

Committee(s)	Dated:
Safer City Partnership Strategy Group – For Information	7 July 2020
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	
Report of: Director of Markets & Consumer Protection	For Information
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Summary

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

- Acquisitive Crime
 - Investment Fraud – 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.
- 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 – The scheme for 2020 has been deferred due to the COVID19 pandemic.
 - 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 SCP, specifically the 2019- 22 SCP Strategic Plan outcomes 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

The City of London Trading Standards Service (COLTSS) primarily works in partnership with others in support of the SCP's outcome to *protect our residents, workers, businesses and visitors from theft and fraud*.

4. 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.
5. A key partner for Operation Broadway has always been the National Fraud Intelligence Bureau (NFIB) who have access to all the Action Fraud data that is very relevant to the area of investment fraud. The NFIB are hosted by, but are not part of, the City of London Police. The NFIB had withdrawn support from Operation Broadway for a year or so. However, following representations made to the City of London Police, the NFIB started to fully engage again March 2020. Key actions include:
 - a) Operation Broadway meetings continue to 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 powers of entry afforded to officers under the legislation that the service enforces. During the COVID-19 lockdown, meetings have continued to take place virtually and it has not been possible to carry out physical visits. However, enquiries continue to be made by telephone and email.

- b) Trading Standards officers 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. One recent case involved a gentleman who has lost £140,000. The voluntary Code of Practice that was introduced by the Payment Systems Regulator at the end of May 2019 continues to require banks to compensate customers that have fallen victim to what is called 'authorised push payment' fraud. Officers are now actively advising investment fraud victims who have lost money about this potential route to compensation.
- c) An emerging problem revolves around what are called 'lead generators.' Consumers who are looking to invest money into products like bonds very often carry out internet searches and are drawn to lead generator sites that offer attractive returns and "full protection". The lead generators pass on the consumer details to criminals who then carry out the hard sell. The lead generators pay money to internet search engines to appear at the top of any searches, but it is proving impossible to trace who they actually are. The lead generator websites are being taken down by Op Broadway, but they very quickly set up again. Work is underway to try and tackle these lead generators, but it is not straightforward.
- d) Trading Standards continue to maintain and build further good working relationships with mail forwarding businesses and serviced office providers in the City. It was recently discovered that some mail forwarding businesses who also act as company formation agents were being selective about the types of mail that they would forward to their clients. The consequence of this is that consumers who are trying to resolve legitimate problems by writing to the relevant business were simply having their mail returned. If a business has a registered office address, it is the view of Trading Standards that it must be possible for this mail to be successfully delivered. Funding of £6,000 was secured from National Trading Standards to seek Counsel's opinion about this practice which was received in May and every effort will be made by the City of London Trading Standards to drive changes in this sector. It is likely to be a long process, but it is an important national issue that needs to be addressed.
- e) Trading Standards has recently been involved in work being coordinated by the National Economic Crime Centre (part of the National Crime Agency). Information is being shared about Operation Broadway and the model has been used to help tackle fraud associated with COVID-19.

- f) In summary, the performance of the Operation Broadway partnership can be measured by reference to the table below: -

2019/2020	2018/19 Total	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
a. Op Broadway deployments	61	16	15	11	13	55
b. Disruptions/interventions	3	0	3	0	0	3
c. Adopted for further action by other agencies	20	4	12	6	1	23
d. Contacts with 'enablers'	25	2	2	0	3	7
e. RP07 forms submitted to Companies House by serviced office providers	19	4	1	0	2	7
f. Website suspension requests	8	7	1	1	1	10
g. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	10	1	2	1	0	4

- g) Trading Standards have 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 now complete and legal proceedings have been instituted. A three-week trial is scheduled to take place at the Central Criminal Court in August 2020.
- h) In the City, there very few retailers that sell knives. However, test purchasing using a 17-year-old was carried out during October 2019 and one of the retailers sold without asking any questions. This matter has now been investigated and legal proceedings have been instituted. The case was due to be heard at City Magistrates Court but has been delayed due to COVID-19.

