

Merton Council

Joint Regulatory Service Committee Agenda

Membership

Councillors:

Councillor Pamela Fleming
Councillor Rita Palmer
Ross Garrod
Nick Draper

Date: Tuesday 6 June 2017

Time: 10.00 am

Venue: Council Chamber, York House, Richmond Road, Twickenham, TW1 3AA

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda please contact Democratic Services.

All Press contacts: press@merton.gov.uk, 020 8545 3181

Joint Regulatory Service Committee Agenda

6 June 2017

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Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

JOINT REGULATORY SERVICE COMMITTEE

30 JANUARY 2017

(10:00 - 11.30 am)

PRESENT Councillor Nick Draper (in the Chair), Councillor Ross Garrod, Councillor Rita Palmer and Councillor Pamela Fleming and Councillor Jonathan Cook.

ALSO

PRESENT: John Hill, Assistant Director - Public Protection
Paul Foster, Head of the Regulatory Services Partnership
Raj Patel, Interim Project Manager
Amy Dumitrescu, Democratic Services Officer

Houda Al-Sharifi, Director of Public Health, LB Wandsworth
Sue Kelleher, Head of Environmental Services and Strategic Business Management, LB Wandsworth

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 4 October 2016 are agreed as an accurate record.

The Head of Public Protection advised the Committee that in regards to Item 6, there had been individual meetings to discuss progress of the project, but that monthly bulletins would be provided in due course once there were further updates.

4 SHARED REGULATORY SERVICES OUTLINE BUSINESS CASE (Agenda Item 4)

The Assistant Director for Public Protection introduced the report, and outlined the reasons for the Business Case, namely the potential for savings, income growth, and to redesign the service to better reflect customer needs. Officers hoped that this would give a better pool of skills, and would also give opportunity to expand the scope in the future. The Assistant Director for Public Protection outlined the recommendations of the business case, and advised that it would require a common ICT platform, and that officers were working with heads of ICT regarding this. There would also be a single location required for the majority of the service.

The Committee discussed the business case and proposals at length, focusing particularly on three areas: ICT, Governance and Sovereignty.

RESOLVED: That the Joint Regulatory Service notes the contents of the Outline Business Case.

RESOLVED: That the Joint Regulatory Service endorse the proposal to expand the Regulatory Shared Services partnership to include the London Borough of Wandsworth as a new partner.

5 INCOME GENERATION BUSINESS CASES (Agenda Item 5)

The Head of the Regulatory Services Partnership advised the Committee that the report had been prepared in response to a request from members at the last Committee meeting to develop a number of outline business cases.

The Committee discussed the report in depth, considering each option in detail. The resulting view was that the suggested fees/charges could be significantly increased to match those currently charged in the wider market place. The Committee requested that more work be undertaken to assess current market rates which the Head of Public Protection undertook to investigate and report back at the next Committee meeting.

Members of the Committee thanked officers for their hard work.

RESOLVED: That the Joint Regulatory Committee notes the report.

Agenda Item 5

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Committee: Joint Regulatory Committee

Date: 6 June 2017

Subject: Partnership Annual Performance Review

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking (LB Merton); Cllr Nick Draper, Cabinet Member for Community and Culture (LB Merton), Cllr Pamela Fleming, Strategic Cabinet Member for Environment, Business and Community (LB Richmond - Chair); Cllr Rita Palmer (LB Richmond)

Contact officer: John Hill Assistant Director Public Protection/Paul Foster, Head of the Regulatory Services Partnership

Recommendations:

- A. Members to note and comment on the review of annual performance of the Regulatory Services Partnership.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To inform members of the performance of the Regulatory Services Partnership (RSP)

2. Details

- 2.1 Effective management of performance is vital to the success of the shared regulatory service ensuring that our customers are satisfied and our partners reassured by the cost effective delivery of the service on their behalf.
- 2.2 RSP managers regularly review team performance and highlight any issues of concern. The management team also looks to the strategic direction of the service and ensures that the operational and financial resources available to partners are used in the most efficient manner.
- 2.3 There are a wide range of external agencies to which the service must report data (e.g. Food Standards Agency, Department of the Environment, Food and Rural Affairs, Health and Safety Executive, Department for Business, Innovation and Skills, CIPFA etc.) All statutory reports are submitted on time in order that the RSP continues to meet its statutory obligations. In addition to the external agencies, service performance is also monitored by departmental management teams and subject to scrutiny by members.
- 2.4 There have been a number of service delivery highlights throughout the year which showcase the work of our teams and illustrate the breadth of their responsibilities:

3. ENVIRONMENTAL HEALTH (COMMERCIAL TEAM)

- 3.1 We have continued to successfully deliver an inspection programme across the two boroughs which focuses on higher risk premises whilst at the same time being able to respond to food poisoning outbreaks and complaints about food safety.
- 3.2 Our food hygiene inspection activity is directed to those premises that present the highest risk in the non-compliant A, B, & C categories. Last year (see Table 1) the team inspected 100% of all Category A, B and non-compliant C food premises.

Table 1

Category	Merton	Richmond
A	10	2
B	94	65
C	54	51

- 3.3 In addition, we also targeted those food businesses with a Food Hygiene Rating score of 2 or below. As of April 2017, Merton had 127 out of 1322 premises with a rating of 2 or below (9.5%) and Richmond had 78 premises with a rating of 2 or below (5.9%). The performance was well within the maximum 15% indicator.
- 3.4 As part of our internal processes we critically review how we deliver our food premises inspection programme and in January 2017, we introduced a new way of working whereby the old system of working in geographical districts was abandoned in favour of proactive and reactive teams which work across geographical boundaries. The proactive team focuses on programmed inspection work and the reactive team responds to complaints, enquires, accident investigations and investigations into allegations of food poisoning and infectious disease. This approach has dramatically improved our productivity in some months by as much as 100%.
- 3.5 We have also reviewed the bi-borough enforcement policy to ensure that it is up to date and that it continues to deliver a transparent, proportionate and consistent approach to enforcement that encourages and supports well run businesses whilst taking robust action against persistently non-compliant businesses.
- 3.6 Looking ahead to the future, the team has been working in partnership with colleagues with Wandsworth Borough Council to develop common templates for documents like the annual service and work plan. It is hoped that by creating a universal template, benchmarking of service delivery and performance will be made much easier.

Taking leadership

- 3.7 The EH Commercial Team continues to provide a professional leadership role beyond the RSP and members of the team carry out the following roles:

- Chair of the All London Boroughs Health and Safety Liaison Group and a London representative of the Local Authority/ Health and Safety Executive Partnership and Strategy Group. These groups are professional leadership groups that act as a bridge between the local authorities and central government and are responsible for developing and coordinating policies and strategies that are rolled out through all the London Boroughs.
- London EH Managers representative on the pan London Scientific, Technical Advisory Cell (STAC) which along with colleagues from Public Health England can be called upon to join an advisory cell in the event of major incidents or disasters.
- In February one officer provided delivered a session on the work of commercial environmental health to the medical consultants at a training workshop for Public Health England.

Enforcement Activity

- 3.8 Detailed below are some examples of the enforcement activity that we have undertaken:

Urban Diner 20 Hill Street Richmond

- 3.9 This premises caused us concerns last year and due to the poor standards found at that time we kept the premises under close scrutiny and further visits were made on the 22 September, 26 November 2015 and 11 March 2016. Despite very clear warnings, the food business proprietor, Ms Dutt had made very little progress and the standards at the restaurant remained poor, so it was decided to bring legal proceedings against her. Six charges were initially laid and these were vigorously defended by her solicitors who advised us that Ms Dutt would be pleading not guilty to all the charges and they elected to go for trial before a District Judge at Wimbledon Magistrates Court. The trial was heard on 18 August 2016 where Ms Dutt put in a late guilty plea to three breaches of the Food Hygiene Regulations. The Judge set the fine at £3600 per offence which totalled £10,800 and awarded the RSP's costs of £4910. Ms Dutt was also ordered to pay a victim surcharge of £170

Café du Panache 118d High Street Hampton Hill TW12 1NT

- 3.10 Restaurant/Café visited on 3 November 2016 after an Environmental Health Officer (EHO) received a complaint from the resident living over the premises that they were having problems with cockroaches in their flat which they felt were coming from the café below. The EHO confirmed that there was indeed an extensive infestation of cockroaches in the café and that there were no pest

control measures in place.



