement Team

The Police will be the lead enforcement team and the National Fraud Desk should be contacted.

The Insolvency Service Corporate Complaints should be contacted, if a company registered in England and Wales is involved.

Trading Standards should contact the Safer City Partnership to arrange for publicity.

12.1 Ticketing Fraud

A website is set up offering tickets for popular events which have a high scarcity value.

Payment is taken for the tickets but they are not delivered.

When the date of the event approaches and consumers still have not received their tickets, they might be told to go to the event and they will be handed over there. This seldom happens.

Sometimes tickets are delivered, but entry is refused to the event as the tickets are counterfeit.

12.2 Lead Enforcement Team

Contact National Fraud Desk as the Police will be the lead enforcement team. DI James Clancy has specialist knowledge of this type of fraud and it might be prudent to ensure that he is aware of the matter.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved.

Safer City Partnership should be contacted to arrange for publicity.

13.1 Landbanking

Consumers are contacted by phone post or email and are told of large profits that can be realised by investing in land which has been carefully chosen as being likely to get residential planning permission, whereupon the value of the land will soar and each investor will make a substantial profit.

The brochures that are sent out look highly professional and include lots of reassuring information from government sources, the BBC and similar organisations stating how millions of new homes will have to be built and planning restrictions relaxed to allow this.

In reality, the land has no chance of being granted planning permission for residential use and the consumer's money will be locked into worthless land.

These schemes are often collective investment schemes which are regulated by the Financial Services Authority.

13.2 Lead Enforcement Team

The Financial Services Authority, will be the lead enforcement team. The FSA are empowered to investigate the scheme to see if it is an unregulated collective investment scheme.

If the landbanking scheme is not a collective investment scheme then it will not fall within the remit of the FSA and the matter will be passed to the police or trading standards.

The National Fraud Desk should be contacted and complete an Action Fraud referral.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved.

14.1 Miracle Health/Slimming Cures

Consumers receive an email, letter or see a pop-up web advert directing the consumer to a website advertising miracle health cures or slimming pills, usually endorsed by fake testimonials of satisfied customers.

There is a 'free' trial for a small amount to cover postage, payable by credit card, which is then used to take money every month from the card, sometimes the product is delivered, sometimes not.

It is extremely difficult to cancel, as false phone numbers and addresses are commonly given.

14.2 Lead Enforcement Team

The National Fraud Desk will be the lead enforcement team. Although this may be a case for a joint operation between the Police and Trading Standards.

When advised, Trading Standards will put an alert on TS Interlink, so that all trading standards services across the country will be aware that the matter is being investigated.

Advise the consumer to contact City Advice/Consumer Direct for advice on getting their money back.

Trading Standards will contact Safer City Partnership with a view to publicising the scam.

15.1 Pyramid Selling Schemes (Ponzi schemes)

This purports to offer an investment scheme that investors are required to buy into and recruit others. The investment product is either worthless or even non-existent.

Initially, it appears profitable, as the investment capital of the new recruits is used to provide the illusion of profit being paid to established investors.

In fact, most of the money goes to the person at the top of the pyramid who then disappears.

15.2 Lead Enforcement Team

The lead enforcement team will be the Financial Services Authority who have the power to deal with these unlawful schemes.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved.

16.1 Mobility Device Fraud

This fraud targets the elderly and persuades them to spend substantial sums of money on mobility aids such as scooters and stair lifts at highly inflated prices, compared to the same item on the high street.

Unlawful selling techniques are used, such as pretending to be from social services and not leaving the house until a contract is signed.

16.2 Lead Enforcement Team

The lead enforcement team will be Trading Standards, who have the power to deal with the unlawful selling techniques.

The Insolvency Service Corporate Complaints service should be contacted, if a company registered in England and Wales is involved.

Advise the consumer to contact City Advice if they live in the City or Consumer Advice.

Trading Standards will advise the Adult Social Care team so that they are aware of the practice.

These include:

- whether it meets the urgency criteria that would trigger an immediate response by fraud squad officers.
- whether it should be reported to the National Fraud Desk with the likelihood that it would be the subject of a police investigation.
- whether disruption of the operation by police officers would be the most effective action.
- whether a joint operation of the Economic Crime Department and Trading Standards should be embarked upon with the areas of responsibility clearly defined.

17.0 Raising awareness of economic crime

Raising public awareness to minimise individuals becoming victims of economic crime is essential.

The protocol seeks to:

17.1 Highlight the Psychology of Scams.

The Office of Fair Trading (OFT) has carried out extensive research into the psychology¹ and impact of scams.² From these works it is apparent that the scams:

- Are customised to fit the profile of the people being targeted
- Have an authoritative approach, which induces a sense of trust
Include visceral triggers that provoke intuitive reactions and reduce the motivation of people to process the content of the scam message deeply
- Include error inducing processes such as:
 - scarcity clues (make your claim by/offer closes...)
 - behavioural commitment (ring this number...)
 - disproportionate size of alleged reward to the cost of trying to obtain it (Claim a £250k just by ringing a number/invest £10000 at see your investment rocket...)
- individualise the approach using the name of the individual frequently, or using apparently handwritten notes, to make the recipient feel specially chosen
- offer reward for victims who have very high motivation (relief from pain, weight loss and money)
- showing a liking for the victim, making it difficult for the victim to withdraw from the scam
- giving small gifts as a sign of the trustworthiness of the fraudster

There is a scam for everyone. The research has shown that men and women are equally liable to become victims.

