

Strategy Boards & Committee(s):	Date(s):
Safer City Partnership Strategy Board	27 September 2021
Subject: Public Protection Service (Environmental Health, Licensing and Trading Standards) update	Public
Report of: Executive Director Environment Author: Gavin Stedman, Port Health & Public Protection Director	For Information

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
 - a. 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
 - a. Illegal street trading – Additional resources have been put into a campaign to eliminate ice cream vans and nut sellers from the Square Mile.
 - b. Noise complaints service – a 24/7 service is provided.
- Night Time Economy Crime and Nuisance
 - a. The COVID-19 pandemic and various restrictions resulted in several lockdowns and easing which affected all licensed premises. It is hoped that as we start to recover that more licensed businesses will open.
 - b. Safety Thirst – The scheme for 2020 has been deferred due to the COVID-19 pandemic.
 - c. 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 also 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 Environment Department comprises of 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 various COVID-19 restrictions and easings, meetings have continued to take place virtually and although it has not always been possible to carry out physical visits, enquiries continue to be made by telephone and email. Now that lockdown is easing, more personal visits are starting to be made.

- 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. A previous success involved a victim securing a refund of £100,000 and another case that is currently ongoing will hopefully lead to the recovery of £50,000 for another victim.
- 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 Financial Conduct Authority and Op Broadway, but they very quickly set up again. Trading Standards tried to develop an ambitious project plan to tackle this issue, but it is currently on hold due to other work pressures.
- 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 and the City of London has now published its well-considered advice following consultation with law enforcement colleagues.
<http://www.londontradingstandards.org.uk/news/signed-sealed-and-undelivered/>
Trading Standards are now working with Companies House and Civil Servants at BEIS to ensure that the wording on the gov.uk website is

amended to reflect our advice. This is proving to be a challenge but enquiries continue.

- e) Trading Standards continue to be 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 COLTSS 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.
- g) 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 has been a real challenge with a business based outside of our jurisdiction, but our robust approach has worked, and complaint numbers are now insignificant.
- h) The onset of COVID-19 led to a number of lockdowns and 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 the lockdowns meant that commuters no longer come into the City in the same numbers and most business premises closed due to there being no customers. However, a relatively small number of businesses were advised about the closure regulations and there were no breaches detected requiring prohibition notices to be issued or prosecutions to be commenced. The situation in the City was very different from the rest of London. Colleagues in many other Boroughs have had a very different experience with businesses seeking to remain open illegally during the lockdowns.
- i) Another consequence of COVID-19 was a rise in the popularity of take away food delivery companies, more commonly referred to as food aggregators. The City of London is the corporate home to two of the big UK players in this sector and Trading Standards have pulled together a project to address rising complaint levels. A draft code of good practice has been written and the aggregators are now being consulted to see if they will adopt it. Funding of £7,000 has been secured from National Trading Standards to evaluate the contractual responsibilities of the

aggregators and meetings with the Food Standards Agency have been taking place.

2021/2022	2020/21 Total	Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
a. Op Broadway deployments/ disruptions/ interventions	42	14	0	0	0	14
b. Adopted for further action by other agencies	14	2	0	0	0	2
c. Contacts with 'enablers'	4	2	0	0	0	2
d. RP07 forms submitted to Companies House by serviced office providers	5	4	0	0	0	4
e. Website suspension requests	101	17	0	0	0	17
f. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	6	0	0	0	0	0
g. Number of C19 complaints & Interventions	3	0	0	0	0	0

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 resulted in the lockdown of hospitality and workplaces in the City, which 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. As we move towards recovery it is hoped that more businesses and workplaces will open, and in turn this will again change the nature of antisocial behaviour issues. The Service will continue to resource and respond to issues appropriately, which includes the 'out of hours' noise response service that is available 24/7 throughout the year.

