

## **Committee: Joint Regulatory Committee**

**Date: 7 June 2016**

Wards: All

## **Subject: Annual Performance Report**

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 - Chair) , Cllr Pamela Fleming, Strategic Cabinet Member for Environment, Business and Community (LB Richmond); Cllr Rita Palmer (LB Richmond)

Forward Plan reference number: n/a

Contact officer: Paul Foster, Head of the Regulatory Services Partnership

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### **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. On the 1st August 2014, the Environmental Health Commercial, Pollution, Trading Standards and Licensing teams of the London Boroughs of Merton and Richmond upon Thames combined to form the Regulatory Services Partnership.
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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 During December 2015, the final implementation of phase II was completed that affected the field officers in the commercial team where the existing full time equivalent of field staff was reduced from 12.1 to 8.6, which was a net reduction of 3.5 posts. This was a significant contribution to the savings target that was required from the services.

3.2 Work has continued in harmonising the work practices across the two boroughs. To this end we have;

- Re- appointed and authorised all staff to work across the two boroughs.
- Drawn up a bi-borough enforcement policy has been drawn up to ensure a transparent, proportionate and consistent approach to enforcement that encourages and supports well run businesses whilst taking robust action against persistently non-compliant businesses.
- Drawn up an annual service plan that is consistent with National Food Law Enforcement Planning guidance (currently being updated).
- Set up a programme across the two boroughs to provide and deliver a risk based food safety inspection programme which focuses on higher risk premises whilst at the same time being able to respond to food poisoning outbreaks and complaints about food safety.

3.3 All food hygiene inspection activity is directed to those premises that present the highest risk in the non-compliant A, B, & C categories. We have revisited our Key Performance Indicators and have improved the focus of effort up against the areas of greatest risk. Across the bi-borough area we are undertaking to inspect 100% of all the Category A, B and non-compliant C premises.

3.4 We also have a target of that the number of premises with a Food Hygiene Rating of 2 or below should not exceed 15% of the total number of premises. This will naturally focus our resources and enforcement activity to those premises that create the greatest risk and such an approach is in complete accord with the expectations of the Food Standards Agency and the current Food Law Code of Practice.

#### **Enforcement Activity**

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

#### **Dicky Birds Day Nursery, 52a Dundonald Road, Wimbledon, SW19**

3.6 On the 23 August 2012, a 22 months old girl was attending Dicky Birds Day Nursery. She was playing at the sensory table in the Woodpecker room during a free-flow session. During free-flow children were allowed to pass between areas. Unknown by any member of staff the girl picked up a cube of raw jelly; ingested it; the jelly cube blocked her airway and within 1¼ minutes she suffered asphyxiation and subsequently died.

- 3.7 This was a very distressing incident and involved officers in a huge amount of investigatory work, working with outside agencies including the Coroner, Metropolitan Police, Ofsted and the Councils Early Years Department.
- 3.8 The Environmental Health Investigation concluded that the Nursery did not have adequate risk assessments and systems in place and for free-flow sessions there were no proper systems for assessing risks. No one was tasked to supervise the room with the sensory table. Children were moving around freely. There was no risk assessment in relation to the use of raw jelly cubes generally or in the use of free-flow.
- 3.9 The nursery has taken immediate remedial steps and stopped the use of jelly and free-flow.
- 3.10 On the 21 March 2016 at Kingston Crown court Dicky Birds Day nursery pleaded guilty to two charges under the Health and Safety at Work Act for failing to ensure the child's safety and for not adequately assessing the risks posed by the activity. The Judge, Lord Logge, imposed a fine of £180,000 and awarded the council its full costs of £17,234,50.
- 3.11 This was a very significant piece of investigatory work that required the processing of a huge amount of evidence including the use of an expert in early years' welfare

**Dominoes Pizza, 190 Stanley Road, Teddington, TW11**

- 3.12 On Sunday 15 February 2015 a student ordered a takeaway meal from Dominoes Pizza. The meal included pizzas and four doughnuts, but when the doughnuts were opened, they were found to be in a very mouldy condition.



- 3.13 The matter was reported to the food team and an investigation was commenced. The doughnuts were submitted to the Public Analyst who confirmed that the mould growth was at least six days old and rendered the doughnuts unfit for human consumption.

