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| <b>Committee(s)</b>   | <b>Dated:</b>          |
| Safer City Partnership Strategy Group – For Information   | 14 November 2016       |
| <b>Subject:</b><br>Public Protection Service (Environmental Health, Licensing and Trading Standards) update |                        |
| <b>Report of:</b><br>Director of Markets & Consumer Protection  | <b>For Information</b> |
| <b>Report author:</b><br>Jon Averbs, 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
- Anti-Social Behaviour
  - Illegal street trading
  - Noise complaints service
- Night Time Economy Crime and Nuisance
  - Late Night Levy
  - Safety Thirst
  - Licensing controls and enforcement

This report outlines enforcement activity and progress in the above areas.

The Service is also contributing to the One Safe City programme and is represented on other relevant Boards and Groups.

### Recommendation

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

The latter includes Environmental Health, Licensing and Trading Standards, all of which contribute to the work of the Safer City Partnership, specifically the 2016/17 SCP Strategic Plan priorities 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 – To respond effectively to behaviour that makes the City a less pleasant place.
- Night Time Economy Crime and Nuisance – To support a successful Night Time Economy that the City as a safe place to socialise

2. 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**

3. The City of London Trading Standards Service (COLTSS) primarily works in partnership with others in support of the SCP's Objective of:-

***Helping Protect the City of London's reputation as the world's leading financial centre from the impact of acquisitive crime***

4. COLTSS continues to support and actively participate in Operation Broadway, a joint project with the City of London Police, the Metropolitan Police, National Trading Standards 'Scambusters', the Financial Conduct Authority and HM Revenue and Customs.

- a) This operation is disrupting the enablers behind investment fraud that try to associate themselves with the City of London. Investment fraudsters often utilise the services of mail forwarding businesses and serviced office providers in order to create the illusion in the minds of potential victims that they are reputable due to having an office base in the Square Mile. By working with mail forwarding businesses and serviced office providers, we are making it more difficult for investment fraudsters to set up shop in the City of London. In addition, by enforcing the provisions of Section 75 of the London Local Authorities Act and using the powers of entry available to Trading Standards Officers, joint inspections can be made and the mail forwarding and serviced office sector kept advised of their legal responsibilities.
- b) COLTSS and Tri-regional Scambusters are committed to continue to support Operation Broadway for 2016/17 and approval to seek additional funding from various sources for an additional Trading Standards Officer (TSO) was endorsed by this Partnership, the Port Health & Environmental Services Committee and the Economic Crime Board. Funding has now been secured for the second half of 2016/17 to employ this additional TSO who started work in late September 2016. Already, many other London Boroughs have made contact with this officer and extremely productive visits have been

made in their first few weeks to Southwark, Bromley and Tower Hamlets. This has generated additional intelligence about those engaged in investment fraud, has enabled us to share best practice around disruption tactics and has also helped to further enhance the reputation of the City of London in assisting other Local Authorities.

- c) On 12<sup>th</sup> September, COLTSS participated in an awareness session for the City based mail forwarding businesses and serviced office providers. It was an opportunity to remind businesses about their legal obligations and the steps that they should be taking to prevent them enabling fraudsters to commit offences. The event was well attended with presentations given by both COLTSS and the City of London Police.
- d) COLTSS currently have an interesting investigation in progress which involves the victims of a diamond scam. Around two or three years ago, consumers across the UK were sold diamonds at grossly inflated prices as an investment opportunity. The diamonds were stored in another country for safe keeping but, more recently, consumers have been pursued by a debt collector for storage charges for their stones. These demands were not expected and our investigation into the legitimacy of the alleged debts is continuing. We made good use of a City Business Trainee in helping us to contact around 200 victims and we continue to work with the City of London Police and the Metropolitan Police on this case.
- e) It is sometimes worth reflecting on why we carry out work to protect consumers from investment fraud and we would draw the attention of the partnership to the words of a victim who was scammed out of £35,000 in a diamond purchase scam. The victim wrote to our Trading Standards Manager and said:-