Anti-Social Behaviour (ASB)

6. The Public Protection Teams support the SCP outcome of tackling and responding to anti-social behaviour
7. Two issues that relate to the work of this committee that are being tackled by the Public Protection Service are:
 - Illegal Street Trading
 - Noise complaints service

Illegal Street Trading

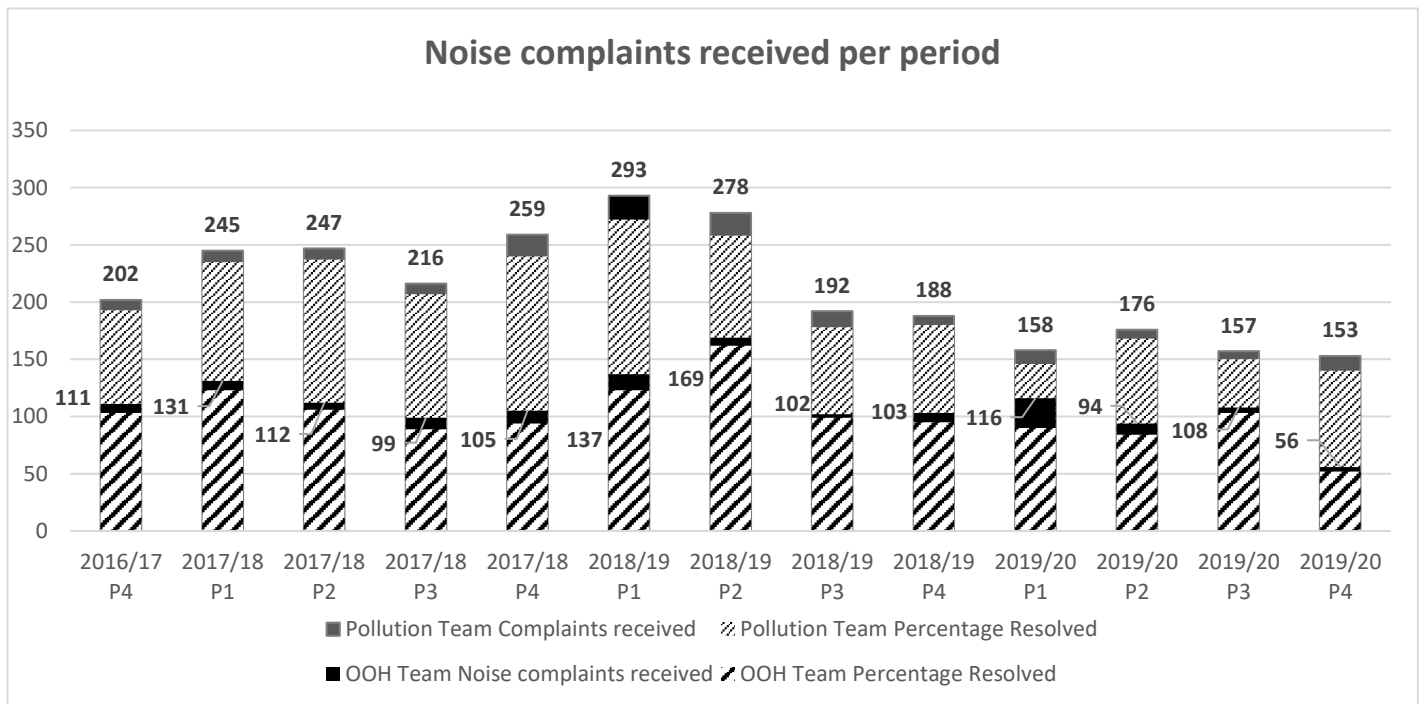
8. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets are now in place; these allow the City to enforce against illegal trading just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
9. All known hotspots are visited during the day and evenings seven days a week to disrupt any attempt at trading. Between 1st January 2020 and the 31st March 20 one peanut receptacle and 27 picture frames were seized. In addition, illegal gambling, busking and pickpocketing is disrupted on a weekly basis (mostly on Tower Bridge and London Bridge). Since the COVID-19 restrictions, which came into effect in late March 20, there has been little evidence of illegal street trading. However, this is likely to pick up again when the restrictions are eased.
10. Nine offences were brought to court resulting in fines, and costs being awarded to the City. A number of further cases are in the process of being taken to court which will be heard when courts resume a post Covid-19 level of hearings.
11. On New Year's Eve the Licensing Team took part in a central London Borough operation relating to illegal street trading led by the Metropolitan Police. Three receptacles were seized in the City of London.
12. The operation has run throughout the year. Because of the foregoing and the continued on-street presence of Licensing Officers, illegal street trading has either been eliminated within the City of London and the bridges or stopped immediately the traders set up.