- 3.11 Due to the extensive nature of the problem there was a serious risk of contamination to food that was being stored and prepared on the premises and as a consequence, the business was closed on the spot. An application was made to Wimbledon Magistrates Court on 15 November 2016, who validated the action taken and granted a Hygiene Emergency Prohibition Order. The premises were not allowed to reopen until the cockroaches had been eradicated the and the premises thoroughly cleaned and disinfected

New China Express 176 Castelnau, Barnes SW13 9DH

- 3.12 On 31 August 2016, New China Express was subject to a routine food hygiene inspection. During the course of the inspection the EHO identified a number of problems with food hygiene and this led to a voluntary closure being undertaken. In addition, a total of five Food Hygiene Improvement Notices were also served on the food business proprietor requiring urgent improvements in relation to;

- The lack of a documented food safety management system
- The lack of food hygiene training for the food business operator and food handlers,
- Structural defects allowing an infestation of pests.
- The poor level of cleaning

All of the Notices were subsequently complied with.

Chicken N Chunks, 170 Chestnut Grove, Mitcham

- 3.13 This fast food takeaway was routinely inspected on the 18 July 2016. A substantial rat infestation was found in the premises and a Hygiene Emergency Prohibition Notice was issued closing the business with immediate effect. The Notice was ratified by the Magistrates Court and converted into a Hygiene Emergency Prohibition Order.



- 3.14 Pest control contractors were immediately called and extensive pest control measures were put in place as well as a deep clean. The food business operator was cooperative and as it was his first offence simple cautions were accepted. A subsequent visit was made on the 14 January 2017 and standards of hygiene and cleanliness were again poor therefore a report is being compiled with a view to taking legal proceedings. Their Food Hygiene Rating is currently 0.

Iceland Foods Ltd, 12-16 Upper Green East, Mitcham

- 3.15 On 8 March 2017 a lady bought a loaf of bread from the Iceland store in Mitcham, when she went to use it she noticed the packaging and bread had been damaged. She brought the bread in to Environmental Health on 10 March 2017 where it was confirmed the bread had been gnawed by a small rodent. An immediate visit was made to the store where a considerable amount of mice droppings and gnawed food was found. The store voluntarily agreed to remove all soft packet foods from the shelves and increase the number of pest control treatments. Further visits were made to the store and on 27 March 2017 a Hygiene Emergency Prohibition Notice was issued as mice droppings and gnawed food was found on the shelves again. A declaration that the health risk exists was signed by the Magistrates Court. A report is being compiled with a view to taking legal proceedings.

Frankie & Benny's, Unit 11, Tandem Centre, Tandem Way, Colliers Wood

- 3.16 On 28 March 2017, two officers were carrying out routine sampling when they entered the kitchen and found a drain had blocked and flooded part of the kitchen. The premises were voluntarily closed whilst a drainage contractor was

called in to deal with the problem and they were not allowed to reopen until they had the kitchen deep cleaned.

Morleys 215 Manor Road Mitcham CR4 1JH

- 3.17 On 2 March 2017, Environmental Health Officers from the London Borough of Merton visited this fried chicken takeaway in order to carry out a routine food hygiene inspection.

The Officer became concerned about;

- A complete absence of any food safety management system.
- The very dirty condition of both the premises and the food processing equipment.
- An extensive infestation of mouse throughout the kitchen and food preparation areas with mouse droppings contaminating food contact surfaces and the actual food itself.
- An infestation of rats in the rear yard
- A blocked drain in the rear yard
- The very poor structural condition of the building which was allowing access to pests.

- 3.18 Being satisfied that there was a serious to risk to health the premises were closed on the spot and the matter was brought before Wimbledon Magistrates Court on 16 March 2017. The court completely agreed with the findings of the officers and a Hygiene Emergency Prohibition Order was granted. The premises remained closed until 20 March and was not allowed to reopen until considerable refurbishment works had been carried out.

Undercooked Burgers

- 3.19 There has been an increasing trend in some restaurants and burger bars to offer burgers as medium or medium rare. This is not without dangers as unlike steaks which are solid pieces of meat burgers are made from minced meat which means that any harmful bacteria on the surface of the meat will then be mixed throughout the burger. The consequence of less than thoroughly cooked burgers is that harmful bacteria within the burger will survive and if these happen to be of the Salmonella or EColi 0157 species these can give rise to serious illnesses. In response to these concerns, the FSA has produced guidance for food businesses and local authority officers to follow¹
- 3.20 The FSA has started to become concerned that food business might not be following the recommendations in this guidance and last November requested that all local authorities check all the premises within their area likely to sell burgers and report back to them with our findings.
- 3.21 We checked our premises with the following results:
- Sixteen premises were visited and found to be complying with FSA advice to serve thoroughly cooked burgers (70 deg C for two minutes) and have verified procedures in place.

¹ "The Safe Production of Beef Burgers in Catering Establishments - Advice for Food Business Operators and Local Authority Officers"

- Two premises visited were offering burgers that were less than thoroughly cooked but they were following verified procedures that had been devised by their own food hygiene consultants. However, there were some questionable issues relating to the traceability of the raw meat back to the meat production. As hygiene enforcement at meat plants falls to the Food Standards Agency, this matter has been referred to them for further investigation.
- One premises was visited and was found to be serving less than thoroughly cooked burgers but were not following the Food Standards Guidance, a Voluntary Prohibition Notice signed by the Food Business Operator to cease serving burgers less than thoroughly cooked.
- Two premises of a well known chain were visited and found to be offering less than thoroughly cooked burgers but were following verified procedures devised by their food safety consultants.
- One branch of a well known chain was visited and along with our colleagues in Wandsworth we had some misgivings about the scientific rationale about the verified procedures that have been drawn up by their food safety consultants

3.22 Our concerns have been fed back to the Food standards Agency and we are currently awaiting further guidance from them.

King Jerk, 221 London Road, Mitcham

3.23 On 24 October 2016 a Health and Safety Prohibition Notice was served due to a gas cooker being used in an enclosed space with no ventilation putting the owner and employees at risk of carbon monoxide poisoning. The owner is now using electric cooker so has complied with the Health and Safety Notice. No further action is being taken against King Jerk.

Curry Leaves, 276-278 Burlington Road, New Malden

3.24 On 10 August 2016 a Health and Safety Prohibition Notice was served to prevent the use of a commercial mixer due to poor electrical wiring.



- 3.25 The owner had the mixer rewired by a competent electrician so has complied with the Health and Safety Notice. No further action is being taken against Curry Leaves.

Shisha Project

- 3.26 Five premises were visited by a multi-agency team comprising Health and Safety Officers who enforce the Health Act, the Metropolitan Police Licensing Officer, and Trading Standards.
- 3.27 Three premises were found to be non-compliant with the Health Act:
- **Red Brick Pizza, 444 Durnsfold Road, Wimbledon** – Owner agreed to stop shisha as not profitable for him.
 - **The Casuarine tree, 407 London Road, Mitcham** - One part of the smoking shelter estimated 55% enclosed. Adaptions were made to the shelter and is now compliant
 - **The Istanbul Meze, 222 High Street, Colliers Wood** -. The smoking shelter is substantially enclosed. Referred to planning enforcement as may need planning permission

Health and Safety Complaint

- 3.28 David Lloyd Centre, Raynes Park, Merton – a complaint was received regarding Health and Safety issues with the bowling alley and non-reporting of accidents. David Lloyd temporarily shut the bowling alley and sought advice from a specialist company. Only Level 2 Health & Safety trained staff now allowed behind the bowling lanes. We have been unable to follow up the non-reporting of the accident as the witness has stopped communicating with us.

Carbon Monoxide from solid fuel cooking appliances.

- 3.29 Last year we reported on the work that we had been doing in relation to the dangers from Carbon Monoxide poisoning from solid fuel cooking appliances such as tandoori ovens and charcoal grill units. This work has continued;
- **Shaftesbury Public House 121 Kew Road Richmond**
The brewery had installed a wood fired oven into the kitchens without fully appreciating the potential dangers from carbon monoxide poisoning. The visiting inspector explained the implications of the Health and Safety Executive's guidance document to the brewery and their safety consultants. This resulted in a very sophisticated and effective carbon monoxide detection and alarm system being installed. The system has a double alarm that will alert the pubs tenants to any high levels of carbon monoxide in the kitchen and prevent them from entering. Useful lessons were learnt from the case which will be rolled out to any pubs in the brewery chain that have solid fuel ovens.