Women are more susceptible to miracle health and clairvoyant scams.

Men tend to become victims of high risk investments schemes and property investment.

¹ The Psychology of Scams. Provoking and Committing errors of Judgment. Prepared for the Office of Fair Trading by the University of Exeter School of Psychology

Successful people are at risk of becoming victims of fraud because they generalise success in one area of their life to the gambling context.

Therefore there is no such thing as a person immune to a scam. We are all potentially victims and therefore should not feel embarrassed if we become a victim.

Victims tend to:

- Have a better than average knowledge of the scam content
- Focus on the apparent honesty of the scammers rather than analysing what they were being told.
- Have low motivation to process the information thoroughly so specific attributes that help distinguish scam messages from legitimate marketing offers were disregarded.
- In some cases, respond to replace a negative mood with a hopeful one.
- Less able to resist and regulate emotions associated with scam offers.

Socially isolated victims may be more vulnerable because they lack the social networks that induce us to regulate our emotions when otherwise we might not.

Successful, financially-secure people can be vulnerable to scams because of an over-confidence in their ability to spot scams, which in turn is exploited by the fraudsters.

17.2 Encourage Victims to Come Forward and Register a Complaint.

Fewer than 5% of victims report the scam.

The OFT studies found that victims tended to keep the decision to respond private. This may indicate that at some level they do not want to have the fraud exposed for fear of ridicule, shame and guilt.

Highlighting the psychology used by the fraudsters rather than the errors of judgment of the victims, will hopefully allow a greater number of those who have been defrauded to come forward

17.3 Provide Non-threatening Means of Reporting the Fraud

a) Speaking at Community Forums.

Regular slots at Resident Association Meetings, the Older Persons Forum for a variety of speakers from City of London Police, Trading Standards and Safer City Partnership to highlight the psychology of scam and explain that victims are only responding in a very human way to the devious manipulations of the fraudsters. Focus could be given to one particular fraud and the component parts revealed.

Those wanting to speak privately could do so at the end.

b) Posters up in places where people go

GP surgeries were identified as a place that the most people go to. The visit inevitably involves sitting and waiting. A simple poster with web addresses and phone numbers of Consumer Direct and Action Fraud would be read by a large cross section of the population.

Community Halls, Benefit Offices, Post Offices and workplaces are other areas that should be targeted.

c) Facebook and Twitter

Setting a community Facebook page so that scams can be reported and advice sought.

Simple information about how scams work, what the latest scams are and a link to Action Fraud and Consumer Direct would provide access to help, not only to those who are regular users but also may alert friends and family of victims to the situation.

Using the Twitter facility to send out messages about current scams.

d) City of London website

An ideal place to provide up-to-date information to all users of the website and Corporation staff.

e) Articles in press, newspapers, radio and television

By working closely with our other partners, press coverage can be maximised.

f) Information on community websites such as Barbican Talk

This is a valuable resource that has the potential to reach the affluent high-achievers who have profiled as a group to be vulnerable to high-risk investment and property fraud.

17.4 Disruptive Activity

Some fraud is best dealt with by the police using disruptive activity. This disrupts the criminal activity by seeking the removal of web, telephony and financial facilities from that criminal activity. It is often the case that the providers are unaware that their services are being used to enable or facilitate a crime and are willing to remove those facilities when they are made aware of police/TS concerns.

Disruptive activity is of particular benefit where a fraudster is merely using an address in the City of London but is not actually there, as it is clear that a legitimate business is not being run.

This is an area where Trading Standards would be interested in receiving training from the police as some of the methods that the police use could be transferred to cases being investigated by Trading Standards. To this end, one week secondments are being arranged for Trading Standards Officers to spend time with the City of London police

Enforcement Powers

Enforcement Partner	Prosecution	Injunctions	Undertakings	Other
Police	Fine and up to 10 years imprisonment			Disruptive Activity
Trading Standards	Fine and or up to 2 years imprisonment.	Available where trader has breach of an undertaking given under the Enterprise Act	Trader undertakes to stop a particular type of practice	Disruptive Activity
FSA	Fine and or up to 2 years imprisonment	Available and worldwide freezing of assets	Not to engage in new business until FSA satisfied no further breaches	Unwinding contract and effect restitution for consumer
Insolvency Service	N/a	N/a	N/a	Disqualification of Directors. Winding up of company.

17.5 Signpost Victims to Advice and Support

City Advice is a confidential advice service run by Toynbee Hall and funded by City of London Corporation to provide free advice to residents and businesses located in the City.

It holds drop-in outreach sessions throughout the City and also offers telephone advice.

Consumer Direct is a government-funded service offering telephone and online advice to consumers.

Victim Support is a national charity giving free and confidential advice to help victims of crime.

