

Committee(s)	Dated:
Safer City Partnership Strategy Group	25 February 2021
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	Public
Report of: Director of Markets & Consumer Protection	For Information
Report author: Gavin Stedman, Port Health & Public Protection Director	

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**
 - The COVID-19 pandemic and lockdown resulted in all licensed premises being closed and only approximately 10% re-opening once the lockdown has been eased.
 - Late Night Levy – this has generated approximately £460k for the fifth full year of the operation of the levy between October 2018 and September 2019.
 - Safety Thirst – The scheme for 2020 has been deferred due to the COVID19 pandemic.
 - Licensing controls and enforcement – enforcement activities and the 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(s)

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 Fraud Intelligence Bureau, National Trading Standards 'Regional Investigation Team', the Financial Conduct Authority, the Insolvency Service and HM Revenue and Customs. Operation Broadway aims to disrupt the activity of criminals engaged in investment fraud.
5. Key actions include:
 - a) Operation Broadway meetings continue to take place every two weeks, with partners sharing intelligence about possible fraudulent activity taking place within the City of London and surrounding Boroughs. Deployments then normally 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 although it has not been possible to carry out physical visits, 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. 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 with growing success.
- c) An emerging problem revolves around what are called 'lead generators.' Consumers who are looking to invest money into financial investment 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 very difficult to trace who they are. The lead generator websites are being taken down by the FCA and Op Broadway, but they very quickly set up again. Trading Standards are developing a project plan around this problem and have been given £25,000 through the Community Safety Partnership to look more deeply into it. This project has been on hold due to COVID-19 restrictions and staffing difficulties but is now being picked up again. The next stage is to make an application under the Regulation of Investigatory Powers Act, and this is now underway.
- 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 anticipated that we will be engaging with the mail forwarding sector right across the UK during March/April 2021. It is a massive task to ensure that our advice message is balanced but assertive and we have been consulting with many other agencies to make sure we get it right.

- 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. This has led on to the City of London Trading Standards being involved with a working group convened by the National Crime Agency that is looking at the specific issue of the cloning of well-known investment companies such as Legal & General, Aviva and JP Morgan.
- f) 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 was scheduled to take place at the Central Criminal Court in August 2020 but this has now been delayed until July 2021 due to pressures on the Court service caused by COVID-19. Trading Standards are also tackling an Irish based company who offer training courses in a wide range of subjects. The company appear to be operating a subscription trap and there have been hundreds of complaints. We are engaging with this company and attempting to work with them to reduce complaint levels and get them to change their practices. This is a real challenge with a business based outside of our jurisdiction, but we are working collaboratively with other agencies.
- g) In the City, there are 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 that case too has been delayed due to COVID-19.

2020/2021	2019/20 Total	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
a. Op Broadway deployments/ disruptions/ interventions	58	5	12	10		27
b. Adopted for further action by other agencies	23	2	5	4		11

c. Contacts with 'enablers'	7	0	0	1		1
d. RP07 forms submitted to Companies House by serviced office providers	7	0	2	2		4
e. Website suspension requests	10	6	7	3		16
f. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	4	0	1	3		4
g. Number of C19 complaints & Interventions	N/A	0	0	3		3

- h) With the onset of COVID-19 that led to lockdown in March 2020 and again in November 2020, new legislation was introduced by Government to close businesses. This legislation placed a responsibility on Local Authorities to enforce and the necessary authorisations were provided to Trading Standards Officers and Environmental Health Officers. The impact of lockdown means that commuters no longer come into the City and most business premises closed due to there being no customers. A relatively small number of businesses continue to be advised about the closure regulations and there have been no breaches detected requiring prohibition notices to be issued or prosecutions to be commenced. The situation in the City is very different from the rest of London. Colleagues in many other Boroughs have a very different experience with businesses seeking to remain open illegally.
- i) Another consequence of COVID-19 is a rise in the popularity of take away food delivery companies. The City of London is the corporate home to two of the big UK players in this sector and Trading Standards are pulling together a project to address rising complaint levels.

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
8. The COVID-19 pandemic resulting in the lockdown of hospitality and workplaces in the City changed the nature of the antisocial behaviour issues the City was facing. Licensed premises ceased to be a source of complaint, but construction noise complaints increased as did complaints about social distancing. The teams have worked hard to implement and educate as new guidance and Acts such as

the Business and Planning Act 2020 have been released to support the easing of lockdown such as the granting of pavement licences and the extension of construction working hours.