- **Istanbul Barbeque Teddington**
Has made improvements by installing an alarm system that is linked to the ventilation
- **Ruchi Hampton**
Has replaced its charcoal tandoori for a gas fired one.

Sheen Tyres

3.30 A local resident contacted Commercial EH to raise concerns about the safety risk to the public from the storage of tyres at her local tyre shop which she had recently visited. An officer from Commercial EH visited the shop and agreed that the storage of the tyres was potentially dangerous for customers but also that stacking the tyres in that manner created unnecessary and excessive lifting in a confined area, presenting an increased risk of back injury to staff.



- 3.31 After a meeting with the owner it was agreed that racking would be installed and the number of tyres would be reduced. An Improvement Notice was served setting a deadline for the works to be completed.

Working with Public Health

- 3.32 Last year, we reported that the Merton Public Health team was currently funding the post of a Health Improvement Officer who is working as part of the Environmental Health Commercial team in Merton. The main emphasis of the role is to implement the Healthier Catering Commitment. This has continued and the Public Health Team provided £20,000 for the services of an Environmental Health Officer to be seconded on to their 'Health High Street Project'.
- 3.33 The Healthier Catering Commitment is a London wide voluntary scheme based on the principle that small changes can make a big difference. It recognises those food businesses that demonstrate a commitment to offering healthier options. Most food and catering businesses are eligible to take part in the scheme provided that the business has a food hygiene rating score of three or above. A minimum of eight criteria have to be fulfilled to qualify and businesses are required to use healthier oils and fats, less salt, promote healthier alternatives to sugary drinks and make small portions available.
- 3.34 The project work for Public Health has included promoting the Healthier Catering Commitment Scheme for London and assisting businesses in meeting the criteria so that they can make a commitment to joining the scheme. Businesses have also received advice and guidance on gaining an improved

food hygiene rating and this has included one to one Coaching on “Safer Food Better Business” as well as food hygiene training.

3.35 The following project areas were identified:

- Colliers Wood – (2 areas)
- Pollards Hill (including Northborough Road and Manor Road)
- Mitcham Town Centre

3.36 Premises not meeting the HCC criteria have made positive changes including:

- ♥ Smaller portions
- ♥ Thicker chips
- ♥ Less sugary drinks
- ♥ Re-location of low sugar drinks to eye level
- ♥ Introduction of more “healthier” choices
- ♥ Use of 5 holed salt cellar

Less Salt



Smaller Portion



Publicity

The new HCC sign ups have been Tweeted on Merton's Twitter and re-tweeted by @HCC_London. This has resulted in one business from another area contacting us to join the scheme. Merton has over 10,000 followers on twitter.



- 3.37 There are a total of 33 HCC sign ups and they are listed on Merton's website:
http://www.merton.gov.uk/health-social-care/health/foodsafety/healthier_catering_commitment.htm
- 3.38 Merton Council is currently listed at 5th in the Good Food for London's league table. The Healthier Catering Commitment is one of the eleven criteria assessed for a placement in the league table.
<https://www.sustainweb.org/londonfoodlink/goodfoodforlondon2016/>
- 3.39 The businesses that have received food hygiene advice and guidance have all gained a food hygiene rating of 3 and above (many of them are 4's and 5's).

4. TRADING STANDARDS

- 4.1 The Trading Standards Service operates an Intelligence Led Approach to service delivery that focusses our work to ensure an effective and continually improving service, by directing limited resources more efficiently to deal with key priorities for stakeholders.
- 4.2 This approach facilitates more effective targeting of frontline services so that we can deal with the rogues and criminals that prey on vulnerable people within our community, and other traders who trade in an irresponsible or unlawful manner that adversely affects our stakeholders. This saves time, reduces costs and ensures that resources are allocated to the most significant areas of work that affect residents, businesses and the community as a whole.
- 4.3 We operate to a core service specification and our current priorities are:
- Doorstep crime e.g. rogue builders
 - Age Restricted Sales e.g. the sale of alcohol, tobacco, knives etc. to young people
 - Scams e.g. fraudulent mass marketing schemes to obtain money
 - Intellectual Property e.g. counterfeit goods
 - Safety e.g. chargers, cosmetics, toys
 - Fair Trading
 - Business support and advice, 'better business for all.'
 - Proceeds of crime
- 4.4 A policy for dealing with service requests from residents, visitors and businesses is used to prioritise service demands and determine the appropriate response.

- **Grade 1 (Same day response)**
We will endeavour to contact or visit the complainant as soon as possible. Where achievable this will be on the same day. For example where a resident is vulnerable and needs immediate support e.g. doorstep crime.
- **Grade 2 (Scheduled Response – 5 day)**
The issue does not fall into grade1 but is a current service priority or is of sufficient impact on the community or business to warrant further investigation.
- **Grade 3 (Referral to another agency)**
Where there is a clear infringement of legislation alleged in the complaint that otherwise would have been coded as Grade 2 (scheduled response) but from the information provided the most effective outcome is a referral to another agency or trading standards service.
- **Grade 4 (Intelligence Only)**
Issues which have a low impact or where effective enforcement action is unlikely.

4.5 There will be some complaints and enquiries from residents and businesses that may not fall within the above grading. However, because of the nature of the service request, or the fact that the resident is vulnerable and requires help on a serious matter, it is important that the Trading Standards Service provides them with assistance.

4.6 Trading Standards volumes are summarised in the table below.

Activity	Richmond	Merton
No. Trading Standards Premises (15/16)	3570	5431
No. Trading Standards business compliance visits	257	241
No. TS Infringement Reports, Prosecutions & Simple Cautions	11	12
No. Trading Standards complaints	2015	2929

An outline of some of our work is provided below.

Age Restricted Sales

- 4.7 Statutory age restrictions apply to the sale of certain products including alcohol, tobacco, knives, films, video games and fireworks. Illegal sales often result in antisocial behaviour that adversely affect our community. Young people who start smoking or drinking at an early age find it harder to give up and are more likely to suffer long term ill health. Activity in this priority area directly impacts on the future health and wellbeing of the local population.
- 4.8 Our regulation delivers protection for young people and contributes to better outcomes for local communities, residents and businesses through protecting young people from harm, keeping communities safe and supporting local

business growth.

- 4.9 The service continues to work in partnership with local businesses to prevent illegal sales by providing support and practical guidance to assist businesses with their legal obligations. Officers visit businesses and discuss best practice, providing practical advice, point of sale materials and refusals registers to facilitate effective compliance.



- 4.10 This support is then followed by intelligence led and targeted test purchasing of retailers where advice has previously been provided to businesses to test the level of business compliance. Advance notice is provided to the business with a time period of a few weeks in which the test purchase will take place. Businesses are encouraged to operate a Challenge 25 policy and request age verification identification from all customers who they believe to be Under 25.

In 2016/17 a total of 191 test purchases were carried out by young people closely supervised by Trading Standards staff and 16 retailers attended accredited training. The table below provides further details.

	Knives	Alcohol	Tobacco	Fireworks	Training	Total
Richmond	17	18	49	9	6	99
Merton	8	44	39	7	10	108
Total	25	62	88	16	16	207

- 4.11 The service offers the Chartered Trading Standards Institute accredited 'Do You Pass' Training which provides comprehensive practical advice and support to retailers on legal requirements and the steps that can be taken to prevent illegal sales. The course is delivered free of charge throughout the year and includes an assessment with successful candidates receiving a certificate of achievement.
- 4.12 In late October 2016 firework test purchasing was undertaken in Merton. Six of seven retailers refused to sell however one retailer in Morden sold a "Fiesta 25 Shot Barrage" and a "9 shot Eye of the Storm Roman Candle" to a 15 year old volunteer.

- 4.13 The sales assistant did not ask the volunteer for identification or their age but simply handed the firework over and explained that if you “buy one you get one free” and handed over a second complimentary firework. Fireworks should not be sold to anyone under the age of 18. The business concerned had an exemplary record in terms of both storage and age restricted sales. A warning letter was issued and the sales assistant attended one of our training courses.
- 4.14 In another case involving the sale of cigarettes and alcohol, the sales assistant gave officers a fictitious name and address. Following further investigation and formal interviews, the sales assistant and the business were issued with simple cautions. A simple caution can only be offered to someone who has admitted that he or she is guilty of the relevant offence and can be cited in legal proceedings.