Appendix 1

Service Level Agreement
Between
City of London Police
and
City of London Corporation Trading Standards Service

Crime referral processes
Service Level Agreement CoLP – City Trading Standards

1. Trading Standards will make an initial assessment of a consumer complaint/enquiry and evaluate whether the matter would be more appropriately dealt with by Trading Standards or if the matter warrants consideration by the police.
2. The Trading Standards Officer should record the crime on Action Fraud and obtain a NFRC Reference Number, which should be cited on the referral report below.
3. Trading Standards should refer potential fraud crimes to the City of London Police National Fraud Desk for consideration of investigation by the Economic Crime Directorate in the following format:
 - a. A clear summary of the alleged offence, dates, times, suspects, locations, losses etc
 - b. Details of referral to any other agency and actions taken
 - c. Expectations regarding the referral
 - d. Any timescales for initial response (1 week if urgent, otherwise 1 month). Urgent cases would include those where a vulnerable victim has sustained a personal loss.
 - e. Any degree of urgency in relation to loss or harm or vulnerability of the victim.The information should be sent using a 5x5x5 (copy attached)
4. In exceptional cases, where immediate action would be sought, the Trading Standards Officer will contact the duty Detective Inspector by telephone (020 7 601 2222) and discuss the action plan. Should the need to refer a matter arise out of hours, a specific message should be left stating that Trading Standards have a serious fraud issue that they need to discuss with the duty Detective Inspector who will then call the Trading Standards Officer back.
5. The referral should be emailed to nlf@cityoflondon.pnn.police.uk
6. The NFD will assess the matter in line with the requirements detailed by the referring TS officer.
7. The matter will be prioritised in line with current demand and priority of the assessment.
8. Once assessed the NFD DI will recommend whether the matter is suitable for
 - NLF investigation or
 - Referral to the City Police or
 - Referral to another police service for investigation.
9. Where the matter is deemed suitable for investigation by the National Lead Force or by the City of London police, then a Handover meeting will be arranged. The strategy for dealing with the complaint will be agreed. This will include the amount of information, if any, that may be given to the consumer. Any media statements by Trading Standards on such cases must be agreed with the police before release.
10. If the matter is to be transferred to another police service due to jurisdictional issues the NFD will facilitate this.
11. Trading Standards will be notified of the outcome within one week or month of the initial referral,

12. If the matter is declined for investigation by the NLF then TS will be provided with the rationale behind those decisions and notified if another agency is considering the matter.
13. The consumer will be informed of the body responsible for progressing the case, as soon as practicable, with the previous consent of the police officer leading the investigation.
14. The investigating team will provide feedback to TS during the investigation, when appropriate. At the end of the investigation, there will be a structured de-brief.

Intelligence sharing

1. An information sharing agreement would be required between City TS and the CoLP to enable information sharing. This relates to restricted and confidential data (**not GPMS**), however generally information would be sanitised prior to sharing with non police bodies, dependant on the data and the purpose for sharing.
2. TS can apply for information from the NFIB, however information shared will be subject to the ISA. Each submission will be considered on its individual merits.
3. The CoLP welcomes information from City TS, this should be sent to the NFD at the email address noted above who will assess the information and record as appropriate and take whatever action is required.

Joint operations

1. Joint operations will be undertaken with TS following the assessment process detailed above. Clear parameters for each parties involvement will be defined at the commencement of the investigation and reviewed periodically.

Appendix 2

Example of a 5x5x5 Intelligence Report

Report				
LOGGING ONLY/RESPONSE REQUIRED				
Unique ref No./ Authority / Date of incident				
Contact for further information				
Contact details				
Overall evaluation in SIH format				
Trading names				
Names of individuals				
Addresses and phone numbers				
Vehicle registration numbers				
Any unique identifying information				
Enter Incident details below (Incident location, descriptions inc ethnic group codes, criminal / civil breaches make/model/markings of vehicles including any partial reg no. etc.) H&S Risk - Include here any indication of violence, intimidation or aggression by the trader				
Source Evaluation				
A Always reliable	B Mostly reliable	C Sometimes reliable	D Unreliable	E Untested source

Intelligence Evaluation

1 Known to be true without reservation	2 Known personally to source but not to officer	3 Not personally known to source but corroborated	4 Cannot be judged	5 Suspected to be false or malicious
--	---	---	------------------------------	--

Handling Code (to be completed at time of entry onto an intelligence system and reviewed on dissemination)

1 May be disseminated to other law enforcement and prosecuting agencies, including law enforcement agencies within the EEA, and EU compatible (no special conditions).	2 May be disseminated to UK non prosecuting parties (authorisation and records needed)	3 May be disseminated to non EEA law enforcement agencies (special conditions apply)	4 May be disseminated within the originating agency only	5 No further dissemination: refer to the originator. Special handling requirements imposed by the officer who authorised collection
--	--	--	--	---

Committee(s):	Date(s):
Port Health & Environmental Services	12 September 2012
Subject: London Gateway Port	Public
Report of: Director of Markets & Consumer Protection	For Decision

Summary

London Port Health Authority has a Statutory Duty to provide inspection services to enforce imported food and animal feed legislation.

The London Gateway Port is under construction within the boundary of the London Port Health Authority and preparations for the opening of the Port in the last quarter of 2013 have to be put in place so that the Authority can meet the demands placed upon it.

This will entail recruiting sufficient staff and securing office accommodation as well as the provision of IT and other equipment.

