

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	20 May 2019
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	Public
Report of: Interim Director of Consumer Protection and Market Operations	For Information
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Summary

The Department of Markets & Consumer Protection contributes to the work of the Safer City Partnership (SCP) through its Public Protection Service which comprises Environmental Health, Licensing and Trading Standards. Work relating to the SCP is on-going in relation to the following priorities:

- **Acquisitive Crime**
 - Investment Fraud – the Trading Standards continues to collaborate with the City of London Police over Operation Broadway, now extended across London via Operation Offspring.
- **Anti-Social Behaviour**
 - Illegal street trading – Additional resources have been put into a campaign to eliminate ice cream vans and nut sellers from the Square Mile.
 - Noise complaints service – a 24/7 service is provided, and response times are good.
- **Night Time Economy Crime and Nuisance**
 - Late Night Levy – this has generated approximately £460K for the third full year of the operation of the levy.
 - Safety Thirst – a complete review has been undertaken and some changes have been made to the scheme which is currently underway for this year.
 - Licensing controls and enforcement – enforcement activities and use of the Late-Night Levy have kept the number of licence reviews and suspension notices at a relatively low level.

This report details enforcement activity and progress in the above areas.

The Service contributed to the One Safe City programme and will be involved in the Secure City Programme. It is also represented on other relevant Boards and Groups.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. The Consumer Protection part of the Department of Markets and Consumer Protection comprises three services:
 - Animal Health
 - Port Health
 - Public Protection
2. The latter includes Environmental Health, Licensing and Trading Standards, all of which contribute to the work of the Safer City Partnership, specifically the 2017-20 SCP Strategic Plan priorities and objectives of:
 - Acquisitive Crime – We will work to protect our businesses, workers, residents and visitors from theft and fraud with an emphasis on cyber-crime.
 - Anti-Social Behaviour – Respond effectively to behaviour that makes the City a less pleasant place.
 - Night Time Economy Crime and Nuisance – To ensure the City remains a safe place to socialise.
3. Whilst there are routine proactive and reactive responses to community needs, there is also a range of projects underway, details of which are provided below.

Current Position

Economic Crime

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

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

5. COLTSS continues to support and actively participate in Operation Broadway, a joint project with the City of London Police, National Trading Standards 'Regional Investigation Team', the Financial Conduct Authority, the Insolvency Service and HM Revenue and Customs.
 - a) Operation Broadway meetings take place every two weeks with partners coming together to share intelligence about possible fraudulent activity taking place within the City of London and surrounding Boroughs. Deployments then take place the following week to inspect premises and find out exactly what is going on. This leads to the gathering of intelligence and the opportunity is taken to investigate and disrupt the activities of businesses that may be involved in fraud. These visits are led by a Trading Standards Officer due to the excellent powers of entry afforded to us under the legislation that we enforce. The success of Operation Broadway has been recognised by inclusion in the Chartered

Trading Standards Institute best practice guide that was launched at the national CTSI symposium in Nottingham.

<https://www.tradingstandards.uk/news-policy/the-value-of-trading-standards>

- b) Trading Standards staff continue to speak to victims of investment fraud and many of the stories that we hear are heart breaking with life changing sums of money being lost. There is, we believe, confusion among investors about the role of the Financial Conduct Authority (FCA) and those engaged in investment fraud will often misrepresent that fact that part of their business is covered by the Financial Services Compensation Scheme if things go wrong. This has been highlighted in the national media by the recent case of London Capital and Finance which involves 12,000 investors potentially losing a total of around £236 million. This case has made Operation Broadway even more relevant and the FCA will continue to feed intelligence into the system so that deployments to businesses based in the City can continue.
- c) Deployments that are undertaken continue to show a pattern of fraudulent companies claiming that they are based in the Square Mile when they are actually squatting. Officers can request that websites showing this false information are taken down through our links with the City Police which is a good way of disrupting fraudulent activity. One recent deployment to an investment business has been particularly useful. Although there was no clear evidence that it was engaged in fraud, there were concerns about its modus operandi which resulted in a lengthy meeting with the Director. We were able to run through the business model and provide clear advice on acceptable and unacceptable practices which have now been taken on board.
- d) Officers continue to attend several different meetings including the Business Centre Association (BCA) forum to engage with those involved in providing mail forwarding and serviced office facilities. The BCA share intelligence with us and are becoming more confident in spotting fraudulent businesses and closing them down before they can defraud consumers.
- e) Trading Standards remain committed to trying to find ways to prevent consumers being victims of investment fraud. We believe that the weakest part in any fraud is the point at which money is passed from the victim to the fraudster. It is at this point that there need to be controls in place and we have been pushing ideas to encourage the banks to offer a slower payments service to customers who want it. This would allow some breathing space for customers to reflect on unusual transactions that they have been talked into and to stop them before it is too late. In addition, we have responded to consultations from the Payment Systems Regulator and the Financial Conduct Authority and there is now a real appetite to look at what steps the banking sector should be taking to protect account holders from fraud. A new voluntary Code of Practice is being introduced by the Payment Systems Regulator at the end of May 2019 that requires banks to compensate customers that have fallen victim to what is called 'authorised push payment' fraud. If banks are not following best practice

then they may be held legally responsible to compensate victims.