***“I have been one of the many suckers and have been very foolish. I have put it behind me – there is no point in mourning – I was stupid and have managed my finances to cope. I have told no-one and I don’t want to admit my stupidity.”***
- f) Between 10<sup>th</sup> and 14<sup>th</sup> October 2016, COLTSS participated in the “**Beat The Boiler Room**” consumer education campaign. We tweeted information and were included in a press release that was picked up widely in the national media. Our Trading Standards Manager also participated in a video that explains the way that Operation Broadway works. The London Trading Standards partnership has also highlighted the work of Trading Standards on Operation Broadway and here is the link to a short video [www.youtube.com/londontradingstandards.opbroadway](http://www.youtube.com/londontradingstandards.opbroadway)
- g) In summary, for the period covering 1 August to 27 October 2016, the performance of the Operation Broadway partnership can be measured by including reference to the table below:-

| <b>Actions</b>   | <b>August-November 2016</b> |
|--|-----------------------------|
| Operation Broadway deployments   | 11                          |
| Disruptions and interventions  | 3                           |
| Referrals to other agencies for action   | 8                           |
| Contacts with enablers – mail forwarders, serviced office providers, banks etc | 5                           |
| Promotional and prevention activities  | 3                           |

in addition to continuing to amass, collate, analyse, share and disseminate intelligence on emerging frauds with our partners.

5. On other matters, COLTSS has completed a project relating to Letting Agents that are based in the City of London. Over 20 businesses have been identified and all have been visited to ensure compliance with relatively new legislation that seeks to protect prospective tenants from rogue trading activity. It is pleasing to report that no significant problems have been detected unlike the findings of colleagues in surrounding London Boroughs so London Trading Standards are planning to carry out more work to tackle rogue landlords and letting agents.
6. Our Trading Standards Manager is currently engaged in working with the Chartered Trading Standards Institute on some innovative ideas to try and tackle the root of all fraud. We think there is an opportunity for the banks to help by allowing customers to self-declare they are potentially vulnerable to fraud and asking the banks to put any large payments onto the slower BACS transfer system with a simultaneous notification to a nominated relative or friend.
7. Finally, our Trading Standards Manager had an interesting meeting in August with a visiting Japanese professor who is carrying out research into tackling doorstep crime. The problem is getting worse in Japan and the Government there are looking for ideas and adopting best practice from other countries. In particular, we were able to provide useful information on schemes that have helped to curtail the activities of cold calling doorstep traders in the UK.

### **Anti-Social Behaviour (ASB)**

8. The Public Protection Teams support the SCP objectives to:
  - ***Reduce the causes and opportunities for ASB***
  - ***Improve data sharing and the management of ASB issues***
  - ***Improve the use of enforcement powers to tackle persistent offending behaviours***

The two main issues being tackled by the Public Protection Service are:

- Illegal Street Trading
- Noise complaints service

## Illegal Street Trading

9. Although there are provisions for some short term legal street trading, there remains a very limited demand for temporary licences, with only three applications having been received since January this year. In the longer term there is an environmental enhancement project being considered for Middlesex Street and the Market in conjunction with London Borough of Tower Hamlets to invigorate the area. This may involve a slight change to the Street Trading Policy to provide for extension of trading hours on a Sunday, and trading on other days if the project progresses.
10. There remains some illegal street trading activity in the City and fringes with Southwark, primarily nut sellers on the south side London Bridge/Millennium Bridge. There are prosecutions proceeding for one nut sellers since the last meeting and two further carts have been seized. One particular nut seller on London Bridge has been prosecuted again (with a fine of nearly £1000 in total for one offence) with a further five in cases against him progress and four more to be pursued. Ice cream trading remains notable by its absence in the City.
11. Following discussions with the Comptroller and City Solicitor and subject to specific advice on each case Criminal Behaviour Orders (CBO's) may now be sought in parallel with any prosecution of repeat offenders for those illegally selling nuts in the City. Although joint operations between the City Corporation and City Police have shown little of this activity during the week, and timing of future joint operations will take this into account, some occasional trading has been seen on the London Borough of Southwark jurisdiction side of the Millennium Bridge. Following discussions with the City Solicitor we are seeking agreement from LB Southwark for joint delegation of powers so that street traders who can currently escape our enforcement by trading just onto the Southwark side of Millennium Bridge can then be dealt with by our officers. Our Licensing Manager has renewed this request recently with his equivalent post holder in Southwark. Should this prove unsuccessful, political support may be sought.
12. Further joint operations are planned with Corporation/City Police officers to target nut sellers operating in the City both during the week and at weekends, and ice cream vans will also be tackled if identified in the Square Mile. These are agreed monthly at meetings with the new Inspector for of Community Policing, and a Licensing Officer has been checking Millennium Bridge on alternate Sundays.
13. The City Police are in contact with their Metropolitan Police colleagues regarding illegal gambling which has been a source of concern for several years on Westminster Bridge. We understand that Westminster and Lambeth have now introduced a Public Space Protection Order (PSPO) on that bridge in an attempt to control the gambling problem and crimes associated with it, such as pickpocketing from the crowds that gather around. Our initial advice is that is that we should await any evidence of a displacement effect to Southwark or City Bridges before applying for an order in the same way. The Community Police are carrying out regular monitoring particularly of Millennium and London Bridge but there is no evidence of displacement activity so far.