- 4.15 Knife sales to young people remain a particular concern with the prevalence of knife related crime in our community. On 12th May 2017 The London Evening Standard headline read “11 Londoners stabbed to death in 16 days... WHY?”
- 4.16 Retailers across the RSP have been issued with a knife sales guidance pack and have been offered free training. Officers requested that retailers considered voluntarily locating knives on display to behind the serving counter. Officer’s explained that taking this action would prevent the theft of such items and that young people would not be able to select a knife but instead would have to request to purchase the knife. Further test purchasing is planned in forthcoming months.
- 4.17 Where sales of age restricted products take place officers interview the retailers and examine internal procedures and training. Comprehensive advice is given on practical steps that can be taken to ensure future compliance. A range of sanctions from written warnings, simple cautions and legal proceedings can result.
- 4.18 The sale of all restricted products to young people can have a significant adverse impact on residents and responsible businesses. Alcohol, tobacco control and the wellbeing of children and young people are a priority for our service and will remain so for 2017/18.

Product Safety

- 4.19 Work has focussed on tobacco advertising and labelling, illicit tobacco, shisha, fireworks, dangerous power adapters/chargers and skin lightening products.
- 4.20 Shisha smoking (also called hookah, narghile, waterpipe, or hubble bubble smoking) is a way of smoking tobacco, often mixed with fruit or molasses sugar, through a bowl and hose or tube. It can be particularly attractive to young people. A number of licensed premises in Merton have started to supply Shisha tobacco and a multi-agency visit to each of these premises was carried out in conjunction with Police and Environmental Health to assess levels of compliance and provide advice to businesses. We regulate the labelling of tobacco products and examined the products on sale providing advice on signage to retailers.
- 4.21 More than one hundred fake power adapters were taken off sale following a complaint received about a Merton based trader. The counterfeit Apple branded Magtech Power Adapters not only breached Trade Marks legislation but were also unsafe. Officers visited the business that was trading from a residential address and the trader surrendered the goods to us. Common problems with counterfeit chargers for mobile phones, laptops and similar devices include non-sleeved plugs where the metal pins are exposed, live parts, two pin plugs attached and only basic insulation.
- 4.22 The service carried out a 100% inspection of all premises licensed to store fireworks. Inspections identified numerous minor storage problems however compliance levels were significantly better than the previous year with retailers following our comprehensive advice on safe storage and age restrictions.
- 4.23 Spot checks have found illegal skin lightener cosmetics on sale in Merton. The creams are used to deal with localised blemishes or meet a desire for an overall lighter appearance. This desire is driven by complex social, cultural and historical factors. Many skin lighteners contain ingredients that can cause permanent skin damage and are dangerous to health such as mercury and hydroquinone which inhibits production of the pigment melanin which gives skin its colour. Melanin is vital to protect the skin against UV radiation. These products damage the skin causing premature ageing, weakening of the skin and can also cause neuropathy (a disease of the nervous system) and liver damage. Hydroquinone has been banned and illegal to sell in the UK for many years.
- 4.24 Products have been removed from sale and investigations are continuing to establish the identity of the suppliers and extent of the supply chain.
- 4.25 Forthcoming legislation changes in May 2017 introduce new controls on tobacco and flavoured tobacco with the intention of cutting smoking prevalence rates and deterring take-up by young people. Requirements include the introduction of plain packs for all cigarettes and hand rolling tobacco which must be sold in standardised plain packaging with bigger health warnings. Ten packs of cigarettes will be banned, the minimum pack size of cigarettes will be 20 and the

smallest hand rolling tobacco pack will be 30 grams. Cigarettes and tobacco with flavourings are banned, apart from menthol which is permitted until 2020.

- 4.26 These new rules are in addition to existing tobacco control legislation that already ban advertising, sales of single cigarettes, sales to children under 18 and the display of tobacco products in shops.
- 4.27 Vapers, e-cigarette users and retailers will also be affected by changes brought about by the European Tobacco Products Directive. Vaping or e-shisha devices, and all refill liquids which contain nicotine will have to comply with new safety and labelling rules including limits on liquid quantity, tamper evident packaging and prescribed labelling. We will be working with local businesses to provide advice and support and secure compliance with these new requirements.

Doorstep Crime

- 4.28 Numerous complaints have been received from residents and concerned neighbours where elderly and vulnerable residents have been targeted by unscrupulous traders offering to do work on their properties. Typical jobs carried out tend to be roofing repairs, paving of driveways and general maintenance. The work is usually of a poor standard (if carried out at all) and has some or all of the following features:
- Work is started before agreement is reached
 - No documentation is provided
 - False or no information is given about who owns the business and where it is based so the traders are difficult to contact if there is a problem
 - Work done is shoddy or not completed
 - The price escalates
 - The traders may become aggressive and intimidating
- 4.29 In late 2016 we investigated two complaints about a trader undertaking work at homes of elderly residents living alone. Both had been cold called with the work starting as minor jobs but rapidly expanded into large jobs extending a conservatory/kitchen and replacing a conservatory roof for £26,000 and replacing a roof and loft conversion for £45,000.
- 4.30 An elderly lady was cold called and given a leaflet for a roofing company. She agreed to have moss removed from the roof of her house. A labourer went on the roof and one of his associates talked to Ms X about various other work they could do for her. He said they could do work on the conservatory, kitchen and conservatory roof, initially quoting £35,000 which was then reduced to £16,000. Ms X said she would think about it and tell them tomorrow but the trader went ahead and started the work. The builder removed a roof tile from the conservatory and told his associates to do the same leaving the conservatory exposed. They then put the contents of her kitchen and conservatory in the garden; all exposed to the weather and said they would be back in the morning. She didn't want to go ahead with the work but the trader's actions had effectively obligated her to continue.

- 4.31 The following day the trader returned and removed the back door and windows, and then began knocking down a wall. This continued over the next few days. Ms X was not given a contract or the cancellation rights that she was legally required to be given. After a week Ms X paid £6,000 in cash. The trader repeatedly demanded more and was then told that the cost of the work had gone up by £10,000. The trader also suggested various other jobs that they could do for her and said she could borrow money to pay for them. On one occasion Ms X asked the traders to leave the house but they refused.



- 4.32 In another case an elderly homeowner Mr W was standing outside his house when he was approached by a representative of the same company. He was told that repairs were needed to the outside of his house and he agreed to have a downpipe replaced for £180. The next day four workmen arrived at Mr W's house. They began work on the downpipe but also began working on other repairs that they said were needed. They put up a platform at the rear of the house and removed tiles from the roof. Mr W said he didn't want any other work doing but didn't feel able to stop them. Mr W was told they had already started the work and so would do it now.
- 4.33 The following day the four men returned and Mr W was given a contract which he felt he had no other option but to sign. That was the first time that the price of £45,000 had been mentioned. A concerned neighbour contacted the Police. Police and Trading Standards attended the house and the director of the business who was at the house was arrested. He was subsequently interviewed by Trading Standards and has been summoned to attend court.
- 4.34 In February this year a 77 year old victim Mr B was approached by a trader who falsely claimed he was working at a neighbouring house. The trader pointed out aspects of Mr B's house that he claimed required work. Mr B agreed to some minor work being undertaken on the roof although no paperwork was given at that stage and no price was quoted. Mr B then withdrew £2,500 in cash from a bank account and gave it to the trader.

- 4.35 Early the next morning scaffolders arrived and put up scaffolding at the rear of the property. The trader and his associates then demanded money over the next 3 days which Mr B gave them. This amounted to £28,000 in bank transfers and a further £19,000 in cash.
- 4.36 A few tiles were removed from the side of the roof but no other work was carried out. The trader said over the telephone that he would return to Mr B's property but failed to appear and there has been no communication from him since. The trader gave Mr B two pieces of paper containing a business name and address. The name is false and the address does not exist. We have obtained an independent surveyors report on the necessity and acceptable price for the building works and our investigation is ongoing.
- 4.37 The wellbeing of older residents and people living alone is a key priority in the Joint Strategic Needs Assessment and we continue to work closely with local banks and building societies to identify potential doorstep crime incidents at an early stage. As a priority area of work we provide a same day response to all reported doorstep crime incidents and work with victims to provide support and advice to resolve problems interceding where required.
- 4.38 Apart from the financial loss suffered by residents, this type of crime can have a significant adverse quality of life and wellbeing issues. Victims often suffer a lack of confidence, trust and fear being targeted again in the future. We work in partnership with Adult Safeguarding, Age Concern, families of victims and other agencies to provide support.