Illegal Street Trading

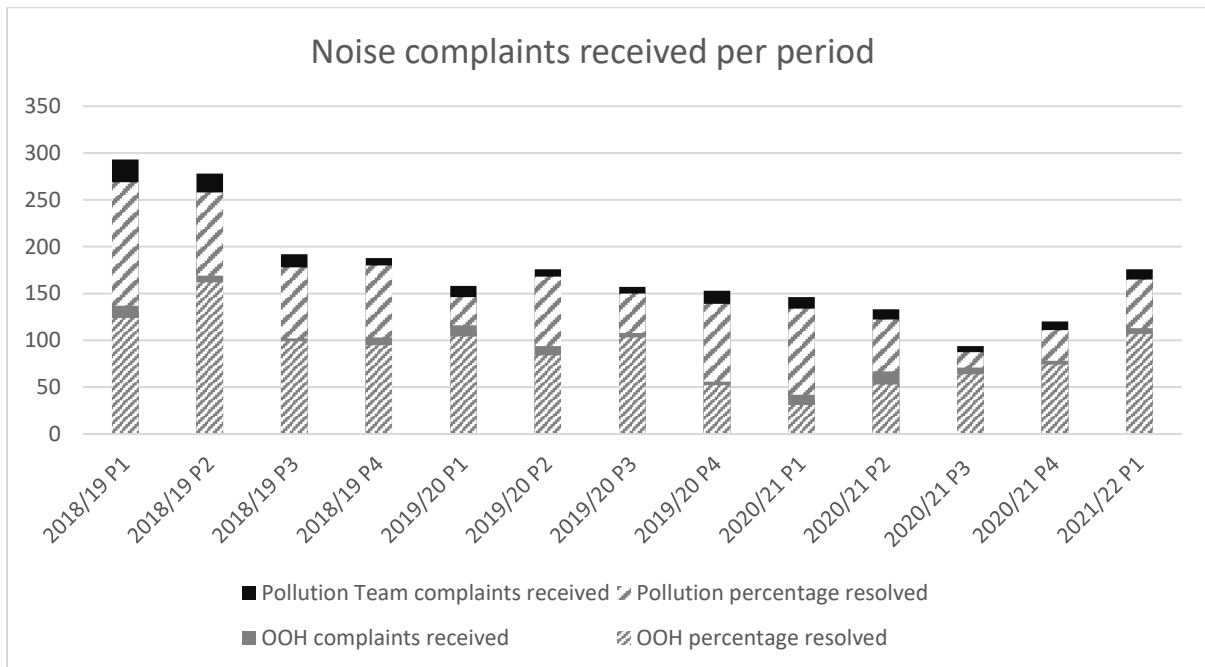
9. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets are now in place; these allow the City to enforce against illegal street trading just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
10. All known hotspots continued to be visited during this period following the lifting of many COVID-19 restrictions. Although illegal street trading is not yet at the levels experienced pre COVID, it is beginning to return with trading levels on the increase.
11. One case of illegal street trading has been heard with the defendant being found guilty. They were fined £100 plus £400 costs and £32 Victim Surcharge. 2 cases have been withdrawn due to false information being given to the Police. Four additional cases are due to be heard on the 29 September 2021.
12. One individual was given a warning on Tower Bridge for taking unsolicited photographs of members of the public and then trying to sell them a copy.

Noise Complaints Service

13. The Pollution Team dealt with 176 noise complaints between 1st April 2021 and 30th July 2021 of which 94.3% were resolved. In addition, they also assessed and commented on 230 Planning and Licensing applications and 269 applications for variations of work outside the normal working hours. Comparatively in the same period for 20/21 the Pollution Team dealt with 146 noise complaints of which 92.5% were resolved, 75 Planning and Licensing applications and 168 applications for variations of work outside the normal working hours.
14. The Out of Hours Service dealt with 113 complaints between 1st April 2021 and 30th June 2021 and response (visit) times were within the target performance indicator of 60 minutes in 95.7% of cases. Comparatively, in the same period for 20/21 the Out of Hours Service dealt with 42 complaints and response (visit) times were within the target performance indicator of 60 minutes in 76.1% of cases.
15. The Pollution Team issued two S.61 consents between 1st April and 30th June 2021. In the same period for 2020/21 the Pollution Team issued 2 S.61 consents and 2 S.61 Notices.
16. The trends for total noise related complaints are set out in the tables below for information.