- f) Trading Standards have been engaging more recently with the City Bridge Trust which is undertaking a project to examine best practice in tackling financial abuse.
- g) In summary, the performance of the Operation Broadway partnership can be measured by reference to the table below: -

2018/2019	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
1. Op Broadway deployments	17	17	13	14	61
2. Disruptions/interventions	2	0	1	0	3
3. Adopted for further action by other agencies	1	4	8	7	20
4. Contacts with 'enablers'	6	5	7	7	25
5. RP07 forms submitted to Companies House by serviced office providers	6	3	9	1	19
6. Website suspension requests	1	4	2	1	8
7. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	7	1	2	0	10

Trading Standards have recently been investigating complaints from vulnerable job seekers who have responded to adverts offering employment. The reality is that the jobs do not exist, and job seekers have ended up paying hundreds of pounds for training courses that are a complete waste of time. This investigation is ongoing and witness statements are being collected. The job seekers we have identified have legitimately come to the UK to seek work but are being deliberately exploited.

Anti-Social Behaviour (ASB)

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

- ***Respond effectively to behaviour that makes the City a less pleasant place***

7. The two main issues being tackled by the Public Protection Service are:

- Illegal Street Trading
- Noise complaints service

Illegal Street Trading

8. A small amount of illegal street trading activity remains in the City and fringes with Southwark and Tower Hamlets, primarily nut sellers and an ice cream trader on the north side of Tower Bridge.
9. The Section 101 agreements with London Borough of Southwark and London Borough of Tower Hamlets are now in place; these allow the City to enforce against illegal trading just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
10. All known hotspots are visited during the day and evenings seven days a week to disrupt any attempt at trading which means illegal traders are now operating on Southwark or Tower Hamlets area and the occasions where they try and operate within the City of London they are dealt with quickly. The operation has run throughout the year. Because of the foregoing and the continued on-street presence, illegal street trading has been kept to a minimum.
11. A joint City of London Police and City Corporation enforcement operation was carried out on 11th April and resulted in the seizure of three peanut receptacles. Prosecutions will follow.
12. A training protocol for the London Local Authorities Act 1990 has been prepared for Tower bridge and other staff as this is the legislation that will be used outside the City boundary.