The costs associated with this project are not known at present, however, start up funding is available via a reserve fund held by Port Health. Additional funds may be sought at a later stage.

This is an exciting development which presents an opportunity for the Port Health Authority to show that it can meet the challenge and provide a first class service to the international companies that will be using the new port.

Recommendations,

I recommend that:

- Existing staff are redeployed to London Gateway with new employees back filling the vacancies left by those transferring;
- Funding for the proposal is via the Products of Animal Origin Reserve Fund in the first instance with any additional start up costs being the subject of a separate report;
- A further report be submitted to your Committee within six months to provide an update on the situation;

Main Report

Background

1. The City of London Corporation acts as the London Port Health Authority for the tidal Thames. The Authority is responsible for a 153 kilometres stretch of the river Thames, running from Teddington Lock to the Thames Estuary. It includes the ports of Tilbury, Thamesport and Sheerness as well as the smaller wharves and quays along the river.

2. Cargo throughput in the Port of London has declined since the mid 1960s when it handled over 60 million tonnes per annum to around 50 million tonnes a year today. The move towards containerisation, i.e. the use of 20 foot and 40 foot shipping containers, and the increasing size of vessels has meant that trade has moved downriver, with the only container port on the Thames now being at Tilbury in Essex. The City Corporation also has responsibility for Thamesport, another major container port, located on the Isle of Grain in Kent.
3. The London Gateway Port is under construction on the site of the former Shellhaven oil refinery on the north bank of the Thames close to the mouth of the estuary. Throughput at container ports is measured in Twenty foot equivalent units (TEUs), the size of the smaller shipping container. The potential capacity for London Gateway is 3.5 million TEUs per annum which compares to 3.4M at Felixstowe, 0.55M at Tilbury, 0.66M at Thamesport and 11.8M at Rotterdam.
4. The Port Health Authority has a statutory duty to enforce controls related to imported food. The main work activity is the inspection of food imported from outside the European Community to check that it complies with Food Safety and Animal Health legislation. An organisational structure of the Port Health Authority is shown at Appendix 1 together with the numbers of staff at each port office and the locations of the main ports, including London Gateway.
5. Dubai World Ports announced on 4th October 2011 that the London Gateway Port would be ready to accept vessels in the last quarter of 2013. It is possible that this will cause trade to be diverted from other UK ports including Thamesport and Tilbury, but it is also an opportunity for ships to deliver containers direct to the UK rather than being transhipped via Rotterdam.
6. Land for the first phase of the development has been reclaimed and the quay wall is under construction; cranes and straddle carriers have been ordered for delivery. Rapid progress is being made with the construction work and all indications are that the port will be up and running in one year's time.
7. The business model for this project is to take advantage of the economies of scale presented by the next generation of container vessels and link this with the construction of a business park behind the port.
8. Specific customers will be identified so that the port can offer a bespoke service for these companies to undertake their logistics operations close to the Port, thus giving them direct access to the significant market in London and the South East. This will give sustainability benefits and be more efficient than the current arrangements where containers are trucked to the Midlands prior to goods being despatched to the London and South East market.
9. A report was submitted to your Committee in July 2007 which confirmed that the development had planning approval and Members visited the site in July 2008. After some holdups linked to the downturn in the global economy, this project is now progressing at a fast pace.
10. The opening of the London Gateway Port is the most significant managerial challenge faced by the LPHA since the closure of the upper river enclosed docks in the 1970s, and the purpose of this report is to outline the implications for the Authority.

Current Position

11. The design of the imported products Inspection facility for Imported Food has been agreed with Port Health and other Enforcement Agencies. The construction work is now out to tender. There is a tight timetable to be met to deliver the completed building on time.
12. This building is provided at the expense of DP World (the Port Operator) and must meet the current legislative standards. In the design process consideration has been given to the future throughput of the terminal, although this has been difficult because DP World does not have accurate information available on the throughput and types of product that may be imported. Also, the hours of operation have not been confirmed and this influences the demand on the inspection facility and the staffing requirement.
13. For security reasons the Port Operator does not want widespread access to the Port and so the amount of office accommodation at the Inspection Facility is restricted. Sufficient space is available for the staff that will be present undertaking food inspections, however, additional accommodation outside the port boundary will be required.
14. Office space near to the Port has been identified and details have been passed to the City Surveyor with a request that negotiations for space be commenced.
15. A review of the current Port Health Authority management structure is being undertaken to ensure effective use of staff resources. Current roles and responsibilities will be reviewed to ensure efficient service delivery. This will have a bearing on the staffing at the London Gateway Port.
16. At this stage it is not clear how many staff will be required to meet the administration and inspection demand. Estimates of Imported Food throughput have been given which indicate levels equivalent to those currently experienced at Thamesport and Tilbury combined, so eventually this could equate to a doubling of the full time equivalent staff currently employed.
17. A better indication of the staff resource required will become clear once the Port Operator is able to say how the port will operate. There are two scenarios that may occur: (i) a "big bang" approach where the current phase of the port becomes fully operational over a short space of time; or (ii) a gradual build up of trade.
18. In either case, the Port Health Service has to be prepared to deliver the demands required by the Port and this will mean having staff and other resources available to meet an uncertain demand. Quite how this scenario will be dealt with has yet to be decided, however, it will be necessary to have sufficient office accommodation available as well as the IT infrastructure at both the Port Inspection Facility and any external office.
19. Staff will have to be recruited well in advance of the opening date so that training can be delivered to ensure the service is prepared to meet its commitments from day one.
20. The Port Health Service will require assistance from other City of London Departments to arrange office space, recruit new employees and install IT infrastructure and equipment to enable the Port Health Service to function as required at the port.