## Noise Complaints Service

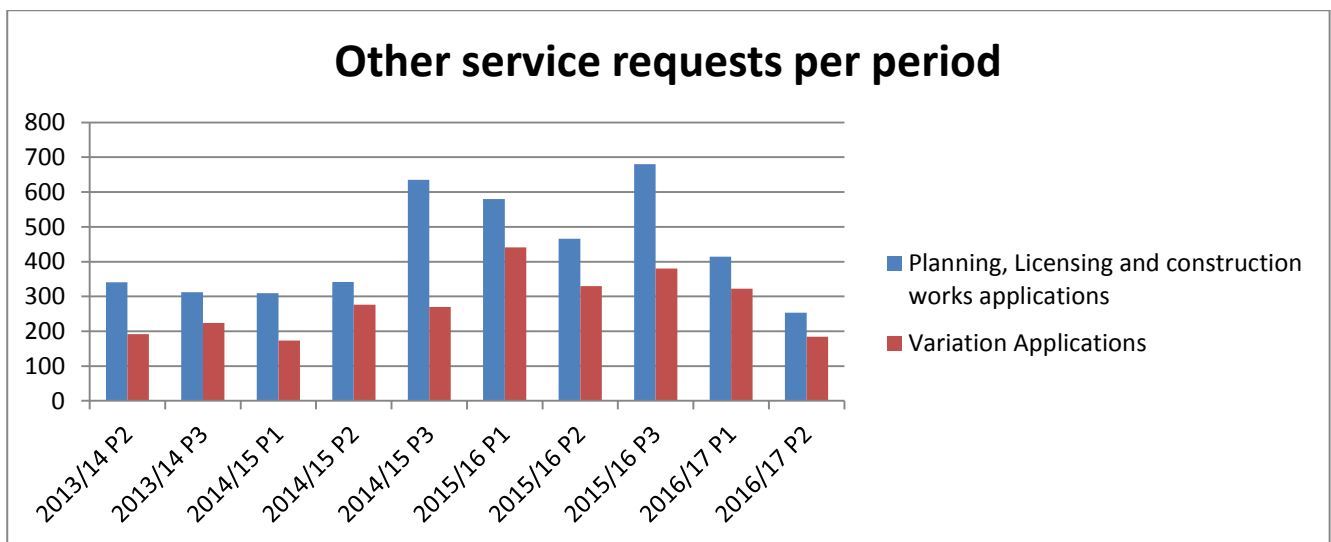
14. The Pollution Team dealt with 224 noise complaints between 1 July and 30th Sept 2016 of which 95.5 % were resolved. In addition, they also assessed and commented on 199 Planning, Licensing and construction works applications and 161 applications for variations of work outside the normal working hours. Comparatively in the same period for 15/16 the Pollution Team dealt with 295 noise complaints of which 92.2% were resolved. In addition, they also assessed and commented on 335 Planning, Licensing and construction works applications and 126 applications for variations of work outside the normal working hours.
15. The Out of Hours Service dealt with 156 complaints between 1 July and 30th Sept 2016 and response (visit) times were within the target performance indicator of 60 minutes in 90% of cases, and often only 30 minutes. Comparatively, in the same period for 15/16 the Out of Hours Service dealt with 132 complaint and response (visit) times were within the target performance indicator of 60 minutes in 96% of cases, and often only 30 minutes.
16. The Pollution Team served no S.60 (Prohibition or placing restrictions on a site) Control of Pollution Act Notices, and issued two S.61 (Prior consent) Control of Pollution Act Notices between 1st July and 30th September 2016 relating to construction sites. In the same period for 2015/2016 the Pollution team served three Control of Pollution Act Notices (S.60), and issued 2 Control of Pollution Act Notices (s.61) relating to work at construction sites.
17. The trends for noise related complaints in total 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) |
|---------|--------|--|---------------------|------------------------------------|--|
| 2013/14 | 2      | 453                                      | 99.5%               | N/A                                | N/A                                    |
| 2013/14 | 3      | 292                                      | 98.7%               | N/A                                | N/A                                    |
| 2014/15 | 1      | 354                                      | 97%                 | N/A                                | N/A                                    |
| 2014/15 | 2      | 297                                      | 92.3%               | N/A                                | N/A                                    |
| 2014/15 | 3      | 320                                      | 95%                 | N/A                                | N/A                                    |
| 2015/16 | 1      | 293                                      | 92.6%               | 136                                | 90.3%                                  |
| 2015/16 | 2      | 342                                      | 94.7%               | 186                                | 92.3%                                  |
| 2015/16 | 3      | 410                                      | 96.8%               | 142                                | 92.2%                                  |
| 2016/17 | 1      | 348                                      | 96.4%               | 197                                | 91%                                    |
| 2016/17 | 2      | 207                                      | 96.1%               | 160                                | 90.8%                                  |