- 3.14 The investigation by the Environmental Health Officer revealed that there had been a significant and serious breakdown in the company's food safety management system.
- 3.15 The matter was brought before the Magistrates at Lavender Hill, where the franchisee, Delmon Pizza Ltd , entered an early guilty plea of supplying food that was unfit for human consumption. They were fined £2,000 and ordered to pay the councils costs of £1,358.40.

**Eddie Catz, 42 Station Road, Colliers Wood, SW19**

- 3.16 This children's play centre and associated café was routinely inspected on the 16 November 2015. A substantial mouse infestation was found in the kitchen to the café and the owner agreed to voluntarily close the café.
- 3.17 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 a simple caution was accepted. A subsequent revisit was made on the 18 February 2016 and good standards were being maintained and they regained their Food Hygiene Rating of 5.

**Sherwood School, Abbots Road, Mitcham, CR4**

- 3.18 A routine inspection on the 20 October 2015 revealed an extensive mouse infestation throughout the kitchen and which was also affecting parts of the nursery school. Fortunately, these issues were discovered just before half term and the catering contractors voluntarily closed the kitchens. During the half term break extensive pest proofing and deep cleaning took place and the kitchens were allowed to reopen, by the time the children returned to School.
- 3.19 The premises were re inspected on the 21 January 2016 and standards were being maintained and the kitchen was awarded a Food Hygiene Rating of 5.

**The Kalabash, 255 London Road, Mitcham, CR4**

- 3.20 Further to a customer reporting a live cockroach in the bag into her takeaway was placed, were inspected on the 1 December 2015. The Environmental Health Officer confirmed the presence of cockroaches.



- 3.21 The premises were then voluntarily closed whilst a pest control contractor was called in to deal with the problem and they were not allowed to reopen until they had been eradicated and the premises deep cleaned. The Food Business operator has accepted a simple caution.

#### **Charisma Café 116 Morden Road, South Wimbledon SW19**

- 3.22 Routine inspection on 15<sup>th</sup> March 2015 revealed problems with 'hoarding' and an active mouse infestation.
- 3.23 The premises were voluntarily closed for two weeks whilst the owners cleared away obsolete equipment and stored items and engaged the services of a pest control company to eradicate the mouse infestation.

#### **Colombo Restaurant 175 London Road, Mitcham CR4**

- 3.24 Routine inspection carried out on 21 March 2015 found issues with poor hygiene and an extensive mouse infestation. Mouse droppings were found throughout the premises contaminating work surfaces, cooking utensils and food.
- 3.25 The premises were closed on the spot using a Hygiene Emergency Prohibition Notice which was ratified by the Magistrates Court and converted into a Hygiene Emergency Prohibition Order. The premises remained closed for two weeks whilst extensive structural improvements were made, the food rooms deep cleaned and the mouse infestation eradicated.

### **Urban Diner, 20 Hill Street, Richmond, TW9**

- 3.26 There are increasing concerns about the dangers of undeclared allergens (such as peanuts) in foods. A new set of regulations – The Food Information Regulations 2014 places a legal obligation on Food Business Operators to provide information on allergens that are in the food that they are serving to their customers.
- 3.27 Further to advisory letters that were sent to the Food Business Operator, which were not acted upon, an Improvement Notice was served under these Regulations.
- 3.28 A recent inspection has revealed that the requirements of this Notice have not been complied with and a report is being compiled with a view to taking legal proceedings. This will be one of first actions of its type to be taken under these regulations in London.

### **Molana, 44 Sheen Lane, East Sheen, SW14**

- 3.29 Whilst there is no longer a requirement to carry out the same number of proactive Health Safety visits that we did in the past , issues relating to the dangers from Carbon Monoxide poisoning from solid fuel cooking appliances such as tandoori ovens and charcoal grill units, still remain a top Health and Safety priority.
- 3.30 This restaurant had a large charcoal grill installed and concerns from residents were received on one occasion when the carbon monoxide level have risen to such a level as to trigger the carbon monoxide alarms in the residential flats above. Such problems often occur after trading, when the coals are still burning and the ventilation is turned off and due to incomplete combustion, carbon monoxide gas is given off. Despite the advice given on removing the coals at the end of trading we recently had a second incident when elevated carbon monoxide after trading hours, triggered the alarms in the flats.
- 3.31 We were concerned about the safety of the residents living above and served an Improvement Notice under the Health and Safety at Work etc Act. The Notice requested the installation within the restaurant, of a carbon monoxide alarm system that when activated automatically turns the ventilation system on, hence preventing any dangerous build-up of carbon monoxide that might put the residents at risk. The alarm will operate even after trading hours when the restaurant is closed.
- 3.32 Whilst the issues relating to carbon monoxide are often talked about at the London wide Health and Safety Liaison Meetings, this is first notice of its type that has been served and other boroughs have contacted us in order to request copies so that they can deal with similar issues in their boroughs.