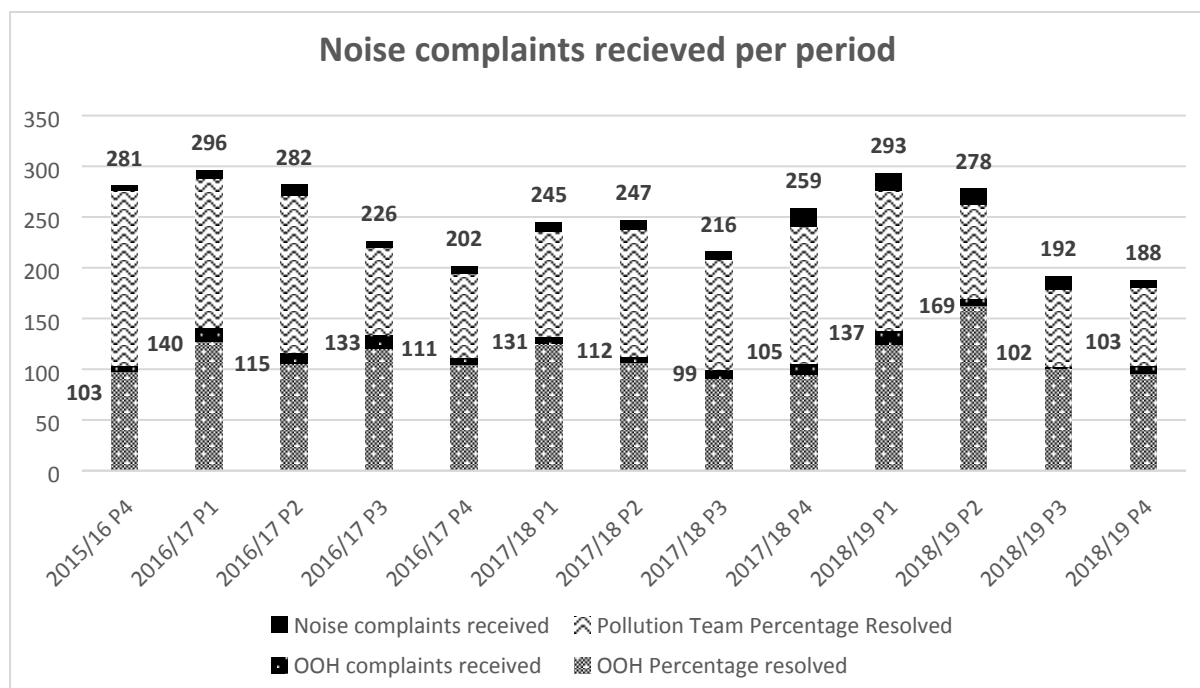
Noise Complaints Service

13. The Pollution Team dealt with 188 noise complaints between 1st January 2019 and 31st March 2019 of which 96.3% were resolved. In addition, they also assessed and commented on 232 Planning, Licensing and construction works applications and 293 applications for variations of work outside the normal working hours. Comparatively in the same period for 17/18 the Pollution Team dealt with 259 noise complaints of which 93.8% were resolved. In addition, they also assessed and commented on 336 Planning, Licensing and construction works applications and 329 applications for variations of work outside the normal working hours.
14. The Out of Hours Service dealt with 103 complaints between 1st January 2019 and 31st March 2019 and response (visit) times were within the target performance indicator of 60 minutes in 93.5% of cases, and often only 30 minutes. Comparatively, in the same period for 17/18 the Out of Hours Service dealt with 105 complaints and response (visit) times were within the target performance indicator of 60 minutes in 90.1% of cases, and often only 30 minutes.
15. The Pollution Team served 3 S.61 (Prior consent) Control of Pollution Act Notices and 4 S.61 Consents between 1st January and 31st March 2019. In the same period for 2017/18 the Pollution Team issued 7 S.61's, 1 S.61 consent and 1 S.80.

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

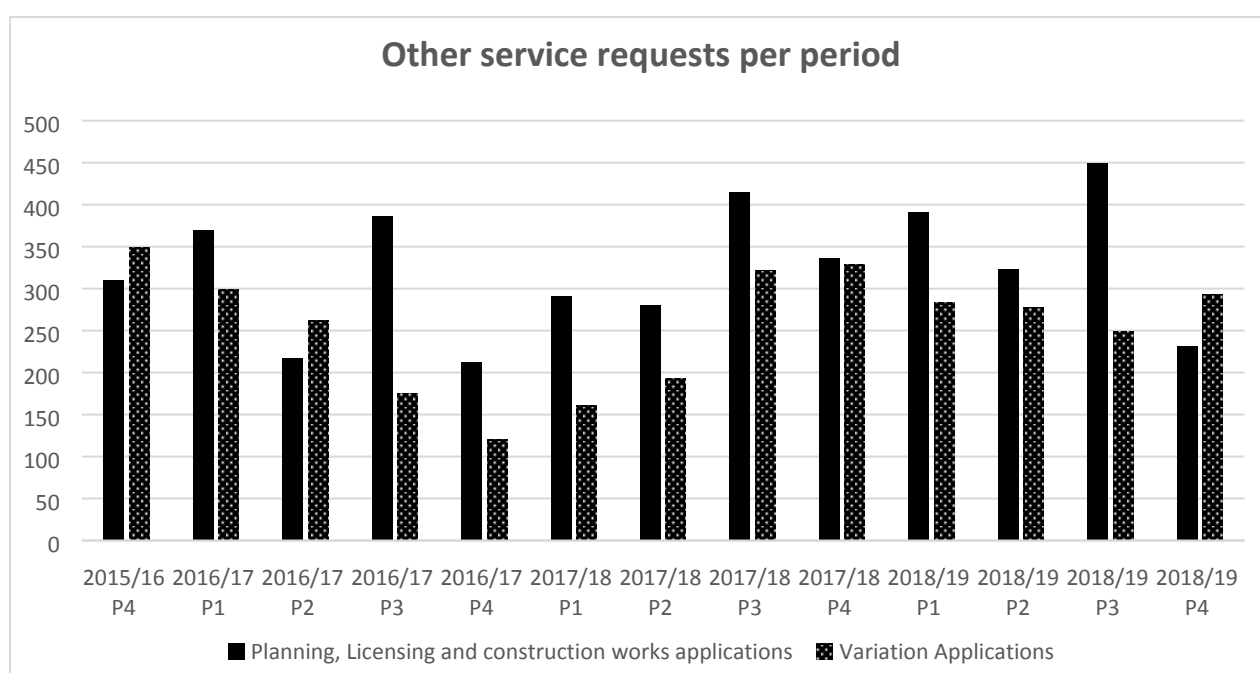
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2015/16	4	281	97.5%	103	95.06%
2016/17	1	296	97%	140	90.3%
2016/17	2	282	95.7%	115	92.3%
2016/17	3	226	96.5%	133	90.1%
2016/17	4	202	96%	111	93.9%
2017/18	1	245	95.9%	131	94.9%
2017/18	2	247	96.4%	112	95.3%
2017/18	3	216	96.3%	99	90.9%
2017/18	4	259	93.8%	105	90.1%
2018/19	1	293	92.8%	137	91.5%
2018/19	2	278	93.9%	169	96.3%
2018/19	3	192	93.8%	102	98.2%
2018/19	4	188	96.3%	103	93.5%