“Dear Sir/Madam

I am writing to let you know how grateful I am for the advice and excellent service from your officer. My mother is very vulnerable and your visits have helped her and me enormously in this dispute with [business name]. I am following your advice and trust it will resolve the situation without further distress to my mother.

Kind regards.”

(Richmond resident)

Weights and Measures

- 4.39 Each year in the UK over £622 billion worth of goods and utilities are sold on the basis of the measurement of quantity. A small percentage shortfall in the quantity supplied results in significant detriment to consumers and an unfair advantage over compliant businesses.
- 4.40 Following complaints about short measure we examined compliance with Weights and Measures legislation in relation to the sale of beer in the Twickenham area. As the world's premiere rugby football venue millions of pints of draught beer are sold each year both inside the stadium and in nearby public houses on match days. The focus was on the sale of draught beer. Minor contraventions were found but generally levels of compliance were good.
- 4.41 Of particular interest is innovative new equipment which fills beer glasses through a magnetic connection at the bottom of the glass which is in use in the area. A four glass dispenser can be seen in the photograph. Various designs of

bottom fill glasses have been approved for use and we are currently working with the UK supplier to ensure continued correct use and compliance at future events.



Scams

- 4.42 A scam is a criminal scheme to con people out of their money. Each year mass marketing mail scams cause approximately £3.5 billion worth of detriment to UK consumers. Scam mail causes financial and mental suffering to millions of silent victims of fraud and many people are often too embarrassed to admit they have fallen victim to a scam. Typical examples include, “you’ve won a lottery, competition or sweepstake”, “somebody has left you an inheritance” and “a fantastic money making opportunity just for you.” Scammers send out catalogues selling food, pills, potions, jewellery, or items for your home and garden. They guarantee a prize to those who place an order but in every case recipients have to send money to claim the prize or take up the offer and prizes are never sent; just more offers and promises of prizes.
- 4.43 We work in partnership with the National Trading Standards Scams team to help tackle mass marketing scams. We provide practical advice and support to residents who have been targeted and are victims of mass marketing fraud, liaising with other agencies such as Adult Safeguarding.
- 4.44 In 2016/17 we dealt with 47 cases in Merton and 60 in Richmond, visiting residents to provide support and advice on how to avoid them. In some cases we returned cheques to residents that they been sent to scammers as payment and had been intercepted by the Scams team and Royal Mail.

“Dear Trading Standards,

I am SW sister, your letter was forwarded to me as she has now moved to a care home out of the area as she has dementia. I was pleased to get your letter and to see that you are attempting to stop these fraudulent people from preying on elderly and vulnerable people. I feel that my sister’s dementia was exacerbated by all the letters and phone calls she was getting... SW was so confused and frightened by these fake promises of large prizes. I know she lost money to fraudsters as she believed everything they told her. Wishing you success in your efforts to stop others from being

preyed upon.”
(Richmond resident)

- 4.45 In October 2016 we visited Mrs H who had recently lost her husband. There was a stack of letters on her dining table and Mrs H explained that she was in the process of tidying up all her scam letters, to rip them up and burn them. Mrs H had been receiving scam letters for the last 6 years and felt incredibly disappointed by the whole experience of never winning anything. Letters included mail from Australian Lottery, Our Life catalogue which kept promising a win with your next order, and clairvoyants. One clairvoyant had started telephoning Mrs H and relayed personal information which Mrs H thought only she knew however the information shared was in fact available on public record. They were really playing on her vulnerability. Mrs H was finding it difficult to part with the letters as they had somehow become a form of companionship and something to keep her busy. She spent a lot of time responding and posting her cheques and orders. We discussed the reality that she would never win and that all the letters were simply scamming her. We offered to take the letters away, write to the scam companies and shred them. However Mrs H maintained that she was determined to stop responding and would be destroying any mail in the future. Mrs H called us after the first visit to check on a letter she had received which in her words “sounded very promising”. Mrs H was once again encouraged to destroy the letter and any more scam letters that she received. Further visits were made to support her. Some of Mrs H’s family, a daughter and sister, lived nearby but she found it really difficult to share this problem with them.
- 4.46 In another case Mr F had numerous health conditions including the onset of dementia. Mrs F was also struggling with her health but was aware that her husband was sending money to various companies, and that they were a scam, but she couldn’t convince her husband. The matter was causing significant upset and stress to Mrs F and they were receiving carrier bags full of scam mail every week. We visited on a number of occasions and took away the scam mail. We wrote to the companies instructing them to stop. Sometime later Mrs F contacted us to thank us and say that hardly any further scam mail was being received.

Intellectual Property

- 4.47 Intellectual property refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. These are protected in law by, for example, patents, copyright and trademarks. The service has a statutory duty to enforce The Trade Marks Act and Copyright, Designs and Patents Act.
- 4.48 Last year Twickenham Stadium hosted its first ever American Football National Football League (NFL) game with the Los Angeles Rams v the New York Giants on Sunday 23rd October. NFL were concerned that counterfeit merchandise would be supplied around the stadium and approached us for assistance. The service would have incurred additional costs to regulate the match and so we came to an agreement with NFL to fund these costs. Local businesses were provided with advice on what products could be sold without breaching

copyright or infringing trademarks. Further NFL games will take place in 2017 at Twickenham stadium.

- 4.49 In December 2016 a business in Richmond town centre was found to be supplying counterfeit designer bags and accessories. These included the brands Chanel, Hermes, Givenchy, Mulberry, Prada, Louis Vuitton and others. Officers seized the bags, belts, scarves and accessories. The business was formally interviewed and a follow up visit established that there were no further counterfeit items. After consideration of all the facts the business was offered and signed a simple caution.



Business Support and Advice

- 4.50 We are committed to working in partnership with business to help them understand and comply with regulations, reduce unnecessary red tape and ensure that businesses compete with one another on level terms.
- 4.51 During the year we have established two new Primary Authority partnerships endorsed by Regulatory Delivery part of the Department for Business, Energy and Industrial Strategy (BEIS). This provides significant benefits to those businesses by improving their legal compliance and customer retention through working in partnership with us.
- 4.52 We now have five partnerships in operation.



4.53 It is estimated that over 50% of consumers use a mobile device to surf the internet and that 80% of small to medium size business websites are not optimised for mobile devices, meaning that the website looks unwieldy and is not user friendly. 60% **abandon a site immediately** if it doesn't look good on their screen. With this in mind, we designed a Website Health Check which encourages businesses to make simple but positive changes in these areas. These changes can contribute to the success of online businesses with mobile friendly websites experiencing significant increases in sales and page visits. The Website Health Check has been promoted through Business Direct, Richmond's e-newsletter for local businesses and we are now liaising with Merton communications team to launch something similar in Merton.

4.54 A Richmond based Primary Authority company had been struggling with customer retention and we identified several ways in which the company could improve customer service including a complaint handling policy, adequately publishing their contact details online and a policy to mitigate online negative feedback. We helped the company to implement these changes and demonstrate the company's commitment to excellent customer service to their customers.

4.55 We have received many requests for start-up and business advice from small to medium businesses during the year on a range of issues including compliance advice relating to toys, cosmetics, electrical product safety, weights and measures, cancellation of contracts, distance selling, package travel and the accuracy of product and service descriptions.

Fair Trading

4.54 The aim of fair trading is to ensure truthfulness of trade and prevent consumers being misled during contractual negotiations for goods and services. This legislation covers a wide area of consumer protection law some of which is covered elsewhere in this report.

4.56 A Richmond resident spent £24,000 on a property investment course but subsequently had a change of heart due to mounting personal debt. The company was unwilling to provide a refund. We advised the company that they were required to provide a statutory cooling off period for such investments and as they had not done so the contract was unenforceable. The customer

received a full refund and the issue has highlighted to the business the need to ensure that they comply with the various consumer protection regulations in future contracts.

- 4.56 The purchase of a car is often the most significant expenditure after a house purchase for residents. Complaints about second-hand cars are one of the biggest issues people take to the Citizens Advice consumer service. With this in mind we visited all the car dealers in the RSP to provide advice on changes in legislation ensuring that they understood new rights afforded to consumers. We also provided an update on their obligations regarding vehicle descriptions, roadworthiness and due diligence checks they should undertake with a view to avoiding problems. We are about to follow up this advice with targeted compliance visits to car sales forecourts working in partnership with the Driver & Vehicle Standards Agency to check mileage indications, accuracy of descriptions and that vehicles being offered for sale are roadworthy.
- 4.57 Since October 2014 all letting and property management agents have been required to be a member of a Government approved redress scheme. This is similar to the schemes already in place for estate agents. The scheme enables an approved third party to arbitrate disputes between agents and tenants. We've dealt with a number of complaints concerning scheme membership and the requirement to display fees. Over the forthcoming year we will be conducting an in depth project into the lettings market in the RSP, providing advice and guidance to agents, assessing levels of compliance and taking enforcement action where necessary.