Options

21. The Port Health Service must have sufficient staff to be able to meet the demand to inspect the full range of imported food and animal feed presented at the inspection facility to meet the Statutory Duty placed upon the London Port Health Authority.
22. The current options are:
 - (i) to employ a completely new set of employees or
 - (ii) redeploy existing staff with new employees back filling the vacancies left by those transferring to London Gateway Port.

Proposals

23. Option (ii) is preferred because this makes best use of the available in house expertise and will provide consistency of operation for both the Port Operator and the Port Health Service.
24. The costs involved are not known at the moment, however, a meeting with the Port Operator is arranged for 10 September 2012 when some of the issues raised in the report may become clearer.
25. It is proposed to fund the start-up costs from the Products of Animal Origin Reserve (PoAO) Fund that was approved by your Committee and the Finance Committee in 2000. One of the express purposes of the report was to obtain approval for the fund to be used for the new port.
26. Nearly £400K is held in the PoAO reserve fund. This fund has been set up to enable excess income from the provision of the inspection service to be held in reserve for use in the eventuality of a down turn in trade. In these circumstances the costs of the service may not be covered by the charges levied and the reserve can be used to balance the budget. The inspection service is provided on a full cost recovery basis but cannot make a "profit". The reserve fund is a prudent arrangement to deal with fluctuations in trade and may also be used in the current circumstances. Nevertheless, additional finance may be required as the reserve may not cover all of the initial costs.
27. Should additional funding be required this will be the subject of a separate report.
28. Once the port is up and running, costs will be recovered for inspection service where the legislation allows. There will still be costs that have to be met from the local risk budget as not all imported food controls are self funding.
29. In order to keep your Committee informed of developments, a further report will be presented within six months, or earlier if the position becomes clearer.

Corporate & Strategic Implications

30. The City of London vision statement is relevant to this development

"The City of London Corporation will support and promote the City of London as the world leader in international finance and business services, and will maintain high quality,

accessible and responsive services benefiting its communities, neighbours, London and the nation.”

31. The Port health Service Business Plan identifies the preparation and planning for the London Gateway port as a key objective.
32. Failure to provide the service will reflect poorly on City of London as a place to do business and could have implications for the viability of the project if first class services are not available.

Implications

33. The financial implications cannot be accurately quantified. One of the reasons for this report is to draw attention to the situation and alert the Committee that substantial expenditure could be involved. Once further information is available, a more detailed assessment of costs to the Authority, and charges that can be levied will be made.
34. The legal implications relate to imported food control. If checks required by EU and National law are not performed the Port Health Authority faces censure by the Central Competent Authorities. There would be loss of confidence in the Port which may affect long term business investment and possible claims for loss of business.
35. Office accommodation will be required outside the port boundaries. The availability of suitable space may become limited as the Port develops and it is important that sufficient space is obtained at an early stage that can accommodate current and future requirements.
36. A major recruitment exercise is likely as well as dealing with the implications of relocating existing staff to work in the new Inspection Facility. The timescale for the expansion of the port is crucial when planning resource allocation, and advice from HR has been requested to deal with morale issues and relocation costs.
37. The key risk is that adequate resources are not deployed sufficiently early in the lead up to the opening of the port and delays to imports will detrimentally affect the port operation reflecting badly on the Port Health Authority (and by implication the City of London Corporation) which in turn will have a negative effect on the business of DP World Port.

Conclusion

38. London Gateway Port will be opening in the last quarter of 2013. The Port Health Service has a number of work streams to address to ensure that the service is ready for the opening planned for the last quarter of 2013.
39. This is an exciting opportunity to show the country and the international business community that the Port Health Authority can meet the challenge and provide a first class service.

Background Papers:

Report to Port and City of London Health and Social Services Committee, Proposed Rolling Reserve Fund: Inspection of Products of Animal Origin, 25 April 2000

Report to Port Health & Environmental Services Committee, Shaping the Port Health Service, 24 July 2007