|         |   | applications |     |   |   |   |   |
|---------|---|--------------|-----|---|---|---|---|
| 2013/14 | 2 | 341          | 192 | 0 | 4 | 0 | 5 |
| 2013/14 | 3 | 312          | 224 | 2 | 2 | 5 | 0 |
| 2014/15 | 1 | 309          | 173 | 2 | 1 | 4 | 0 |
| 2014/15 | 2 | 342          | 276 | 1 | 2 | 3 | 0 |
| 2014/15 | 3 | 635          | 270 | 2 | 0 | 0 | 5 |
| 2015/16 | 1 | 580          | 441 | 3 | 0 | 3 | 0 |
| 2015/16 | 2 | 466          | 330 | 1 | 2 | 3 | 0 |
| 2015/16 | 3 | 680          | 380 | 5 | 0 | 6 | 0 |
| 2016/17 | 1 | 414          | 322 | 5 | 0 | 6 | 0 |
| 2016/17 | 2 | 253          | 184 | 0 | 1 | 2 | 0 |



18. The City Corporation's revised noise strategy is currently out for external consultation and a finalised strategy will be published in January 2017.

### Night Time Economy Crime and Nuisance

19. The Public Protection Teams support the SCP objectives to:

- ***Promote a City that is safe and pleasant to socialise in***
- ***Promote the Safety Thirst scheme to more premises and maximise its potential as a vehicle to promote community safety***
- ***Develop new approaches to address problems associated with our Night Time Economy during periods of peak demand***

