

Strategy Boards & Committee(s):	Date(s):
Safer City Partnership Strategy Board	16 May 2022
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.

- 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. Over the last two years, refunds of around £700,000 have been secured for victims as a result of the one-to-one assistance we have provided. In one very recent case that was escalated to the Financial Ombudsman Service, a fraud victim contacted us to say that he had now been awarded £34,000.

It is clear that investment frauds are moving away from the traditional 'boiler rooms' where victims are invited to invest in schemes involving the purchase of wine, diamonds or carbon credits. Far more prevalent now are schemes involving crypto currency speculation or Forex trading and victims are now being directed to make payments via some of the well established crypto exchanges. Trading Standards have growing links with the crypto exchanges but, at present, the protections for victims using this method of payment are non-existent.

- c) 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 major challenge, but our persistence is paying off and some important changes have now been made. There is still a little further to go.

- d) 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. City of London Trading Standards have made a major contribution to the production of a toolkit that has now been circulated to all Police forces right across the UK.

- e) Trading Standards have successfully tackled an Irish based company who offer training courses in a wide range of subjects. The company were operating a subscription trap and there have been hundreds of complaints over the last 12 months. We engaged with this company and our robust approach has worked, and complaints have now dried up
- f) A 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 was secured from National Trading Standards to evaluate the contractual responsibilities of the aggregators and meetings with the Food Standards Agency have been taking place. It is hoped to launch the code in the first part of 22/23.

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	12	16	26	68
b. Adopted for further action by other agencies	14	2	1	2	2	7
c. Contacts with 'enablers'	4	2	1	1	2	6
d. RP07 forms submitted to Companies House by serviced office providers	5	4	3	3	1	11
e. Website suspension requests	101	17	12	11	19	59
f. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	6	1	1	1	2	5
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. We are now seeing a significant return to normal with almost all licenced premises open again with the inevitable consequence of noise from premises that may have been silent for 18 months. 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

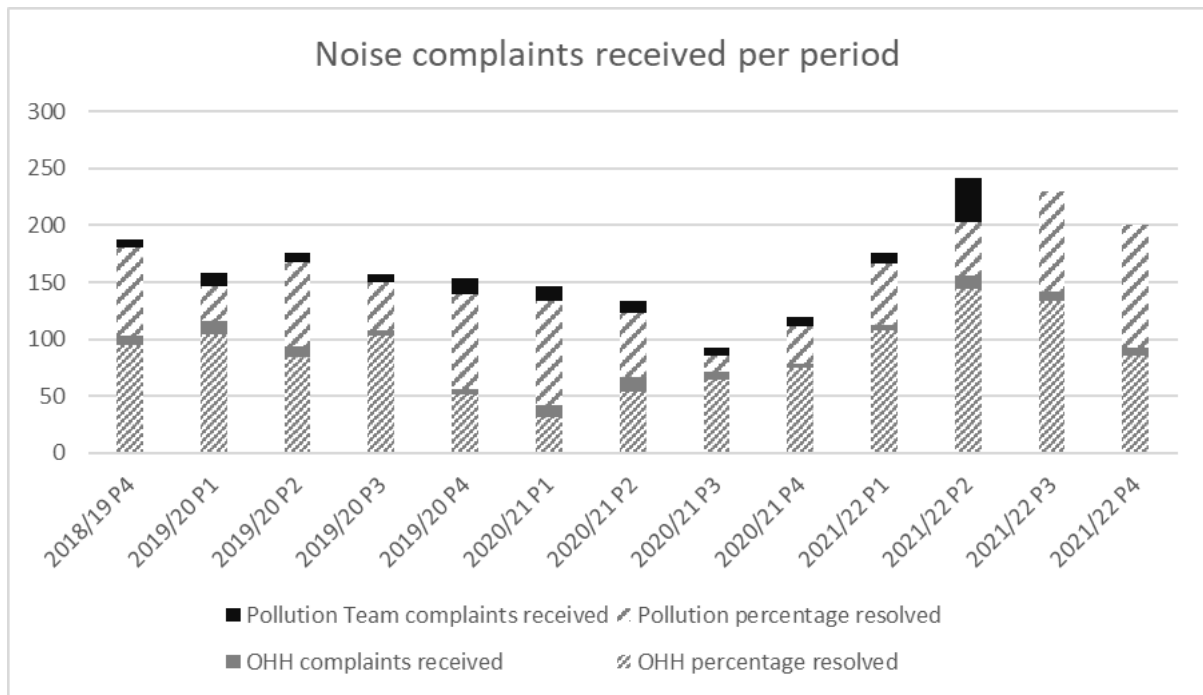
9. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets allow the City Corporation to enforce against illegal street trading on all the bridges, not just within the City of London, but those that fall just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
10. No peanut traders have been found within the jurisdiction of the City of London, though they are operating on the borders of our jurisdiction. The daily presence of Licensing Officers is preventing those traders from encroaching within our area.
11. An illegal street trading case went for trial on 18th January 2022 at the City of London Magistrates' Court. The defendant was found guilty. She has been fined £1,600 (£400 on each count), £6,128 costs and £190 victim surcharge. She has now appealed her sentence and the appeal hearing is due to be heard in Southwark Crown Court on 28th June 2022
12. During the period covered by this report, in addition to the work on illegal street trading, thirty-five buskers were moved from the City of London area, primarily outside the City of London School near Millennium Bridge and near the St Pauls Cathedral area.