Appendices

Appendix 1 - Port Health Structure diagram, ports map and staffing chart

Contact:

robin.catchlove@cityoflondon.gov.uk | telephone number: 07713319865

Appendix 1 - Port Health Structure diagram, ports map and staffing chart

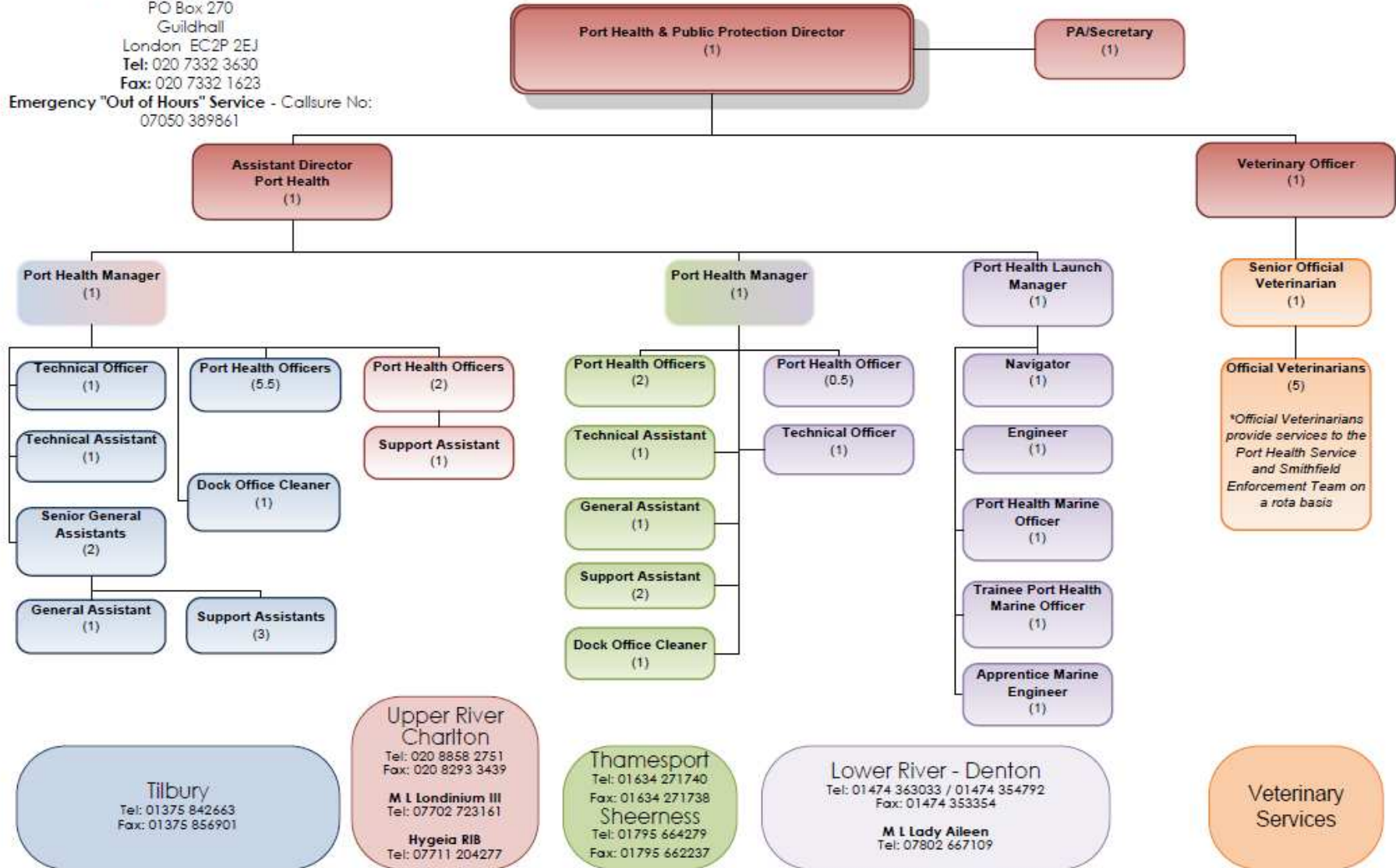
30/11/2011

**Department of Markets and Consumer Protection
Port Health & Public Protection Division
Port Health Service**

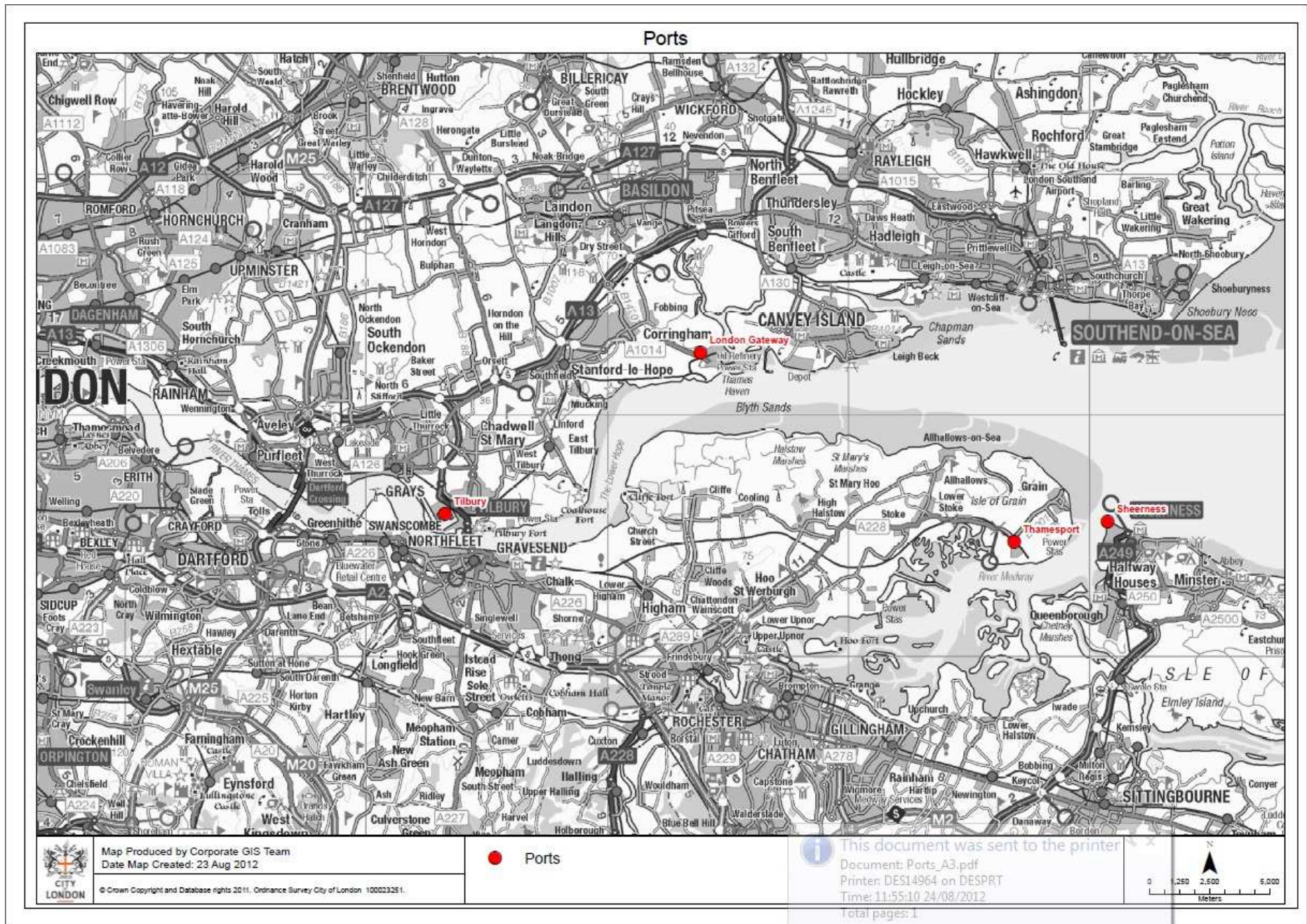
Head Office (Postal Address)

London Port Health Authority
City of London Corporation
PO Box 270
Guildhall
London EC2P 2EJ
Tel: 020 7332 3630
Fax: 020 7332 1623

Emergency "Out of Hours" Service - Callsure No:
07050 389861



Appendix 1 - Port Health Structure diagram, ports map and staffing chart



Appendix 1 - Port Health Structure diagram, ports map and staffing chart

Port Health & Public Protection Division

Port Health Service

Ports	Staff
Tilbury	1 Port Health Manager 5 Port Health Officers 1 Senior Official Veterinarian 3 Official Veterinarian 1 Technical Officer 1 Technical Assistant 2 Senior General Assistants 1 General Assistant 3 Support Assistants
Upper River Charlton	2 Port Health Officers 1 Charlton Support Assistant
Thamesport/Sheerness	1 Port Health Manager 2 Port Health Officers 1 Official Veterinarian 1 Technical Assistant 1 General Assistant 1 Support Assistants

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Agenda Item 12

TO: **PORT HEALTH &
ENVIRONMENTAL SERVICES
COMMITTEE**

Wednesday, 12 September
2012

FROM: **LICENSING COMMITTEE**

Monday, 16 July 2012

9. PUBLIC NUISANCE ASSOCIATED WITH LICENSED PREMISES

A report of the Director of Markets and Consumer Protection in relation to the concern that Members had about the insufficient provision in the City at night to deal with anti-social behaviour and public nuisance, primarily patron noise from licenced premises, particularly in Carter Lane, was considered.

The Assistant Director of Environmental Health & Public Protection presented this item explaining that the report outlined the actions which would be taken to improve the service and that the Licensing Steering Group set up by the Town Clerk would be the appropriate body to oversee the improvements.