Proceeds of Crime

- 4.58 The primary aim of the Proceeds of Crime Act (POCA) is to deprive criminals of the use of their assets, recover the proceeds of crime and to show that crime doesn't pay. Councils can benefit from successful action and receive a percentage of the confiscated monies through the Asset Recovery Incentivisation Scheme. The RSP has a Financial Investigator and Senior Appropriate Officers all of whom are accredited by the National Crime Agency under POCA.
- 4.59 All internal cases are considered for POCA action and the RSP currently undertakes work for neighbouring authorities including Wandsworth, Kingston and Sutton on a chargeable basis under a Memorandum of Understanding. In addition to the range of services within the RSP financial investigations are also carried out for other enforcement services including audit, planning and council tax. Over the last year confiscation orders to the value of £195,479 have been obtained of which £78,622.54 has been paid as compensation to victims.
- 4.60 A successful case conducted on behalf of Wandsworth Trading Standards concerned the supply unsafe electrical goods and counterfeit mobile phone covers. Following conviction at Kingston upon Thames Crown Court of Trade Mark, Electrical Equipment (Safety) Regulations and General Product Safety offences we identified bank accounts, one of which was overseas, in addition to online payment account facilities. In September 2016 a confiscation order was made for £25,600 with three months to pay and eight months imprisonment in default. An order for costs of £15,000 was also made.

4.61 In a separate case for Kingston and Sutton Trading Standards a letting agent took agreement and rental payments from tenants of properties but did not pass them on to the landlords. Invoices and statements to the landlords failed to acknowledge large sums of monies that had been received which in some cases related to twelve month's rent in advance. The defendant pleaded guilty to fraudulent trading and was sentenced at Kingston upon Thames Crown Court where he received a ten month term of imprisonment and a seven year disqualification from being a Director of a company. We analysed bank accounts including business accounts and obtained production orders from the court for all accounts for a period of six years. Other checks included land registry searches, DVLA, suspicious activity reports and HMRC records. In February 2017 the court made a confiscation order to the sum of £28,130.85 of which £25,514.32 was to be returned to the victims. Costs of £9,000 were also awarded and the defendant required to pay these sums within three months or serve a default sentence of thirty months.

5. LICENSING

- 5.1 The Licensing Team based in Merton and Richmond continues to meet all statutory targets as specified in the Licensing Act 2003 and the Gambling Act 2005.
- 5.2 The team continues to work very closely in partnership with the local Metropolitan Police licensing teams based in Richmond and Merton, and joint Police/Licensing Authority inspections of licensed premises continue to be carried out on a regular basis.
- 5.3 All non- statutory fees for licensing functions were re-assessed early in 2017 for compliance following the recent Hemming's High Court/ Supreme Court and European Court judgements. All non-statutory fees now show, and have been published with, an application and a compliance/enforcement fee, as well as a total charge.
- 5.4 The total numbers of licensed premises, for various licensable activities, applications received and enquiries across the partnership boroughs, for the financial year 2016-17, are shown in the table below:

Type of Licensing Premises	Merton	Richmond
Premises Licenses/Club Premises Certificates (Licensing Act 2003) (Current).	537	775
Premises Licenses/Adult Gaming Centres/ Family Entertainment Centres/ Tracks Betting/ Lotteries (Gambling Act 2005) (Current).	36	21
Special Treatment Premises (Current).	176	258
Street Trading (including shop front traders/ itinerant traders/markets and one day permissions) (Current).	866	948
Pet Shops (Current).	6	4
Riding Establishments (Current).	2	4

Animal Boarding Establishments (including Kennels/ Catteries and Dog Sitting Services (Current)).	2	6
Dog Breeding (Current).	0	0
Dangerous Wild Animals (Current).	0	1
Performing Animals (Current).	0	0
Zoos (Current).	0	1
Current Scrap Metal Dealers (Yards/Collectors).	6	2
Current Sex Shops/Sex Entertainment Venues.	0	1
Current Sales by way of Competitive Bidding (Auction Houses).	0	0
Pleasure Boats (Current).	0	0
Launderettes (Current).	0	15
Full Licensing Committee (LB Merton) and Regulatory Committee Hearings (LB Richmond).	3	2
Licensing Sub-Committee Hearings (Contested Applications).	6	16
Total Number of Inspections of Licensing Premises to Date.	317	477
Total Number of Applications Received and Processed to Date (for all licensing activities administered by the Licensing Teams).	1558	2278
Total Number of Service Requests (complaints/enquiries) received.	116	176

London Borough of Richmond, Update of Statement of Licensing Policy.

- 5.5 The Statement of Licensing Policy (SoLP) for the London Borough of Richmond upon Thames has been updated, and a new draft document is currently open of public consultation. The draft SoLP, with proposed updates, was presented to the Council's Regulatory Committee on Tuesday 21 February 2017. Following this hearing the twelve week public consultation period started on Monday 6 March 2017, and it is due to finish on Monday 29 May 2017. The final draft of the SoLP, together with any comments received during the public consultation period, will be presented to the Council's Regulatory Committee on Monday 19 June 2017. At this meeting Members will be asked to consider the comments received, recommend the formal adoption of the Council's two cumulative impact zones and to recommend the final draft of the SoLP for formal adoption by Full Council on Tuesday 4 July 2017.
- 5.6 Following the formal adoption process the Council is required to advertise the adoption of the updated SoLP for thirty days. Following this process the new SoLP will become a live Council document on the 8 August 2017.

Licensing Act 2003, Applications Objected to and Reviews Supported as a Responsible Authority.

Encore Lounge 8 Hill Rise Richmond (Review of Licence).

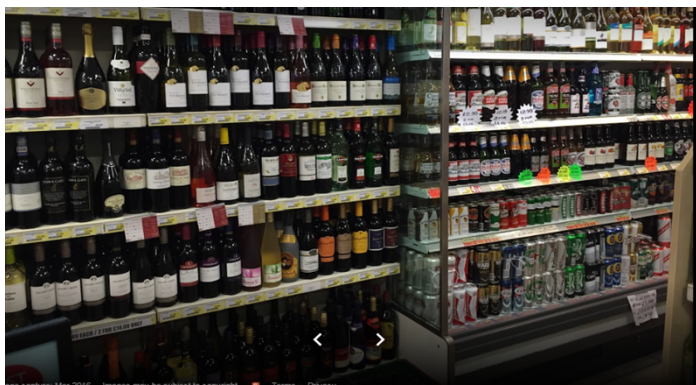
- 5.7 The Licensing Team supported an application, submitted by the local Metropolitan Police, to review the existing premises licence for the Encore Lounge at 8 Hill Rise in Richmond. The premises licence holder had been found to be trading beyond their permitted hours, as shown on the premises licence, throughout September and October 2016. The review application, submitted on the grounds of the prevention of crime and disorder and the prevention of public nuisance, set out factual information in connection with a serious assault. The victim, who sustained serious head injuries following a fight on Red Lion Street in Richmond, had been drinking inside Encore Lounge and he left the premises at 01:10 hours. The victim was kept in hospital for two days as a direct result of their injuries. The Licensing Authority had also received complaints from nearby local residents and other business operators about these premises being open late, and trading beyond its authorised permitted hours.



- 5.8 At the Licensing Sub-Committee hearing the Police and Officers of the Licensing Authority gave evidence against the premises licence holder. The Licensing Sub-Committee decided to revoke the premises licence and the premises closed a few weeks after the hearing with no appeal lodged with the local Magistrates Court.

Kew Stores 107 Kew Road Richmond (Review of Licence)

- 5.9 The Licensing Team supported an application, submitted by the local Metropolitan Police, to review the existing premises licence for Kew Store at 107 Kew Road Richmond.



The premises licence for these premises authorised the sale by retail of alcohol for consumption off the premises, with a condition attached restricting the premises licence holder from selling high strength beer, lager and cider above the 5.6% ABV. This picture shows alcohol on display within the premises.