Noise Service Requests

Year	Period	Planning, Licensing and construction works applications	Variation Applications	S.60 Notices Issued	S.80 EPA Notices	S.61 Notices Issued	Consent
2015/16	4	310	349	4	0	2	N/A
2016/17	1	370	299	5	0	6	N/A
2016/17	2	217	262	0	1	2	N/A
2016/17	3	386	175	3	0	9	N/A
2016/17	4	213	120	0	1	4	N/A
2017/18	1	291	161	2	0	0	1
2017/18	2	281	193	4	1	5	3
2017/18	3	415	321	0	1	12	1
2017/18	4	336	329	0	1	7	1
2018/19	1	391	284	0	0	5	8
2018/19	2	323	277	0	0	4	6
2018/19	3	450	249	1	1	6	7
2018/19	4	232	293	0	0	3	4

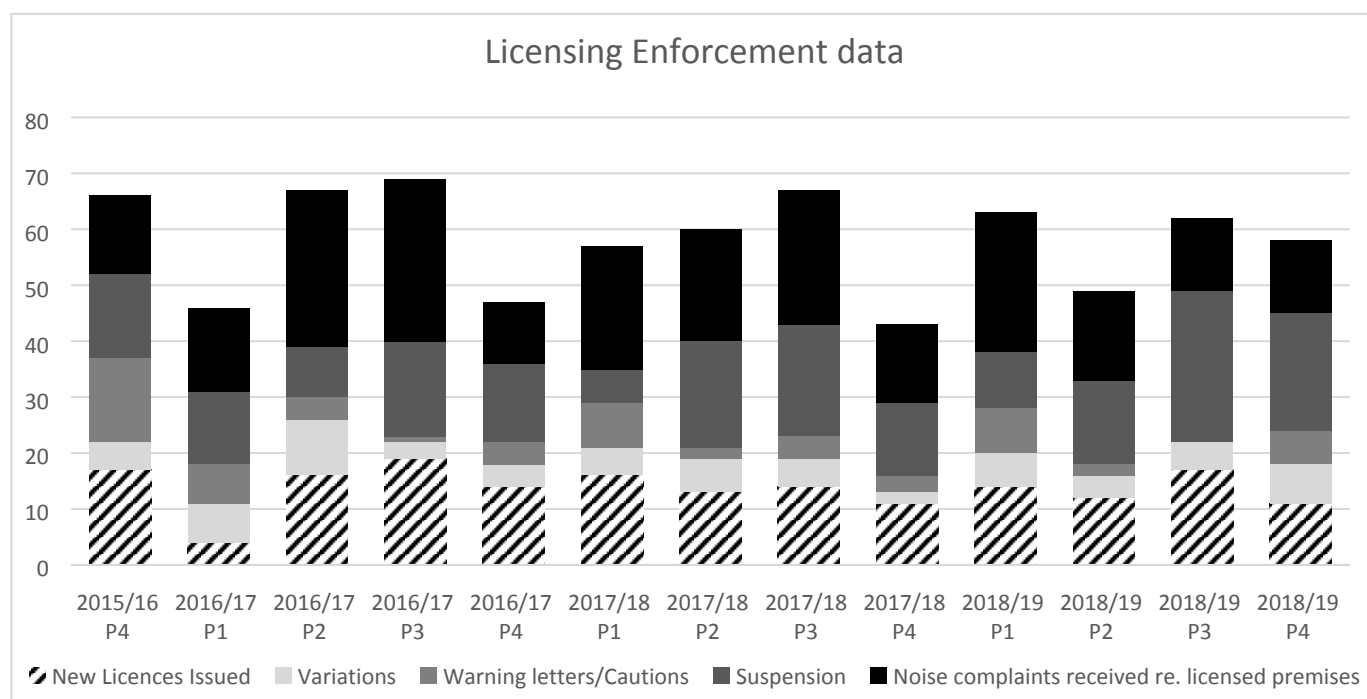


17. The implementation of the adjusted noisy construction works on Saturday mornings is now underway with compliance levels high. The Committee agreed to adjust the standard Saturday noisy working hours from 0800 to 1300 to 0900 to 1400.