Noise Complaints Service

13. The Pollution Team dealt with 153 noise complaints between 1st January 2020 and 31st March 2020 of which 91.5% were resolved. In addition, they also assessed and commented on 183 Planning and Licensing applications and 430 applications for variations of work outside the normal working hours. Comparatively in the same period for 18/19 the Pollution Team dealt with 188 noise complaints of which 96.3% were resolved.
14. The Out of Hours Service dealt with 56 complaints between 1st January 2020 and 31st March 2020 and response (visit) times were within the target performance indicator of 60 minutes in 94.6% of cases, and often only 30 minutes. Comparatively, in the same period for 18/19 the Out of Hours Service dealt with 103 complaints and response (visit) times were within the target performance indicator of 60 minutes in 93.5% of cases, and often only 30 minutes.
15. The Pollution Team served one S.80 and four S.60's between 1st January and 31st March 2020. In the same period for 2018/19 the Pollution Team issued three S.61 (Prior consent) Control of Pollution Act Notices and six Section 61 consents.
16. The trends for total noise related complaints are set out in the tables below for information.

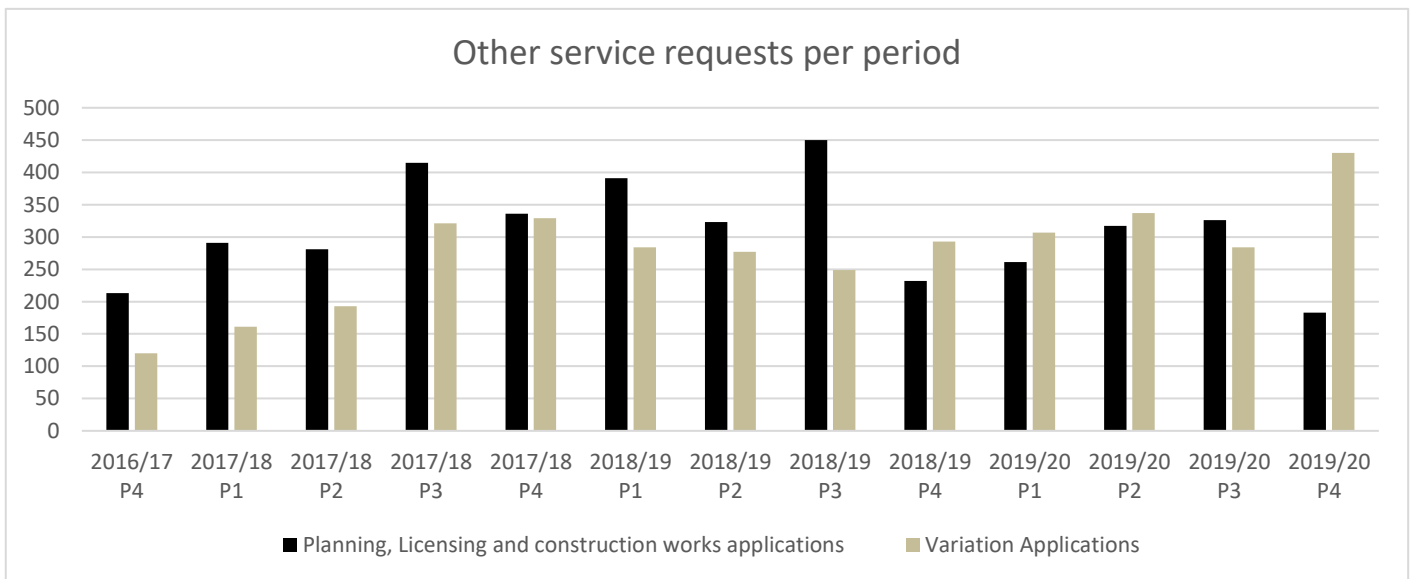
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
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%
2019/20	1	158	93%	116	90.9%
2019/20	2	176	96%	94	90.3%
2019/20	3	157	96.2%	108	96.5%
2019/20	4	153	91.5%	56	94.6%