- 5.10 During an inspection of the premises, the premises licence holder was found to be selling eight different brands of high strength beer, lager and cider. Furthermore, the premises licence holder was found to be selling to residents of a nearby alcohol and drug rehabilitation centre, and allowing them to buy alcohol on credit. Officers later discovered that the residents who were allowed to buy alcohol on credit, from these premises, were having difficulties in paying their rent to the alcohol and drug rehabilitation centre where they were residing and receiving help for their addiction.
- 5.11 At the Licensing Sub-Committee hearing Police and Officers of the Licensing Authority gave evidence against the premises licence holder. Officers were supported by the manager of the alcohol and drug rehabilitation centre, who gave evidence of the effects sales of alcohol were having on the community they were trying to help. The Licensing Sub-Committee decided to revoke the premises licence and alcohol is no longer being sold from these premises.

The George 32 Kings Street Twickenham (Review of Licence)

- 5.12 The Licensing Team supported an application, submitted by the local Metropolitan Police, to review the existing premises licence for the George at 32 King Street Twickenham. The review application, submitted on the grounds of the prevention of crime and disorder and the prevention of public nuisance, set out factual information in connection with four serious assaults between October 2016 and February 2017 involving members of the public who had been drinking at the premises and allowed to consume too much alcohol resulting in high levels of drunkenness. Furthermore, complaints had been received and recorded on the Council's database from nearby local resident who had complained about noise from patrons using a garden at the rear of the premises. At an inspection of the premises, which took place before the Licensing Sub-Committee hearing, Officers discovered three gaming machines in use within the garden, which may have encouraged patrons to create excessive noise affecting nearby local residents. The premises licence holder agreed to remove the gaming machines at the Officers request.



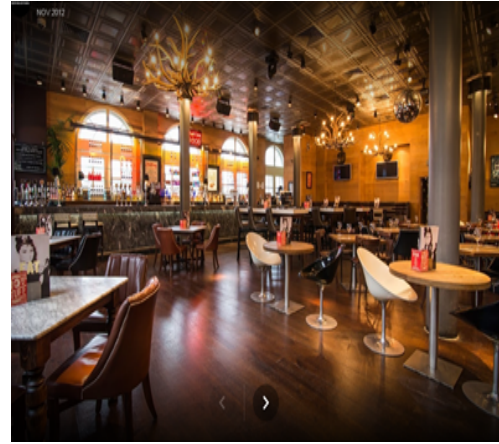
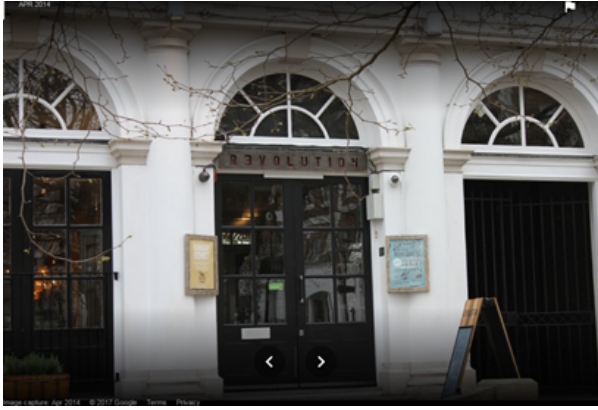
- 5.13 At the Licensing Sub-Committee hearing the Police and Officers of the Licensing Authority gave evidence against the premises licence holder. The Sub-Committee decided to impose a number of agreed conditions onto the premises licence, which had been negotiated with the premises licence holder, their appointed representative and the two responsible authorities before the Licensing Sub-Committee heard the review application.

Shell Filling Station 174 Sheen Road Richmond (Application to Vary)

- 5.14 Officers of the Licensing Authority and the local Metropolitan Police objected to an application to vary the existing premises licence for the Shell Filling Station at 174 Sheen Road Richmond to allow the sale by retail of alcohol for consumption off the premises over a twenty-four hour period seven days per week. The decision to object to the variation application was supported by several local residents.
- 5.15 Before the Licensing Sub-Committee hearing started, the premises licence holders appointed representative discussed their client's application with the two responsible authorities, and they decided to amend the application by withdrawing the proposed sale by retail of alcohol over a twenty-four period.

Revolution 4 Whittaker Avenue Richmond (New Application)

- 5.16 Officers of the Licensing Authority and the local Metropolitan Police objected to a new application for a premises licence for the Revolution Bar at 4 Whittaker Avenue Richmond, which was seeking later hours for licensable activities from those stated on an existing premises licence. From July 2012 to September 2013 the premises licence operator was the subject of three reviews of licence, the last of which was a summary review following an incident involving patrons of the Revolution bar, which resulted in a serious assault outside the premises.



5.17 At the Licensing Sub-Committee hearing Officers of the Licensing Authority gave evidence against the new application using the three reviews applications and the failure on the applicant's part to address the Richmond Town Centre cumulative impact policy. Objections were also received from nearby local residents, and two residents gave evidence against the new application. The Licensing Sub-Committee decided to refuse the new premises licence application, and to date no application for appeal has been received.

The Old Frizzle 74 – 78 the Broadway London SW19 1RQ (Application to Vary)

5.18 Officers of the Licensing Authority and the local Metropolitan Police objected to an application to vary the existing premises licence for the Old Frizzle at 74 – 78 the Broadway London SW19. The premises licence hold was seeking to extend the hours for the sale by retail of alcohol for consumption on and off the premises until 02:00 hours when international sporting events were taking place.

5.19 The Licensing Authority took the view that International sporting events could be interpreted as events that take place anywhere in the world through the calendar year, resulting in the applicant extending their hours for the whole year. Furthermore, the applicant had failed to address the Council's cumulative impact policy for Wimbledon Town Centre.

5.20 Before the Licenisng Sub-Committee hearing was due to take place, the applicant agreed to amend their application removing the proposed extension of hours for the sale by retail of alcohol when international sporthing events were taking place. With this agreement in place the Licensing Authority withdrew their objection leaving local resident objections for the Licensing Sub-Committee to consider.

Street Trading

Unlicensed Shop Front Traders

5.21 Over the past twelve months Licensing Officers in the team based at the Civic Centre in Twickenham have found a number of unlicensed sites throughout the borough. These sites have included tables and chairs as well as goods being placed on the public highway for gain or reward. Were traders have been found trading without a street trading licence the trader has been given the option to

apply for a licence where a street trading designation is in place. Where there is no street trading designation, temporary street trading licenses have been issued, and the process for designating the street has been processed. The discovery of unlicensed street trading sites throughout the borough, and the opportunity to grant and issue new street trading licenses is helping with an increase to licensing income for the borough.

Itinerant Street Traders, Update to the Council's Standard Conditions and a Proposed New Street Trading Policy for both RSP Boroughs.

- 5.22 As part of a project on street trading, the Licensing Team proposes to undertake a review of the current standard conditions imposed on all street trading licenses for both the partnership boroughs. In particular, itinerant traders selling and preparing food products may be required to use electricity supplies installed for use on licensed pitches to reduce pollution created by diesel generators or engines fitted to vans.
- 5.23 Working in partnership with the Commercial Environmental Health Team, annual food hygiene inspections may be introduced with a requirement to display food hygiene ratings on vans and trailers. Because traders who work from licensed itinerant street trading pitch have direct contact with children and venerable persons, an annual enhanced criminal records check may be introduced, with certification submitted by the trader when renewing their annual licence. A requirement for any CCTV systems fitted to traders vans to be registered with the Information Commissioners Office and for appropriate CCTV signage to be displayed to comply with Data Protection laws may also be considered.
- 5.24 Any proposed ideas and suggests changes to the Council's street trading standard conditions, and the creation of a street trading policy, will be reported to the London Borough of Richmond upon Thames Regulatory Committee and the London Borough of Merton Licensing Committee for Members approval and for Full Council adoption.

Dangerous Wild Animals.

- 5.25 On the 3 March 2017 the Licensing Team in Richmond received a complaint/report from a member of the public about two F1 Savannah cats being kept at an address in brough. Upon further investigation, details of a former Dangerous Wild Animals Licence (DWA) were obtained from the issuing authority where the owner of the two F1 Savannah cats had been living, and Officers were able to confirm the owner had moved to an address within the London Borough of Richmond upon Thames.
- 5.26 Working in partnership with the local Metropolitan Police and the City of London Animal Welfare Team, Officers of the Licensing Authority visted the address we had been given, and the two F1 Savannah cats were seized using authorised powers as defined in the Dangerous Wild Animal Act 1976 because of concerns linked to public safety and for the welfare of the animals themselves.



