

Strategy Boards & Committee(s):	Date(s):
Safer City Partnership Strategy Board	5 September 2022
Subject: Agenda item 7 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.

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. 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.

- b) 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 have worked with Companies House and Civil Servants at BEIS to ensure that the wording on the gov.uk website is amended to reflect our advice. We have also now spoken to the whole UK accountancy sector via the Intelligence Sharing Expert Working Group and we are due to address the Association of Company Registration Agents at their forthcoming annual conference.

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 via the Food Standards Agency to see if they will adopt it.

2022/2023	2021/2 2 Total	2022/ 23 Q1 Apr- Jun	Q2 Jul- Sep	Q3 Oct- Dec	Q4 Jan- Mar	Total
a. Op Broadway deployments/ disruptions/ interventions	68	29	0	0	0	29
b. Adopted for further action by other agencies	7	16	0	0	0	16
c. Contacts with 'enablers'	6	2	0	0	0	2
d. RP07 forms submitted to Companies House by serviced office providers	11	4	0	0	0	4
e. Website suspension requests	59	11	0	0	0	11
f. Promotional / prevention activity - e.g. publicity campaigns, days of action, attendance at external events, press coverage	5	2	0	0	0	2
g. Number of C19 complaints & Interventions (does this need to stay?)	0	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

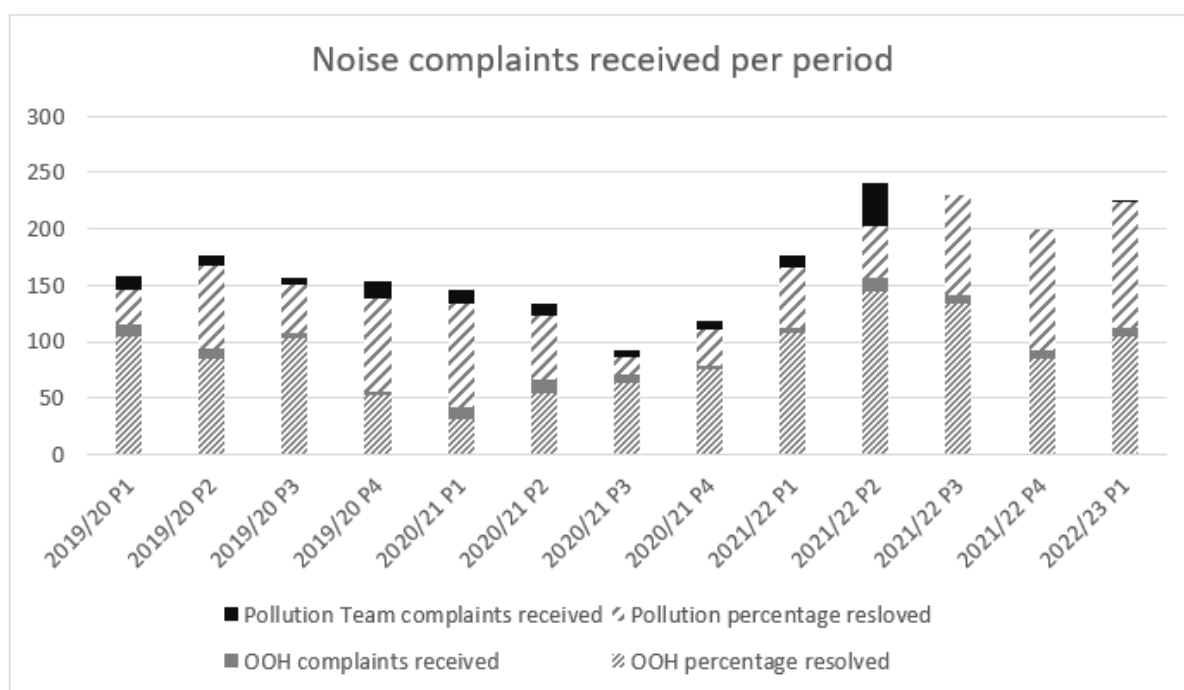
9. The Section 101 agreements with the London Borough of Southwark and the London Borough of Tower Hamlets allow the City Corporation to enforce against illegal street trading on all the bridges, not just within the City of London, but those that fall just over the border into Southwark and Tower Hamlets, for example on the south side of Millennium Bridge and all of Tower Bridge.
10. Almost 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. The one exception being a hot dog trolley seized in Bishopsgate and currently awaiting trial.
11. In April 2022 a peanut trolley and cannister was seized from the North-West side of Tower Bridge. The individual was found guilty of illegal street trading and fined £700, £1214.50 costs and £70 victim surcharge, a total of £1984.50. The team have assisted Tower Hamlets in their enforcement work resulting in the issue of four fixed penalty notices.
12. During the period covered by this report, in addition to the work on illegal street trading:
 - Working in conjunction with the Corporation's Pollution team, one hundred and twenty six warnings were given to buskers.
 - 64 incidents of begging were cleared from London Bridge. 52 warnings were given to individuals to desist from riding bicycles on the bridges.
 - 15 incidents concerning suspected pickpockets were intercepted with suspects fleeing the area on spotting our team. CoL Police have been notified with photographs of two of the suspects passed on.