Noise Service Requests

Year	Period	Planning & Licensing applications	Construction works variation Applications	S.60 Notices Issued	S.80 EPA Notices	S.61 Notices Issued	Consent
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
2019/20	1	261	307	0	1	2	3
2019/20	2	317	337	0	2	1	1
2019/20	3	326	284	0	2	3	3
2019/20	4	183	430	4	1	0	0

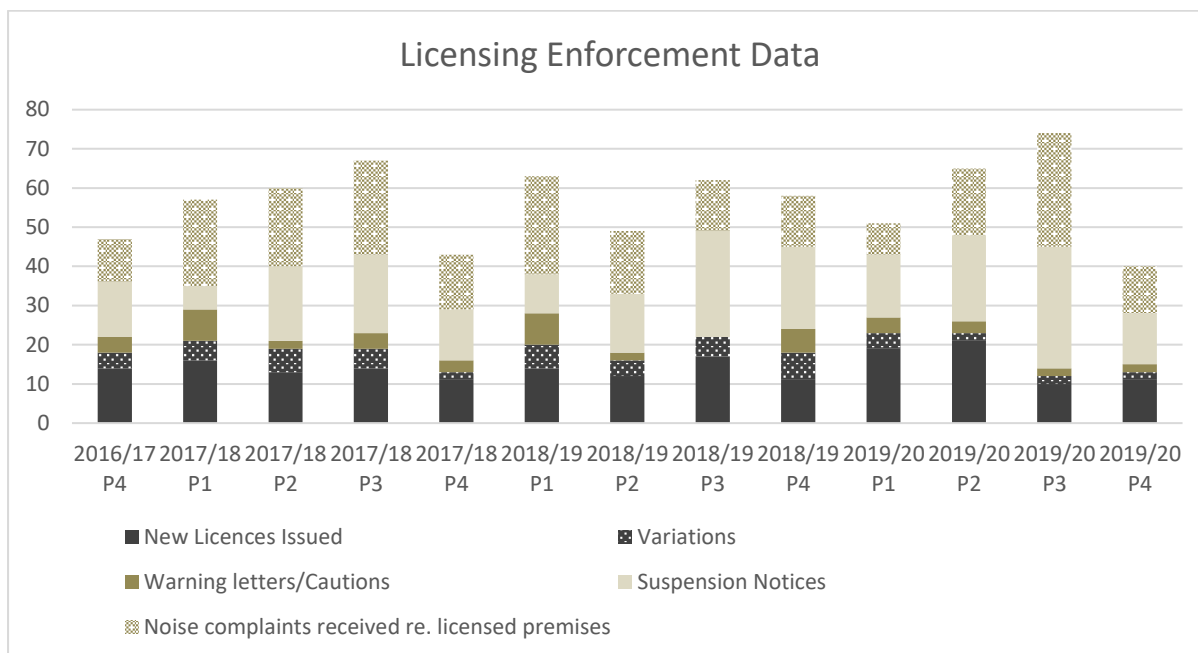


17. One section 80 Environmental Protection Act 1990 notice was served. This related to noisy refrigeration plant within a commercial premise impacting on residential above. Works have now been undertaken including the renewal of the compressor unit to improve noise and vibration. We have contacted the complainant again and await their reply. We will visit when it becomes appropriate to do so.
18. The 4 Section 60 Control of Pollution Act notices relate to 2 sites that have failed to comply with the City of London policy on the control of deconstruction and construction on building sites. These notices provide a legal remedy in the event of further failure to adequately manage the construction sites.
19. A large number of variations were received this quarter. These requests are for amendments to the existing working controls on any of the construction sites. Normally these will relate to changes in permitted works out of normal hours to allow for specific operations that will normally be constrained by engineering or health and safety needs, these will include for example large concrete pours and delivery or collection of large construction plant or loads that are restricted by the police.