Noise Complaints Service

13. The Pollution Team dealt with 200 noise complaints between 1st January 2022 and 31st March 2022 of which 100% were resolved. In addition, they also assessed and commented on 189 Planning and Licensing applications and 383 applications for variations of work outside the normal working hours. Comparatively in the same period for 20/21 the Pollution Team dealt with 119 noise complaints of which 93.3% were resolved, 189 Planning and Licensing applications and 383 applications for variations of work outside the normal working hours.
14. The Out of Hours Service dealt with 156 complaints between 1st January 2022 and 31st March 2022 and response (visit) times were within the target performance indicator of 60 minutes in 92.5% of cases. Comparatively, in the same period for 20/21 the Out of Hours Service dealt with 78 complaints and response (visit) times were within the target performance indicator of 60 minutes in 96.5% of cases.
15. The Pollution Team issued no notices between 1st January 2022 and 31st March 2022. In the same period for 2020/21 the Pollution Team issued 1 S.61 Notice.
16. The trends for total noise related complaints are set out in the tables below for information.

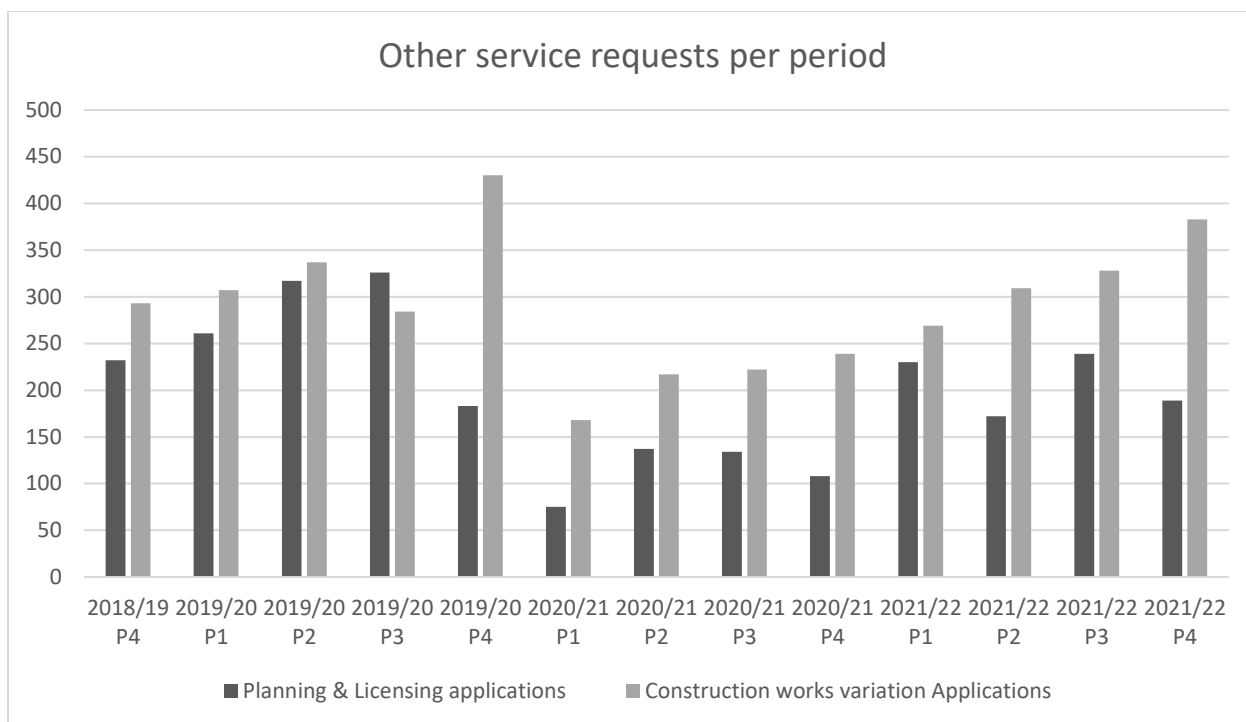
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
2018/19	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	96.5%
2021/22	1	176	94.3%	113	95.7%
2021/22	2	241	84.2%	156	92.7%
2021/22	3	230	100%	142	93.5%
2021/22	4	200	100%	92	92.5%