Noise Complaints Service

13. The Pollution Team dealt with 225 noise complaints between 1st April 2022 and 30th June 2022 of which 99.6% were resolved. In addition, they also assessed and commented on 227 Planning and Licensing applications and 327 applications for variations of work outside the normal working hours. Comparatively in the same period for 20/21 the Pollution Team dealt with 176 noise complaints of which 94.3% were resolved, 230 Planning and Licensing applications and 269 applications for variations of work outside the normal working hours.
14. The Out of Hours Service dealt with 156 complaints between 1st April 2022 and 30th March 2022 and response (visit) times **met the target performance indicator of 60 minutes in 90% of cases**. Comparatively, in the same period for 20/21 the Out of Hours Service dealt with 113 complaints and response (visit) times were within the target performance indicator of 60 minutes in 95.7% of cases.
15. The Pollution Team issued 2 notices and 2 consents between 1st April 2022 and 30th March 2022. In the same period for 2020/21 the Pollution Team issued no Notices.
16. The trends for total noise related complaints are set out in the tables below for information.

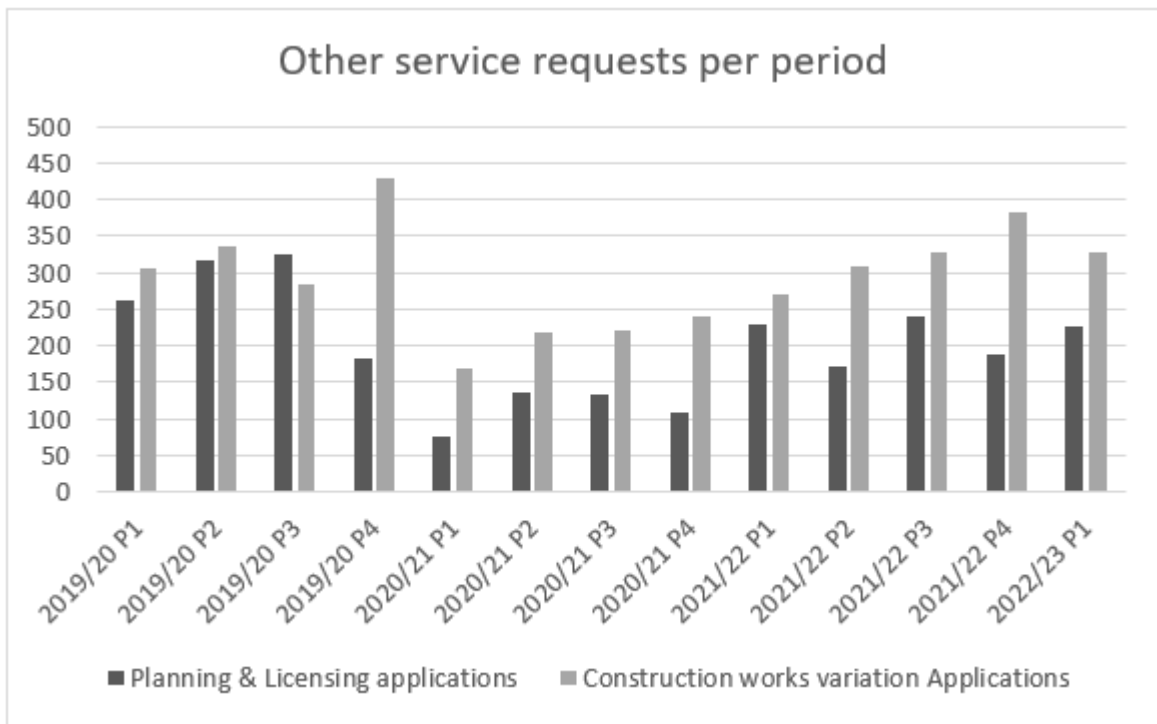
Noise Complaints

Year	Period	Pollution Team Noise complaints received	Percentage resolved	OOH Team Noise complaints received	Percentage resolved within KPI (60min)
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%
2022/23	1	225	99.6	113	89.2%



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
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
2022/23	1	227	327	2	0	2	2



17. Pollution team officers are now working with the police, Licencing and other agencies as part of the police project “Reframe the City” a high profile policing initiative for a visible regulatory presence at night. Visits are undertaken primarily to licenced venues throughout the City to check on compliance and good practice. This work strengthens the relationship between the various regulators and provides valuable information on issues within the NTE.
18. Work on the TfL Lane Rental Project, project continues and moves into the final phase. This is a collaboration with TfL, utilities contractors and other local authorities to develop a single approach to managing TfL street works across London. 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 has now opened. Thames Tideway Tunnel and the Bank Station Capacity Upgrade will continue into 2022/23 and both still have major work to complete. Officers continue to liaise with the sites to ensure any disturbance is minimised
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.. 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.