In response to a query by a Member it was agreed that the names of the officers on the Licensing Steering Group would be circulated to Members.

The Chairman explained that he was pleased to get a positive outcome from the meeting which took place with the Town Clerk.

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Committee(s):	Date(s):	
Licensing Committee	16 July 2012	
Subject: Public Nuisance associated with Licensed Premises	Public	
Report of: Director of Markets and Consumer Protection	For Information	
<u>Summary</u>		
<p>Members have complained that there is insufficient provision in the City at night to deal with anti-social behaviour (ASB) and public nuisance, primarily patron noise, from licensed premises, particularly in Carter Lane. This paper outlines actions to improve the service, using Carter Lane as a template for other areas and suggests the Licensing Steering Group set up by The Town Clerk as the appropriate body to oversee these improvements.</p>		

Main Report

Background

1. With the change in the Licensing legislation, the City has faced a series of challenges in its role as a licensing, local and police authority. Finding a balanced approach to the night-time economy is an example of the type of issue that the City has had to address and continues to work on.
2. Over this period, Members have raised concerns over a range of licensing issues affecting all Departments involved in delivering our Licensing Service, including the Police. The most recent of these concerns our out-of-hours Environmental Health Service. Following recent reviews heard by Licensing Sub Committees of two separate premises in Carter Lane in the City Members have complained that there is insufficient provision in the City at night to deal with anti-social behaviour (ASB) and public nuisance, primarily patron noise, from licensed premises, particularly in Carter Lane.
3. The aim of this report is to introduce the Licensing Steering Group set up by The Town Clerk to respond to the concerns of Members and outline the actions that the Group is proposing in relation to those concerns with particular respect to public nuisance, primarily from patron noise associated with licensed premises.

