

Safer City Partnership Strategy Group
Thursday 24 September 2015

Public Protection Service (Environmental Health, Licensing and Trading Standards) update

Economic Crime – The City of London Trading Standards Service working in partnership

- The City of London Trading Standards Service is continuing with two large investigations: Operation Addams and Operation Curie, with the assistance of the Tri-Regional Scambusters Team and support from the City of London Police. A third investigation, Operation Wade has been reviewed and will not be continued. The investigations are into the fraudulent selling of alternative investment commodities such as diamonds, gold, wine and carbon credits. There are still over 500 victims involved and more than £1 million in consumer detriment, but the team anticipates a decision on the institution of legal proceedings in respect of Operation Addams during September/October 2015. The case is very labour intensive and alternative strategies for taking Operation Curie forward are being discussed..
- The City's Trading Standards Service is still participating in Operation Broadway, a joint operation with the City of London Police, the Metropolitan Police, National Fraud Intelligence Bureau, the Financial Conduct Authority and HM Revenue and Customs.
 - This operation is addressing the problem of “boiler rooms” that perpetrate these frauds and which are based at serviced and virtual offices within the City of London. The operation continues to be successful to date with multi agency meetings taking place every two weeks and deployments to businesses suspected of involvement in fraud happening on a regular basis.
 - The Day of Action was held in March and was judged to be a success by all agencies involved and it is planned to repeat the exercise this Autumn.
 - Trading Standards Tri-regional Scambusters are committed to continued support of Operation Broadway during 2015/16 and discussions are taking place to look into a London-wide Trading Standards team being established to keep the pressure on mail forwarding businesses..
- Trading Standards has taken two successful prosecutions against mail forwarding businesses, under section 75 of the London Local Authorities Act 2007 (LLA). Mail forwarding business (sometimes known as virtual offices) can play a key role in enabling fraud: providing fraudulent investment companies with a prestigious and apparently legitimate City address when in reality they have no physical presence here.
- Section 75 LLA places obligations on mail forwarders to carry out checks on the validity of their clients in order to reduce the risk of inadvertently facilitating crime. Servcorp UK Limited became the first company to be prosecuted on 17 July. They were fined £21,000 and ordered to pay £11,500 costs after pleading guilty to seven offences of failing to keep proper records relating to mail forwarding clients.

- On 23 July 2015, Regus Management UK Limited was convicted not only for failing to keep proper records, but for telling a consumer that a mail forwarding client had a physical presence at their offices and that no complaints had been received about them, when this simply was not true. Regus were found guilty of six offences and fined £11,000 and also had to pay the Corporation's costs of £16,500.
- These cases generated considerable publicity with articles in various publications including the Financial Times and The Guardian. As a result, a journalist from The Guardian accompanied the team on some visits which resulted in further positive publicity for the Corporation and Operation Broadway.

Street Trading

- There still appears to be limited demand for short-term licences, as foreseen in the City Street Trading Policy. There remains very little street trading activity in the City, mainly ad hoc occasional nut sellers on the south side London Bridge/Millennium Bridge. Occasional Ice Cream vans have been sighted on London Bridge at weekends where they are positioned for a 'quick get-away' to avoid enforcement action. Further joint operations will be planned with City Licensing team and City Police dependent on intelligence received on activity within the City.

Late Night Levy

- The Levy came into effect on 1 October 2014. 70% of levy goes to City of London Police for activities involving improving the impact of Licensing on the night time economy, and 30% to the City Corporation.
- To date the Levy has raised £192K. Most renewals of fees (and hence raising of levy) occur in August through to September and it is anticipated that on current projections an overall sum of £450K will be raised by October with £297K going to the City Police.
- A report on the Levy was presented to the Licensing Committee after six months of operation on 6 May 2015, and accounts will be the subject of public report after a year in October 2015. The City Police and City Corporation will provide a detailed breakdown of expenditure specifically targeted at issues associated with licenced premises open between 0001 and 0600. It is anticipated that the report on the operation of the first 12 months of the Levy and the associated expenditure will be presented at the first opportunity to the Licensing Committee on 27 January 2016.