- 5.27 At the time of the inspection the two F1 Savannah cats were being kept in a one bedroom first floor rented flat, with no external facilities for exercise. Furthermore, windows in the flat were not covered or locked, which could have resulted in the cats getting out from open windows unsupervised.
- 5.28 The City of London Animal Welfare Officers took the two cats to the Animal Welfare Centre at Heathrow Airport, where they were looked after. The owner of the two F1 Savannah cats was given twenty-eight days to buy and build a suitable enclosure in a garden connected to the flat and to meet a number of conditions, which would be imposed on a Dangerous Wild Animal licence. Furthermore, the Licensing Authority asked the owner to obtain written authority from the landlord of the property, to confirm they agreed and were satisfied to have two animals listed as Dangerous Wild Animals living at their property.
- 5.29 On Tuesday 16 May 2017 the owner of the two F1 Savannah cats confirmed all requirements for a Dangerous Wild Animal licence to be issued had been met, and arrangements were made for Officers and Animal Welfare Officers to visit the premises. Following an inspection of the premises on the 17 May 2017 Officers were able to confirm all requirements had been complied with, and on Thursday 18 May the two F1 Savannah cats were taken back to their owner, and a licence was issued.
- 5.30 The owner has paid the full licence fee of £759 and the licence is valid for two years. An annual inspection of the premises, and the external enclosure where the F1 Savannah cats are to be kept, will be carried out by the City of London Animal Welfare Officer.

6. ENVIRONMENTAL HEALTH POLLUTION TEAM

- 6.1 The pollution team deal with a range of issues including noise nuisance, air quality, the regulation of commercial construction, contaminated land and Environmental Permitting. It also incorporates many of the traditional Environmental Health functions around drainage, pest control and nuisance accumulations on commercial properties.
- 6.2 The team generally receives around 3,000 complaints a year and of these 93% are responded to within the same day and 85% within 5 days.
- 6.3 Due to the nature of the work by the Pollution Team it is one of the most public facing teams with the RSP and the one with the most Member interaction.

Air Quality

- 6.4 Air quality is now considered a public health priority. This has been driven by legal challenges to the government and by high profile media reporting. Over the past year the Pollution Team have been focusing on the pollution as a priority working with scrutiny panels in both Merton & Richmond. New Air Quality Action Plans have been drafted for both boroughs, these represent the latest thinking around addressing air quality and will both run until 2022. Public consultation will commence in early summer. These are bespoke plans representing the individual boroughs priorities and key challenges. A working party with key borough partners is underway to ensure that the actions are deliverable and assigned to the appropriate teams.
- 6.5 We have developed a new Air Quality Planning Document that is aimed at the planning process to ensure that air quality is a focus for developers and delivers the best outcomes in managing the impact upon air quality. This policy will be used beyond the RSP and will be adopted by surrounding authorities to help push a consistent approach to planning and air quality.
- 6.6 We are in the second year of a major strategic project around the reduction of construction site emissions. This project is run by the RSP and incorporates 15 boroughs with funding through the mayors air quality fund. This project is considered a tremendous success where we have seen compliant sites rise to around 90% in the first year and the message of less pollution construction site equipment being now commonplace. We have drafted a new Code of Practice for construction sites that provides simple and pragmatic advice to developers around the control of their impact, a document that will also be adopted across a number of boroughs outside the RSP.
- 6.7 We have started a new schools project in Richmond which looks at auditing the impact of air quality and practical steps that can be taken around schools to reduce the impact on our children.
- 6.8 We have so far in 2017 secured £195,000 for project work and to help deliver air quality actions across the service.
- 6.9 New hand-held air quality monitoring equipment has been purchased to help with dynamic monitoring of air quality.
- 6.10 In Richmond, we have seen a number of successful campaigns aimed at highlighting poor air quality, including
 - Schools idling project

- Campaign to highlight the issue of wood burning appliances.
- Schools poster campaign for our monitoring stations.

6.11 In Merton, the Pollution Teams work has delivered a surcharging system through the parking permit scheme to address Merton's unique air quality issues and try to try change behaviour around vehicle make-up in the borough.

Noise Nuisance

6.12 Noise complaints remain one of the team's main source of complaint with some 1400 complaints received in Richmond (inclusive of Residential) and 1600 complaints received in Merton. The Team has maintained its night duty functions across both boroughs with staffing from both services providing resources and resilience for the service.

6.13 The service in conjunction with other boroughs and the Environment Agency has also secured much needed improvements in noise and dust levels experienced by residents living in close proximity to industrial sites. In another example of tackling environmental nuisance, the team has used enforcement powers to restrict the operations of an unauthorised paint spraying operation that was generating large numbers of complaints from local residents.

6.14 The Pollution Team has also been key partners in managing some very complex and contentious sites in both boroughs. On one such high profile site the pollution team managed to secure acoustic glazing paid for by developers for a large number of properties to mitigate the impact of noise throughout the building phase.

Planning Referrals

6.15 The pollution team is formally consulted on all significant planning and licensing applications in order that they can be assessed for environmental impact. If the potential impact is deemed significant, then the team will specify appropriate mitigation and control measures. Some of these planning cases are very complex and have been subject of legal review,

6.16 The Pollution Team has also drafted a new planning guidance document to deal with the issue of noise and development, a document now being used by a number of boroughs outside the RSP.

Accumulations of waste

6.17 Where large accumulations of commercial and/or residential waste occur on private land and are considered to be prejudicial to health or a nuisance, the pollution team can require the landowners to remove the waste. The team are currently working with a number of businesses to deal with an entrenched Rat problem in Wimbledon Town Centre.

Contaminated Land

6.18 The team has procured specialist functions around contaminated land on a tri-borough basis (Merton, Richmond & Croydon) which offers savings and represents better value for money.

7 ALTERNATIVE OPTIONS

7.1 None for the purpose of this report.

8 CONSULTATION UNDERTAKEN OR PROPOSED

8.1 None for the purpose of this report.

9 TIMETABLE

9.1 None for the purpose of this report.

10 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

10.1 None for the purposes of this report

11 LEGAL AND STATUTORY IMPLICATIONS

11.1 None for the purposes of this report

12 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

12.1 None for the purposes of this report

13 CRIME AND DISORDER IMPLICATIONS

13.1 None for the purposes of this report

14 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

14.1 None for the purposes of this report

15 APPENDICES

15.1 None for the purposes of this report

16 BACKGROUND PAPERS

16.1 None for the purposes of this report

Committee: Joint Regulatory Committee

Date: 6 June 2017

Subject: Regulatory Services Forward Plan

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking (LB Merton); Cllr Nick Draper, Cabinet Member for Community and Culture (LB Merton), Cllr Pamela Fleming, Strategic Cabinet Member for Environment, Business and Community (LB Richmond - Chair); Cllr Rita Palmer (LB Richmond)

Contact officer: John Hill Assistant Director Public Protection/Paul Foster, Head of the Regulatory Services Partnership

Recommendations:

A. Members to note and comment on the Forward Plan

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. The Regulatory Services Partnership Forward Plan lists for the year ahead future meetings of the Joint Regulatory Committee together with suggested topics for discussion by members

2 DETAILS

2.1. Please refer to the Forward Plan contained in Appendix 1 of this report

3 ALTERNATIVE OPTIONS

3.1. None for the purpose of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purpose of this report.

5 TIMETABLE

5.1. Meetings of the Joint Regulatory Committee are scheduled quarterly

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purpose of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purpose of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Forward Plan

12 BACKGROUND PAPERS

12.1. None for the purpose of this report.

Appendix 1

Regulatory Services Partnership Forward Plan (2017/18)

Date	Subject
06/06/2017 (date confirmed)	Joint Regulatory Committee <ul style="list-style-type: none">• Update on negotiations between the Regulatory Services Partnership and the London Borough of Wandsworth• Forward Plan• Partnership Annual Performance Review
10/10/2017 (date confirmed)	Joint Regulatory Committee <ul style="list-style-type: none">• Budget setting report• Fees & charges
06/02/2018 (Date Confirmed)	Joint Regulatory Committee <ul style="list-style-type: none">• Annual service plan
June 2018 (Date TBC)	Joint Regulatory Committee <ul style="list-style-type: none">• Annual performance review

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