Enforcement

18. The Licensing Team undertakes inspections and enforcement in relation to the Licensing Act 2003 and the table below shows the action taken regarding licensed premises over the last three years.

Year	Period	New Licences Issued	Variations	Warning letters/Cautions	Suspension Notices	Noise complaints received re. licensed premises
2015/16	4	17	5	15	15	14
2016/17	1	4	7	7	13	15
2016/17	2	16	10	4	9	28
2016/17	3	19	3	1	17	29
2016/17	4	14	4	4	14	11
2017/18	1	16	5	8	6	22
2017/18	2	13	6	2	19	20
2017/18	3	14	5	4	20	24
2017/18	4	11	2	3	13	14
2018/19	1	14	6	8	10	25
2018/19	2	12	4	2	15	16
2018/19	3	17	5	0	27	13
2018/19	4	11	7	6	21	13



19. The number of hearings and reviews remains at a low-level year on year. During the period 1 January 2019 to 31 March 2019, there have been three hearings in relation to Dabbers Social Bingo, Half Cup and Pelt Trader. There have been no requests to review a premises licence. The 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has two premises flagged as red, seven on amber and the rest are all green in a total of 927 premises.

20. Noise matters related to licensed premises remain at low levels and are reported to the Licensing Committee. The number of noise complaints specifically associated with licensed premises is set out above with the Licensing Event Data to illustrate the trend over the last three years. The number is consistent with

previous years and there is no indication of any overall increasing trend which supports the generally good findings of the 'RAG' assessments in the City, although on occasion a number of complaints are received about individual premises which receive targeted enforcement to resolve the issue.

Safety Thirst

21. The Safety Thirst scheme is highly regarded by licensees in the City of London and many are keen to participate and to improve on their level of accreditation. The scheme was reviewed prior to its 2018 launch in May to ensure that any new initiatives, especially around the night time economy, crime reduction and vulnerability have been scoped in. A total of 62 applications were received, with 57 premises being accredited at the annual awards ceremony held on 21 November 2018. The 2019 awards ceremony is being planned alongside the offer of a licensing surgery for participants and a short seminar on a relevant issue.

Late Night Levy

22. The amount of levy collected in 2017/18 was £460,000 and has provided a similar level of income for the third levy year to 2016/17 (£454,00), compared with £445,000 in 2014/15 in the first levy year, suggesting there is still no disincentive against trading because of the levy. 70% of levy, which provided £307,000 in 2016/17, goes to City of London Police for activities involving improving the impact of Licensing on the night time economy, and 30% to the City Corporation. The 2018/19 levy income to date is broadly in line with previous years; the levy year runs from October.
23. A report on the income and expenditure is provided annually to the Licensing Committee with the latest report considered at their February 6 meeting. This reported back on the effect of changes in procedure and governance to make the City Police expenditure more easily accountable and to simplify the governance of the funds within the City Police. This has now been implemented with a Late-Night Levy Board in place chaired by the Chief Superintendent with representation from the City Corporation.
24. Areas of significant expenditure on the City Police portion of the levy continue to be the night time policing of licensed activities and an additional intelligence post in the City Police Licensing Team. A potential future use is for the funding of the Police Licensing Inspector, which was agreed by the Licensing Committee at its October meeting. The levy provides ongoing support for the 'out of hours' noise service and additional cleansing activity. A levy supported project from Club Soda, that extends their scheme to encourage consumption of less alcoholic drinks and alcohol-free alternatives, continues to promote lower and non-alcoholic drinks at licensed premises in the City.

Corporate & Strategic Implications

25. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2017 - 20, and its priorities and objectives.

26. The Markets and Consumer Protection Department contributed to the One Safe City Programme, was represented on the Safer Communities Board and will be part of the arrangements for the Secure City Programme.

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

Conclusion

28. The Public Protection Service continues to support the priorities and objectives of the Safer City Partnership through routine work, but also via specific projects and contributions to plans and strategies.

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