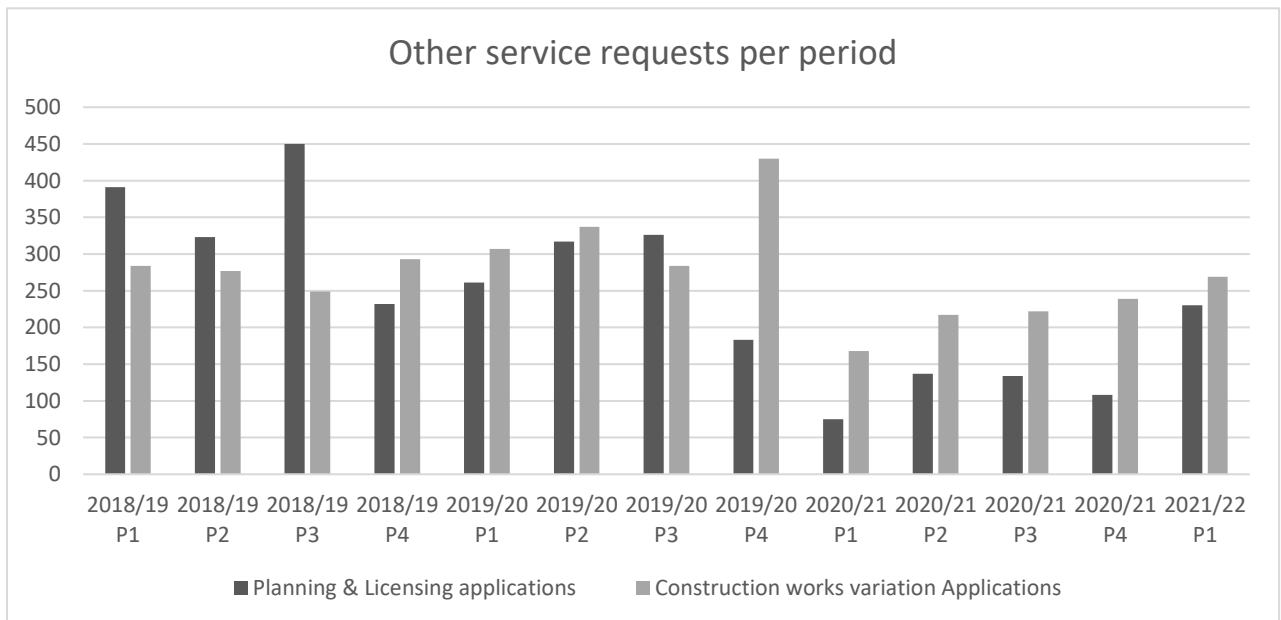
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
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%
2020/21	4	119	93.3%	78	96.49%
2021/22	1	176	94.3%	113	95.7%



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
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
2020/21	4	108	239	0	0	1	0
2021/22	1	230	269	0	0	0	2



17. The Pollution Control Team continues to deal with increasing numbers of enquiries. Anecdotally developers and contractors continue to report overall delays in programs but are now making better progress. Sites have established safe working practices and have arrangements for Covid testing on site. The team in collaboration with Public Health been encouraging the use of the testing facilities available within the City.

18. The pollution team are now present in the city every day, with approximately 40% staffing levels. Between the Street Environment Officers and the pollution control

team members a 24/7 service is being operated. Most operational practices now have a limited impact on performance. Visits, both external and internal are undertaken following appropriate risk assessment. Less restricted working practices and a return to the City are likely to have contributed to the improved response times and satisfactory results.