Illegal Street Trading

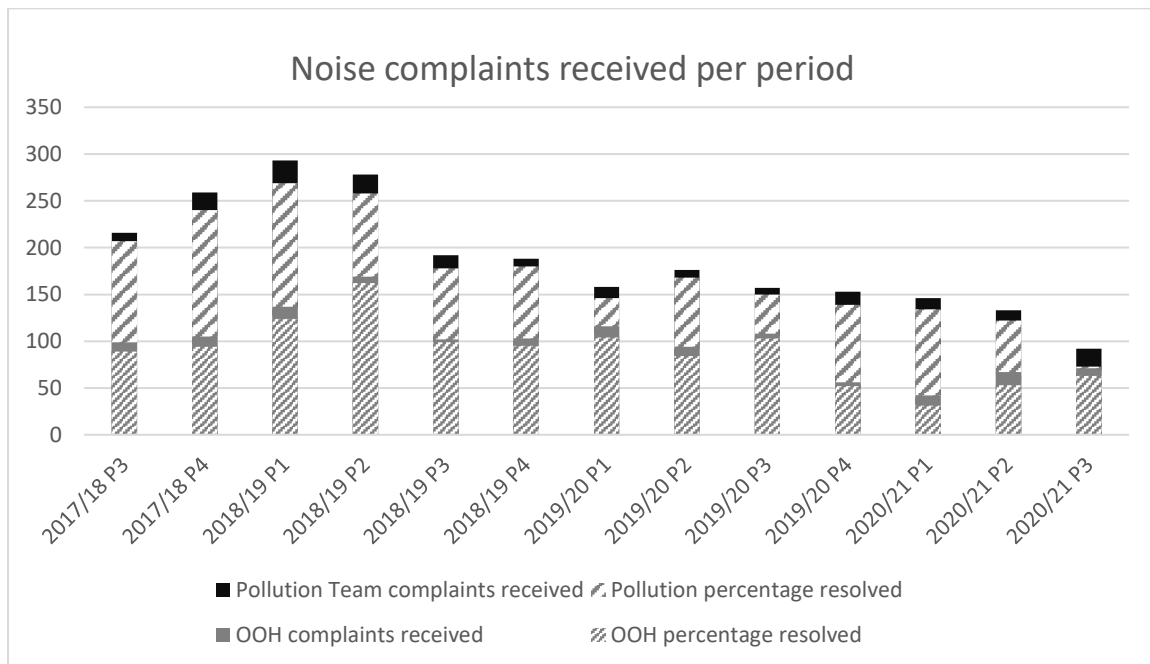
9. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets are now in place; these allow the City to enforce against illegal street trading just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
10. All known hotspots continued to be visited during lockdown and intelligence shared with partner agencies. Although illegal street trading began to return during August 2020 when the COVID-19 restrictions were eased, albeit at a much reduced level of activity, there has been little evidence of illegal activity since the start of the tiered restrictions and during the second lockdown.
11. A number of cases are in the process of being taken to court which will be heard when courts resume a pre-Covid-19 level of hearings. This is now likely to be in 2021.
12. The operation has run throughout the year and 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 94 noise complaints between 1st October 2020 and 31st December 2020 of which 93.6% were resolved. In addition, they also assessed and commented on 134 Planning and Licensing applications and 222 applications for variations of work outside the normal working hours. Comparatively in the same period for 19/20 the Pollution Team dealt with 157 noise complaints of which 96.2% were resolved.
14. The Out of Hours Service dealt with 71 complaints between 1st October 2020 and 31st December 2020 and response (visit) times were within the target performance indicator of 60 minutes in 90% of cases. Comparatively, in the same period for 19/20 the Out of Hours Service dealt with 108 complaints and response (visit) times were within the target performance indicator of 60 minutes in 96.5% of cases, and often only 30 minutes.
15. The Pollution Team served one Section 61 notice between 1st October and 31st December 2020. In the same period for 2019/20 the Pollution Team issued two S.80 Environmental Protection Act 1990 notices, three S.61 (Prior consent) Control of Pollution Act Notices and three 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)
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%
2020/21	1	146	92.5%	42	76.1%
2020/21	2	133	92.5%	67	80.7%
2020/21	3	92	93.6%	71	90%



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
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
2020/21	1	75	168	0	0	2	2
2020/21	2	96	217	2	0	0	0
2020/21	3	134	222	0	0	1	0



17. The Team continue to supply advice to construction sites in relation to the COVID-19 pandemic. Social distancing measures on site have reduced the amount of work that can be achieved and have changed working methods. Local authorities have been advised by Government to be sympathetic to applications by developers for increasing working hours and a formal process through the planning system has now been implemented through the Business and Planning Act 2020. No applications have been made through this process to date however