Current Position

4. So far these matters have been addressed as and when they emerge, but in response to this matter The Town Clerk has set up a Licensing Steering Group on a standing basis. The group will be led by the Comptroller & City Solicitor and supported by the Director of Markets and Consumer Protection, an Assistant Town Clerk, and a Police Superintendent and other relevant City Corporation Officers. It will look across the board and help to coordinate our work, including that in undertaken conjunction with the City Police. It is intended to demonstrate to Members that we are actively working to improve the position. The Comptroller & City Solicitor's contacts and experience in the field gained at

Hammersmith & Fulham and Kensington & Chelsea will be of great assistance in bringing a fresh perspective.

5. The group's terms of reference are as follows:
 - To keep under review and identify improvements in all areas of the City Corporation's licensing activities to ensure an efficient and effective service is delivered to the public, license applicants and holders, and elected Members;
 - To report on the work of the Group to the Town Clerk and Chief Executive on a quarterly basis.
6. City Police have confirmed that they will respond to any ASB complaints in Carter Lane and will be immediately focussing on Carter Lane to prevent public order /ASB problems including Thursday, Friday and Saturday nights. Environmental Health (EH) will arrange for EH Officers to deal with known problem areas, including Carter Lane, on Friday and Saturday nights by doing proactive inspections, taking action with premises managers and gathering evidence for further formal action.
7. Noise is included in the definition of ASB. For ASB, the City Police act as the first point of contact and will respond rapidly when contacted on 020 7601 2222. The EH response for noise related problems is provided via the Guildhall number 020 7606 3030 and consists of first response by a Department of Built Environment Street Enforcement Officer (SEO) who will take initial, informal, enforcement action and carry out surveillance where necessary or requested.
8. A series of further measures in the short, medium and longer term have been identified, some starting immediately but all being initiated by January 2013 and are outlined in Appendix 1.

Proposals

9. All of the steps agreed by the Licensing Steering Group will be undertaken and their effectiveness will be monitored by the same Group.

Corporate & Strategic Implications

10. This initiative fits within one of the three strategic aims for the City Corporation in the Corporate Plan 2012 -2016 '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'. Similarly it meets the Markets and Consumer Protection Department Business Plan 2012 - 2015 strategic aim to 'to advise, educate, influence, regulate and protect all communities for which the Department has responsibility in the fields of Environmental Health, Port Health, Trading Standards, Licensing and Animal Health'. It also fits within one of the five themes of the City Together Strategy 2008-2014 which 'protects, promotes and enhances our environment'.

Implications

11. There may be the need for further consideration but at present all actions are expected to fall within the current local risk budgets of Departments. The

actions identified by the Licensing Steering Group have all been subject to the views of the Comptroller & City Solicitor.

Conclusion

12. The Licensing Steering Group should act as the overseeing body for the service improvements in providing a coherent, balanced approach to the City's night time economy starting with the actions noted in paragraphs 5 and 6 and outlined in Appendix 1 of this report.

Background Papers:

None

Appendices

Appendix 1 – Outline of Actions proposed by Licensing Steering Group

Contact:

steve.blake@cityoflondon.gov.uk | 1604:

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ACTION	START DATE
<p><u>Short Term</u> includes:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> EH to accompany City Police and Fire Brigade on joint night time visits <input type="checkbox"/> Supplementary EHO's in City on proactive visits on Friday/Saturday nights and over the Olympic period <input type="checkbox"/> EH will draft protocols including trigger levels for initiating Licensing Reviews <input type="checkbox"/> City Police and EH will meet fortnightly to review top level premises and areas for action/monitoring <input type="checkbox"/> Information on the contact numbers for City Police and EH to be publicised, initially through Ward newsletters 	July 2012
<p><u>Medium Term</u> includes:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Code of Practice will be developed to include expectations on dealing with patron noise <input type="checkbox"/> The late night levy will be considered as a source of revenue for additional policing resource <input type="checkbox"/> Early Morning Restriction Orders will be considered for areas where the need for them is demonstrated <input type="checkbox"/> EH will trial contracting additional EHO's through shared services or directly for out of hours calls <input type="checkbox"/> EH will publicise the availability of the improved service provision <input type="checkbox"/> The Licensing Steering Group will review the impact of measures taken 	October 2012
<p><u>Long Term</u> includes:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enforcement on Public Nuisance to be part of review of City's Statement of Licensing Policy and reflect the City's proposed Code of Practice for Licensing <input type="checkbox"/> Information on the level of service to be expected will be published <input type="checkbox"/> EH will consider longer term additional EHO provision Out of Hours dependent on trial review and budgetary constraints 	January 2013

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Agenda Item 16

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of the Local Government Act 1972.

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Agenda Item 17

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Agenda Item 18

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