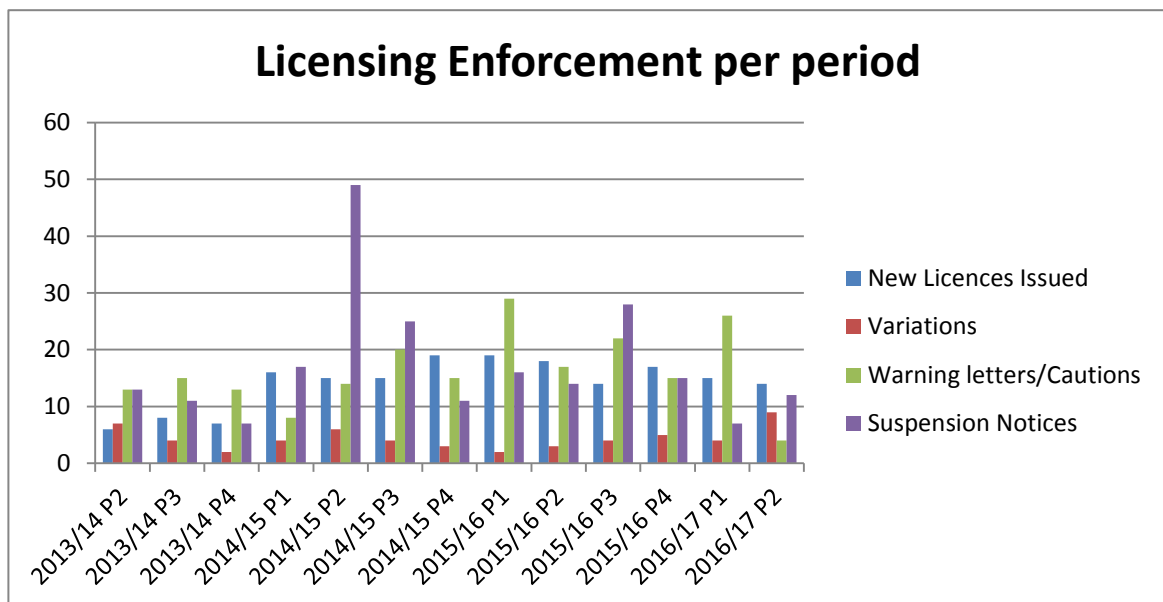
### Enforcement

20. 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.

21. There have been no reviews to consider premises licences since the last meetings of the Partnership.



| Year           | Period | New Licences Issued | Variations | Warning letters/Cautions | Suspension Notices |
|----------------|--------|---------------------|------------|--------------------------|--------------------|
| <u>2013/14</u> | 2      | 6                   | 7          | 13                       | 13                 |
| <u>2013/14</u> | 3      | 8                   | 4          | 15                       | 11                 |
| <u>2013/14</u> | 4      | 7                   | 2          | 13                       | 7                  |
| <u>2014/15</u> | 1      | 16                  | 4          | 8                        | 17                 |
| <u>2014/15</u> | 2      | 15                  | 6          | 14                       | 49                 |
| <u>2014/15</u> | 3      | 15                  | 4          | 20                       | 25                 |
| <u>2014/15</u> | 4      | 19                  | 3          | 15                       | 11                 |
| <u>2015/16</u> | 1      | 19                  | 2          | 29                       | 16                 |
| <u>2015/16</u> | 2      | 18                  | 3          | 17                       | 14                 |
| <u>2015/16</u> | 3      | 14                  | 4          | 22                       | 28                 |
| <u>2015/16</u> | 4      | 17                  | 5          | 15                       | 15                 |
| <u>2016/17</u> | 1      | 15                  | 4          | 26                       | 7                  |
| <u>2016/17</u> | 2      | 14                  | 9          | 4                        | 12                 |