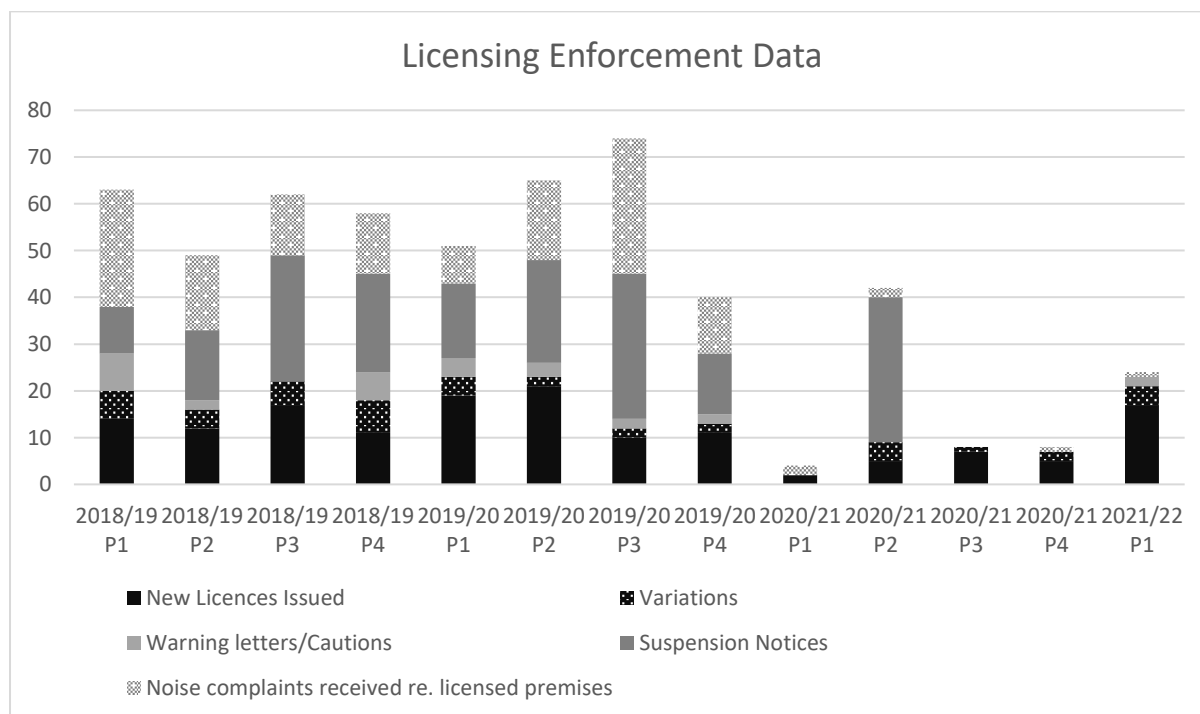
19. Work on the TfL project has continued, this is a collaboration with TfL, utilities contractors and other local authorities to develop a single approach to managing TfL street works. We are also engaged with contractors (primarily those dealing with gas, electricity, water and telecoms) to develop smarter ways of working to reduce disruption and disturbance by use of quieter ways of working, better programming and developing monitoring systems to assist in the management of street works.
20. Work on the major infrastructure projects continue, Crossrail while not due to open until the end of this year or early 2022 has completed nearly all of the surface works. Thames Tideway Tunnel and the Bank Station Capacity Upgrade will continue into 22/23 and still have major work to complete.
21. Officers continue to work with London Underground Ltd (LUL) on operational rail noise matters affecting the Barbican Estate. Budgetary impacts on TfL income following the COVID-19 restrictions provide additional difficulties in progressing this work.
22. 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 engage with the City of London and to improve the control and management of the buskers operating in that area. Meetings between officer complainants and members from both Authorities have now occurred to develop controls on busking in the area.

Enforcement

23. 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
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
2019/20	1	19	4	4	16	8
2019/20	2	21	2	3	22	17
2019/20	3	10	2	2	31	29
2019/20	4	11	2	2	13	12
2020/21	1	2	0	0	0	2
2020/21	2	5	4	0	31	2
2020/21	3	7	1	0	180	0
2020/21	4	5	2	0	0*	1
2021/22	1	17	4	2	0*	1

*In order to assist businesses during the period of Government restrictions which have prevented the hospitality industry from opening, suspension notices for non-payment of fees have been delayed.



24. The number of hearings and reviews remains at a low-level year on year. During the period 1st April to 31st June 2021, there have been no hearings.

25. 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.

26. There is insufficient data from the premises that have been open, albeit briefly, since 23 March 2020 to alter the above figures significantly. A more meaningful update is more likely for the period July-Sep 2021. For the sake of completeness, 7 premises in total have accrued points but all remain within the green band.

27. 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 to illustrate the trend over the last three years.

Safety Thirst

28. 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. However, the 2020 and 2021 schemes have 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 for 2022. 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 36 months for those premises accredited in 2019.

29. For those premises that were not accredited in 2019, and that pay the Late Night Levy, they will be offered a cut-down version of the scheme during 2021 in order that they may avail themselves of the Late Night Levy discount.

30. 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

31. 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.

32. However, during 2019/20 and 2020/21, collections of the levy have been different due to the COVID-19 restrictions. All licensed premises have been closed for long periods during the 2019/20 levy year with many premises now on payment plans for the 2020/21 levy year. The levy year runs from 1st October until the 30th September.
33. 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.
34. 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 have resulted in no change to legislative requirements. Assistance is being given to businesses where possible by setting up payment plans to assist Levy/Fee payments, delay in suspension of licences and adjustment to the Safety Thirst scheme to potentially permit all levy payers to avail themselves of a 30% discount.
35. 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.

Strategic Implications

36. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2019 - 22, and its priorities and objectives.
37. 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.
38. The Department is also represented on other relevant Boards and Groups, including the Serious and Organised Crime Board.

Conclusion

39. 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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