Enforcement

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

Year	Period	New Licences Issued	Variations	Warning letters/Cautions	Suspension Notices	Noise complaints received re. licensed premises
<u>2016/17</u>	4	14	4	4	14	11
<u>2017/18</u>	1	16	5	8	6	22
<u>2017/18</u>	2	13	6	2	19	20
<u>2017/18</u>	3	14	5	4	20	24
<u>2017/18</u>	4	11	2	3	13	14
<u>2018/19</u>	1	14	6	8	10	25
<u>2018/19</u>	2	12	4	2	15	16
<u>2018/19</u>	3	17	5	0	27	13
<u>2018/19</u>	4	11	7	6	21	13
<u>2019/20</u>	1	19	4	4	16	8
<u>2019/20</u>	2	21	2	3	22	17
<u>2019/20</u>	3	10	2	2	31	29
<u>2019/20</u>	4	11	2	2	13	12



21. The number of hearings and reviews remains at a low-level year on year. During the period 1st January and 31st March 2020, there have been two hearings, the Butchers Hall and City of London Distillery. A further hearing for the George and Vulture has been postponed due to Covid-19 and will be heard on 16 June. This will be held remotely in accordance with the revised Coronavirus regulations for public meetings. There have been no requests to review a premises licence.

22. The 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team has been frozen as of 31 March 2020 due to COVID-19 with no licensable activity permitted since 23 March 2020. At 31 March, four premises were flagged as red, eleven as amber and the rest all green in a total of 931 premises. Once premises reopen a decision will be taken by Licensing Liaison Partnership on whether to continue the scheme from the point it was frozen, to continue it on the usual rolling 6-month period or to start all premises from zero.

23. 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.

24. This 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

25. 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. All premises accredited in 2019 have been offered additional training and short seminars on relevant issues. The 2020 scheme has been deferred due to the COVID-19 pandemic. The Government has yet to announce details of how or when the hospitality sector may reopen and when they do, they are likely to be operating

very differently to before lockdown. Given the financial challenges already experienced by the sector, the timeline for reopening and the likely burden to be placed on the industry in complying with new safety regulations, it is unlikely that we will run the scheme this year. In addition, it will not be feasible to carry out the assessments as most staff will continue to work from home for the foreseeable future. As the scheme is the City's best practice scheme linked to the late night levy discount, it is proposed to extend the accreditation period from 12 months to 24 months for those premises accredited in 2019.

26. In 2019 there were 72 premises awarded in the categories of pass, commended and Highly commended.

The three overall winners were:

- The Gable Bar & Restaurant, winning it for the second year running.
- The Steelyard Nightclub
- Mrs Foggs Bar

Late Night Levy

27. The amount of levy collected in 2018/19 was £463,000 and has provided a similar level of income to 2017/18 (£460,000), and 2016/17 (£454,000) suggesting there is still no disincentive against trading because of the levy. 70% of the levy, approximately £325,000 goes to the City of London Police for activities involving improving the impact of licensed activities on the night-time economy. The remaining 30% of the levy goes to the City Corporation. The 2019/20 levy income to date is broadly in line with previous years.

28. A report on the income and expenditure is provided annually to the Licensing Committee with the latest report considered at their 21st May 2020 meeting.

29. Areas of significant expenditure on the City Police portion of the levy continue to be the night time policing of licensed activities, an additional intelligence post in the City Police Licensing Team and the Police Licensing Inspector, which was agreed by the Licensing Committee at its October 2018 meeting. The levy provides ongoing support for the 'out of hours' noise service and additional cleansing activity. A further proactive noise and cleansing weekend service will commence in 2020 when premises are permitted to re-open. 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

30. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2019 - 22, and its priorities and objectives.

31. 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.

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

Conclusion

33. 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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