Safety Thirst

- 751 applications for 2015/16 were sent out to all previous applicants and the rest of those premises licensed in the City of which 41 were completed and returned to us. The large majority of assessments were completed by the end of August although

there is a contingency for any necessary revisits/late applicants in September. The awards date will remain 12 October 2015 in the Livery Hall.

- Application forms have been tailored to particular premises. This will make the application form easier to complete and assist granting awards for different types of premises such as pubs, hotels and restaurants comparing like with like.
- The criteria for passing the award have been re-assessed. This assists in introducing different grades of premises award. The grades being a pass (which will also meet the requirements for a 30% reduction in the late night levy), commended, highly commended and an award for the best premises.
- Of the 41 applications, 31 premises passed the assessment, 4 premises were missing criteria during the assessment but did not pursue their application and 6 premises withdrew their application prior to the assessment.
- Of those 31 that passed, these are the categories they fall into:

Bar:	16 premises
Club:	2 premises
Events Venue:	4 premises
Pub:	7 premises
Restaurant:	2 premises

Noise Service

- The Pollution Team dealt with 289 noise complaints between 1st June and 31st August 2015 of which 94.6% were resolved. In addition, they also assessed and commented on 334 Planning, Licensing and construction works applications and 120 applications for variations of work outside the normal working hours.
- The Out of Hours Service dealt with 125 complaints in April to the 22nd May and response (visit) times were within the target performance indicator of 60 minutes in 93.6% of cases, and often only 30 minutes.
- Further training, through mentoring and coaching on powers delegated to officers by has been ongoing for Environmental Health Officers (EHOs) and for Street Environment Officers (SEOs) from the Department for the Built Environment (DBE).
- This is part of the on-going programme to maintain competency in line with Better Regulation Delivery Office (BRDO) guidelines. Additional training is being planned for later this financial year for the same purposes.
- To date the City's response to the new 'Community Trigger' has not been required under the Anti-social Behaviour, Crime and Policing Act 2014 which can be sought by individuals affected by repeated incidents. The Pollution Team will be represented on the panel considering case reviews as they arise. The use of Community Protection Notices (CPN's) under this act appears to provide a potential remedy for

premises causing concern (ASB) outside their building, e.g. due to patrons leaving and dispersing which was not previously available under other public health legislation. This has so far not been required but it will be considered as part of the review of the Statement of Licensing Policy and a separate protocol for controlling external drinking.

Charity Collections on the street (Chuggers)

Background

This issue was last considered by the Policy & Resources Committee in December 2012 – see attached report at Appendix A. Since that time, neither the Police nor the City Corporation's Licensing team has any record of complaints from members of the public. However, chuggers are still active in the City, and since August any collectors contravening the PFRA rule book conduct rules have been challenged by Police officers, PCSO's, licensing officers and other City Corporation enforcement officers. The PFRA rule book can be found at <http://www.pfra.org.uk/assets/resources/standards/Street%20Rule%20Book%20May%202013.pdf>

There are no legal powers to prevent chuggers obtaining bank details or requesting some form of electronic payment. The only legislation relates to cash collections.

As indicated in the attached report, it is possible to enter into a (PFRA) Site Management Agreement (SMA) with the Public Fundraising Regulatory Association to restrict times and locations of collections within a local authority's area. However, entering into such an arrangement could be seen to condone the activity and encourage chuggers to operate within the Square Mile. It should be noted that the sanctions against chuggers not complying with the PFRA rule book are very limited.

Current position

There are currently 105 SMA's in England but to date, no negotiations have been undertaken with the PFRA to establish whether such an arrangement could be beneficial to the City Corporation. This is in line with the decision of the Policy & Resources Committee and due to the lack of complaints received. However, the head of Standards and Allocations at the PFRA has offered to meet with the City Corporation to consider whether an agreement could be reached.

Should the Safer City Partnership Strategy Group consider that the level of "chugging" activity within the City is unacceptable, and that a SMA would be beneficial, this will be investigated and reported to your next meeting. Examples of the requirements of London SMA's are at Appendix B.

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11 September 2015