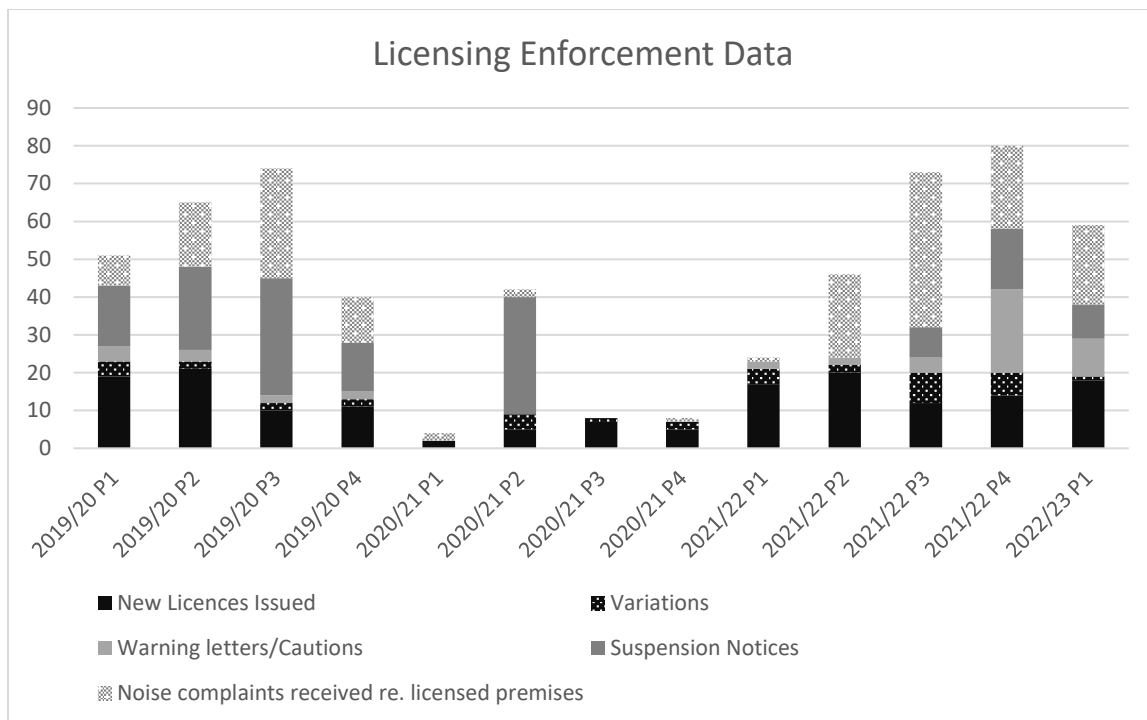
21. Both Southwark members and the senior management officers have left office. Liaison with the new officers continues and City officers and members continue to press for improvement.

Enforcement

22. 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>	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
<u>2022/23</u>	1	18	1	10	9	21

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



23. The number of hearings and reviews remains at a low-level year on year. During the period 1st April 2022 to 30th June 2022, there has been two hearings. The hearings resulted in the applications being granted with a number of conditions added to ensure that the licensing objectives were being promoted. Since the hearings one of the premises has since surrendered their licence and no longer wishes to trade within the City of London.

24. 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 December 2021 once restrictions were eased. To date five premises are flagged as red and eight as amber. All thirteen 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.

25. 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

26. 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 scheme was deferred during the COVID-19 pandemic and unfortunately will have to be deferred again for 2022. The scheme is the City's best practice scheme linked to the late-night levy

discount and therefore, those premises achieving accreditation prior to the pandemic have had their accreditation extended for 2022.

27. 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 2023. A revised scheme, making it easier for businesses to achieve the levy discount levels, is currently being developed and expected to be operational from the beginning of next year. In order to assist this process a new Code of Good Practice is being developed and will be ready to go before Members in October 2022.

28. 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

29. 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 on payment plans for the 2020/21 and 2021/22 levy years. The levy year runs from 1st October until the 30th September.

30. 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.

31. Income collected in the first part of the 2021/22 levy year (Oct 21 to Mar 22) was £129,000 and on target for a similar amount to be collected as in previous levy years.

32. A report on the levy income and expenditure is provided annually to the Licensing Committee with the latest report considered at their meeting on 23rd May 2022.

Strategic Implications

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

34. 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.
35. The Department is also represented on other relevant Boards and Groups, including the Serious and Organised Crime Board.

Conclusion

36. 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.

Gavin Stedman, Port Health & Public Protection Director

T: 020 7332 3438

E: gavin.stedman@cityoflondon.gov.uk