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	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
2021/22	2	172	309	0	0	1	0
2021/22	3	239	328	0	0	1	0
2021/22	4	189	383	0	0	0	1



17. Members of the Team are now present in the City everyday with 40% staffing levels or greater. 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. Less restrictive working practices and a return to the City are likely to have contributed to the improved response times and satisfactory results.

18. 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 working methods which will reduce disruption and disturbance by employing quieter ways of working, better programming, and developing monitoring systems to assist in the management of street works.

19. Work on the major infrastructure projects continues. Crossrail, has completed external works and is due to open the central section this summer. Final testing is nearing completion. Thames Tideway Tunnel and the Bank Station Capacity Upgrade will continue into 2022/23 and both still have major work to complete.

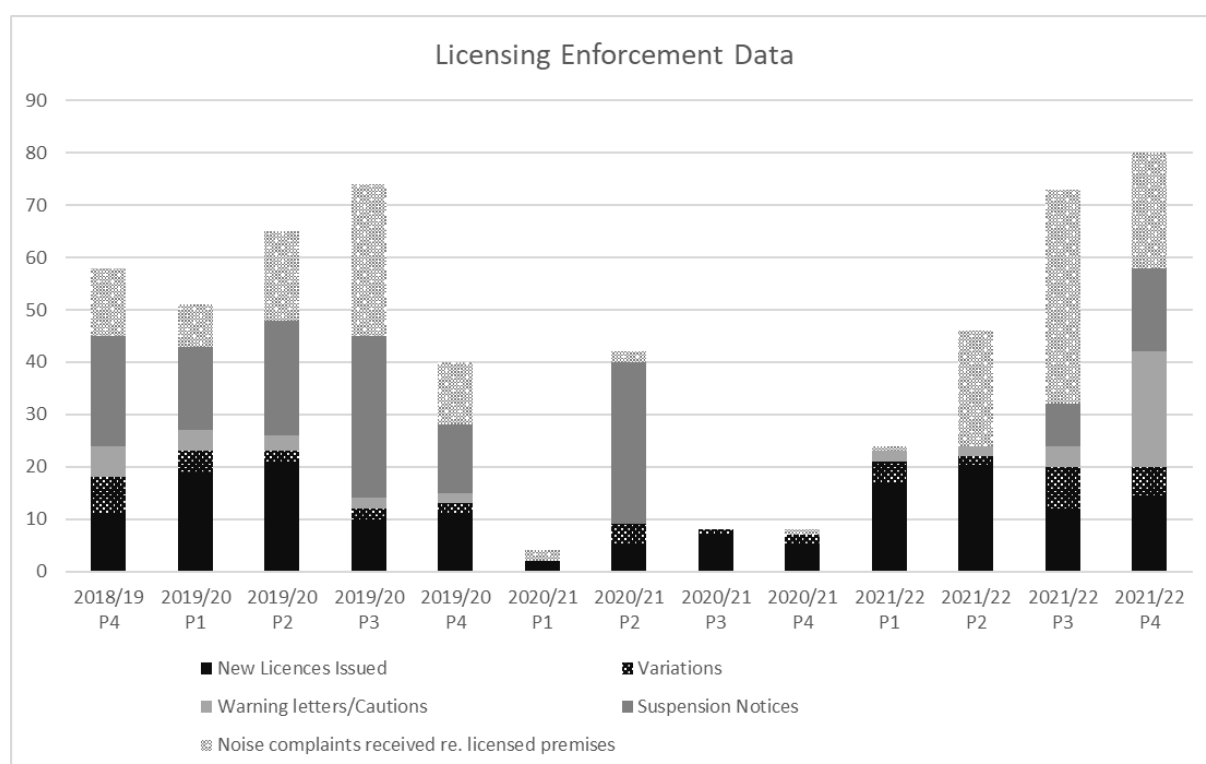
20. Collaboration between Southwark and the City of London Corporation continues regarding disturbance experienced by City residents as a result of busking on the Southbank. Officers, Members and residents continue to meet to discuss this issue. New busking signs have been placed on the southbank with clearer signage. Leafleting buskers to ensure they are aware of the nature of the area and how they should perform are being circulated. A number of buskers have taken the opportunity to work with Southwark and the City to identify solutions.