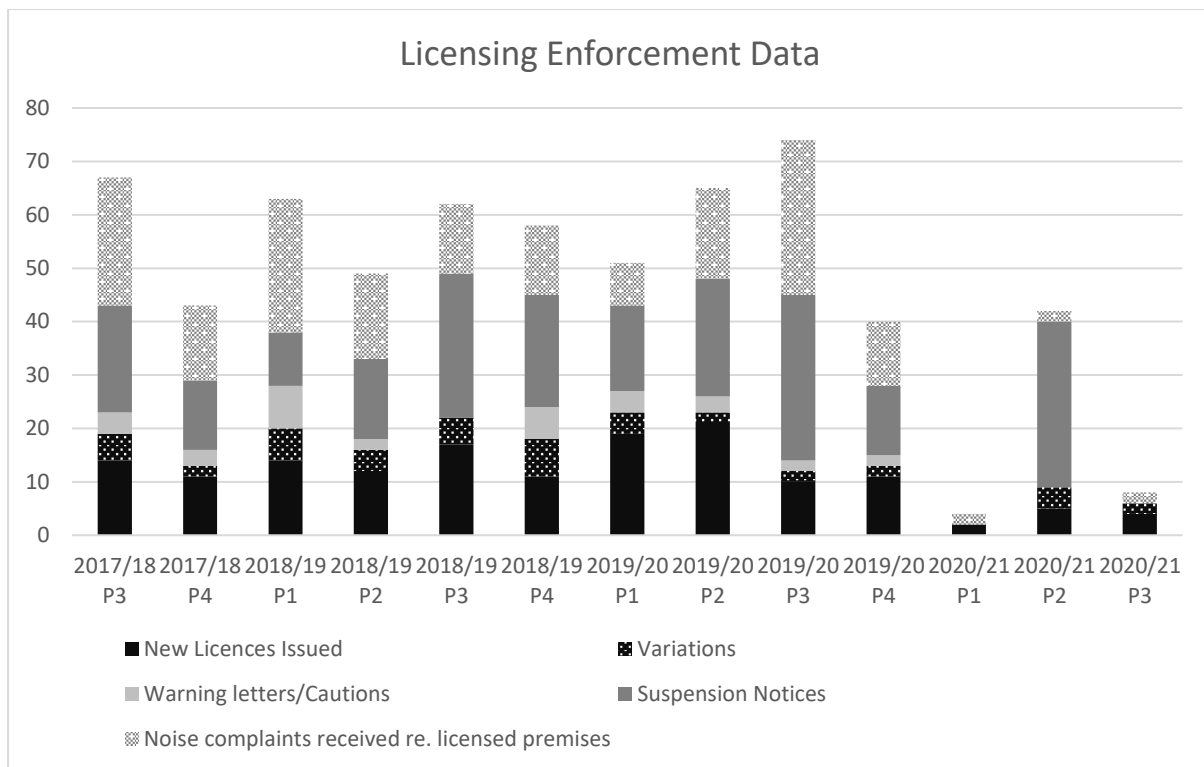
officers remain flexible to allow sites to maintain progress where the impact is not detrimental to adjoining premises.

18. The Planning and Licensing figures now also include Tables and Chairs and Pavement Licence applications. The team comment on the noise and COVID-19 aspects of the applications where appropriate.
19. Busking during the period has not been an issue from within the City, however complaints continue regarding busking close to the Tate Gallery in Southwark impacting on some of the riverside residential premises in the City. Officers continue to press Southwark Council to improve the controls on the buskers operating in that area.
20. The Pollution Team continue to predominately work from home. Although a presence in the City is maintained through the Street Environment Officers and pollution team officers. Officers are also available to attend at short notice from home if required. Visits within premises are not generally undertaken but can be if essential, subject to the necessary risk assessments.

Enforcement

21. 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>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
<u>2020/21</u>	1	2	0	0	0	2
<u>2020/21</u>	2	5	4	0	31	2
<u>2020/21</u>	3	7	1	0	180	0



22. The number of hearings and reviews remains at a low-level year on year. During the period 1st October and 31st December 2020, there have been no hearings.

23. 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. On 30th June, one premises was flagged as red, three as amber and the rest all green in a total of 931 premises. Once premises reopened a Licensing committee decision was taken, that was supported by the Licensing Liaison Partnership, to continue the scheme from the point it was frozen based on the usual rolling 6-month period. There is insufficient data from the premises that have been open since 23 March 2020 to alter the above figures significantly. A more meaningful update is more likely at the end June 2021 assuming Government restrictions have been lifted or eased.

24. Noise matters related to licensed premises remain low 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 last quarter since the COVID-19 restrictions have been in place.

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. 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, the scheme will not be run in the same way this year. As the scheme is the City's best practice scheme linked to the late-night levy discount, accreditation period will be extended 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 previous years 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.

28. However, during 2019/20 collection of the levy has been different due to the COVID-19 restrictions. All licensed premises have been closed for long periods during the 2019/20 levy year which runs from 1st October 2019 until the 30th September 2020. In order to assist businesses during this difficult period the Licensing Team agreed not to immediately suspend a premises licence solely on the basis that the late night levy was not paid, notwithstanding their premises licence fee was up to date. Current legislative requirements dictate that the levy will have to be paid at some time and that suspension would be mandatory for non-payment of the levy.

29. Representations have been made to the Home Office seeking a change in legislation to allow the levy to be removed during the period(s) when premises are not permitted to open. The outcome of these representations is not yet known.

30. A report on the income and expenditure is provided annually to the Licensing Committee with the latest report considered at their 3rd February 2021 meeting.

Corporate & Strategic Implications

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

32. 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.

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

Conclusion

34. 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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