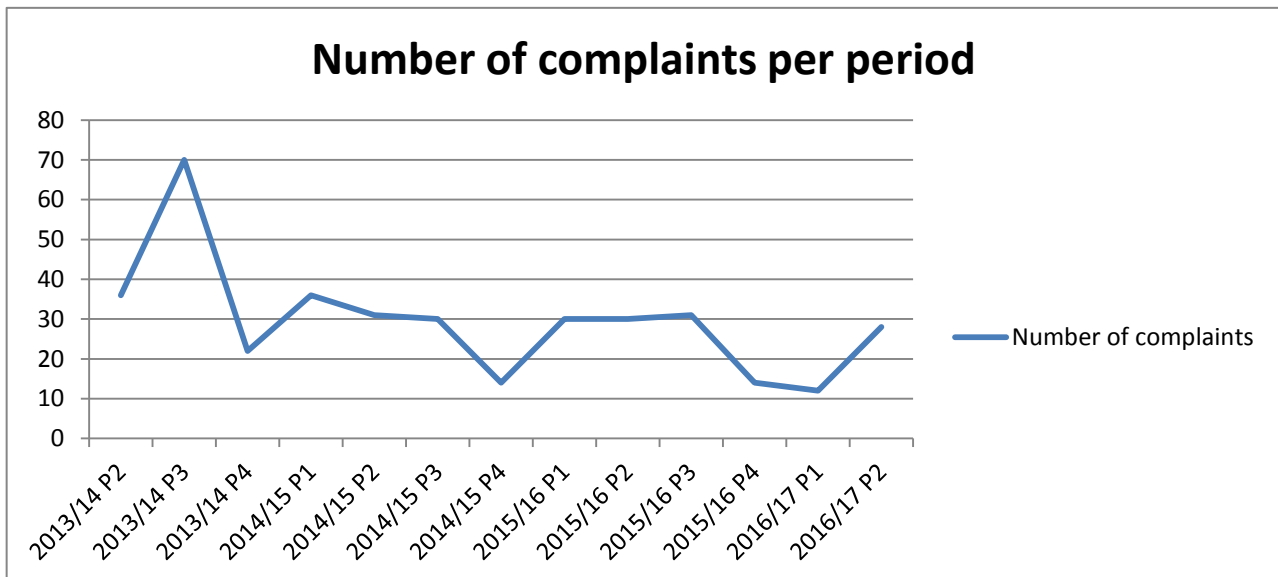


22. Noise matters related specifically to licensed premises remain at low levels and are reported to Licensing Committee. The number of noise complaints specifically associated with licensed premises is set out below to illustrate the trend over the last three years – which indicates an overall reduction.

**Noise complaints for licenced premises**

| Year           | Period | Number of complaints |
|----------------|--------|----------------------|
| <u>2013/14</u> | 2      | 36                   |
| <u>2013/14</u> | 3      | 70                   |
| <u>2013/14</u> | 4      | 22                   |
| <u>2014/15</u> | 1      | 36                   |
| <u>2014/15</u> | 2      | 31                   |
| <u>2014/15</u> | 3      | 30                   |

|                |   |    |
|----------------|---|----|
| <u>2014/15</u> | 4 | 14 |
| <u>2015/16</u> | 1 | 30 |
| <u>2015/16</u> | 2 | 30 |
| <u>2015/16</u> | 3 | 31 |
| <u>2015/16</u> | 4 | 14 |
| <u>2016/17</u> | 1 | 12 |
| <u>2016/17</u> | 2 | 28 |



### Safety Thirst

23. The Safety Thirst Award scheme started at the end of April with applications being sent out to all those premises that pay the late night levy, as well as other pubs and restaurants. We followed up the invitations to participate with area managers for those which are part of larger groups in order to encourage wider participation than simply addressing the current direct premises management. 61 applications were received (circa 39 last Year) and after moderation 46 awards were made this year; a 50% increase in awards compared with 2015.

24. The award ceremony on 18 October 2016 was successful with 22 of the awards achieving the highest (Highly Commended) level. All of the activity has been resourced via the late night levy.

25. It is intended to review the scheme again following the award ceremony with consideration being given amending our local scheme further or joining a national scheme such as Best Bar None.

### Late Night Levy

26. The forecast for 2015/16 is now not expected to fall below the levels of year one (October 2014/15) and is expected in the second year of the levy until October 2016 to be around £420,000 in total. The final sum accrued will be known from the end of November and will be the subject of a report to Licensing Committee on 1 February 2017. Amounts collected so far this year are on a par with year one and there has not been any significant decrease in numbers of licences held

for trading one minute or more after midnight, the trigger time for the levy payment, suggesting there is no disincentive introduced against trading in this period by the levy itself. From the start of the levy in 2014 to date there has been an overall increase in premises subject to the levy from 290 to 322 premises licensed to trade between 0001 to 0600 hours. 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.

27. The income collected has enabled the licensing service to continue with operating its unique risk scheme combined with Safety Thirst, a best practice scheme (see above). The Police and Cleansing services have been able to put additional resources into those areas that are affected by the night time economy directly affecting the levels of crime and disorder and public nuisance. It has been agreed that the City portion of the levy will contribute towards running an alcohol reception centre near Liverpool Street Station during the Christmas period, a pilot scheme from Club Soda to reduce the consumption of alcoholic drinks within City and Hackney and additional cleansing operations as a pilot scheme to target specific areas of concern with a 'deep clean'.

### **Corporate & Strategic Implications**

28. The Public Protection Service contributed to the Safer City Partnership Strategic Plan 2016/17, and its priorities and objectives.
29. The Markets and Consumer Protection Department is represented by its Chief Officer on the Safer Communities Project Board, and is also contributing more broadly to the One Safe City programme.
30. The Department is also represented on other relevant Boards and Groups, including the Serious Organised Crime Board.

### **Conclusion**

31. 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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