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>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
<u>2020/21</u>	4	5	2	0	0*	1
<u>2021/22</u>	1	17	4	2	0*	1
<u>2021/22</u>	2	20	2	2	0*	22
<u>2021/22</u>	3	12	8	4	8	41
<u>2021/22</u>	4	14	6	22	16	22

*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. These are now commencing again for those premises that have not paid their licence and have no payment plan in place.



22. The number of hearings and reviews remains at a low-level year on year. During the period 1st December 2021 to 31st March 2022, there has been one hearing. The hearing resulted in the variation to bring forward the commencement hour for alcohol sales being permitted.
23. The 'RAG' risk assessment scheme operated by the Licensing Team with information from City Police, Licensing, Fire Brigade and Pollution Team was frozen as from 31 March 2020 due to COVID-19 with no licensable activity permitted since 23 March 2020. The scheme recommenced in 2021 once restrictions were eased. To date seven premises are flagged as red and seven as amber. All fourteen premises have had a visit either from a licensing officer or the City of London police with steps put in place to stop the problem escalating and bring those premises back to amber or green.
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 to illustrate the trend over the last three years.

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. However, the 2020 and 2021 schemes have been deferred due to the COVID-19 pandemic. As the scheme is the City's best practice scheme linked to the late-night levy discount, the accreditation period was extended from 12 months to 36 months for those premises accredited in 2019.
26. Given the financial challenges already experienced by the sector, and the unknown timeline for achieving something close to pre-pandemic levels of trade, the scheme will not be run in the same way for 2022. A revised scheme, making it easier for businesses to achieve the levy discount levels, is currently being developed and expected to be operational from around September this year.
27. 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

28. During 2019/20 and 2020/21, collections of the levy have been affected due to the COVID-19 restrictions. All licensed premises were 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.
29. However, the amount of levy collected in the 2020/21 levy year was £410,000 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 £276,000 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.
30. Income collected in the first part of the 2021/22 levy year was £129,000 and on target for a similar amount to be collected as in previous levy years.
31. In order to assist businesses during the difficult period of the pandemic, 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 is mandatory for non-payment of the fee.
32. Representations were made to the Home Office seeking a change in legislation to allow the levy to be removed during the period(s) when premises were not permitted to open. The outcome of these representations has 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 qualifying period.
33. A report on the levy income and expenditure is provided annually to the Licensing Committee with the latest report to be considered at their meeting on 23rd May 2022.

Strategic Implications

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

Conclusion

37. 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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