## **Working with Public Health**

- 3.33 Merton Public Health team is 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.
- 3.34 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 & 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.
- 3.35 Building on the scheme that was originally launched in 2011 in Merton, since July 2015 the Health Improvement Officer has been working with food businesses across the borough and so far 25 businesses have signed up and been awarded a certificate and window sticker to acknowledge their achievement. These businesses include takeaways, cafes, restaurants and voluntary organisations and are situated across the borough.
- 3.36 To link in with the Healthier Catering Commitment a sampling project focussing on the nutritional quality of chips being sold in Merton is currently underway. This project will sample chips from a variety of outlets, focussing on popular outlets and those near to secondary schools. The samples will be analysed and we will be able to make some conclusions on the types of cooking oils being used, method of frying and the impact this has on overall fat and calorie values for different portions of chips. Advice can then be shared with local businesses in order to promote the healthiest ways of preparing chips for their customers.

## **Food Hygiene Rating Scheme**

- 3.37 Both boroughs operate the Food Standard Agency's Food Hygiene Rating Scheme (FHRS). This internet based scheme makes it easier for consumers to choose places with good hygiene standards when they are eating out or shopping for food.
- 3.38 The ratings range from 0 (Urgent Improvement Required) to 5 (Very Good). We currently have 2658 premises in the scheme and the ratings are regularly updated and are available on the Food Standards Agency's website and on a number of 'apps'. Any rating of 2 or below is considered to be non-compliant.
- 3.39 Currently Merton has 1322 premises in the scheme of which 146 are scored 2 or below which means that 89% of the premises are compliant.
- 3.40 Richmond has 1348 premises in the scheme of which 110 are scored 2 or below which means that 93% of the premises are compliant.
- 3.41 As this is a National Scheme, it is important that scoring is applied in a consistent manner and all the Officers in the commercial team receive regular refresher training on the scheme and joint visits are made with the team leader as part of our internal quality assurance procedures. Last October, Officers also took part in a National Scoring Consistency Exercise and their scores were

completely in line with those expected by the Food Standards Agency. Mandatory display of hygiene ratings is not yet a requirement in England

### **The Rugby World Cup**

- 3.42 Along with Wimbledon Tennis, the Commercial team had a considerable input into this world class sporting event. Utilising the expertise from both boroughs, a considerable number of food outlets were inspected throughout the tournament (10 games), starting with the opening ceremony on 18<sup>th</sup> September and the final on 31<sup>st</sup> October 2015.
- 3.43 A considerable amount of behind the scenes work took place with all the caterers, which included:
- Twickenham Stadium and the three temporary hospitality structures in the grounds ( the two largest catering for 3,000 and 1,000 customers)
  - Street traders lining the routes
  - The Official Fanzone
  - The hospitality units at the London Welsh, the London Scottish, Twickenham Masonic Centre and at the Harlequins Ground at the Stoop
- 3.44 With all these major events there is a considerable reputational risk should something go wrong, but we are very pleased to report that this major sporting event took place without any food related issues.

## **4. ENVIRONMENTAL HEALTH POLLUTION TEAM**

- 4.1 The pollution team deal with a range of issues including noise nuisance, air quality and contaminated land. It also deals with nuisance accumulations and pest control on certain properties. The team receives around 3,000 complaints a year and of these 93% are responded to within the same day and 85% within 5 days.

### **Air Quality**

- 4.2 The pollution team are very proactive on air quality and it is the South London cluster group lead on a number of initiatives. The team has recently received grant funding of nearly £400,000 over the next three years to lead a project for 13 South London boroughs around cleaner construction.
- 4.3 We have secured an additional £70,000 funding to Local Implementation Funds (LIP) and are about to apply for additional funding to tackle poor air quality. The RSP is a focus area for the Change London AirSensa (<http://www.airsensa.org/>) project, which will monitor and visualise air quality across the country right down to individual street level, sharing real-time health information with everyone, and enabling specific solutions to be targeted accurately and efficiently. We're already rolling out air sensors on schools, business premises and other key locations.
- 4.4 We are currently working with Richmond's planning policy team to include robust air quality measures into Richmond's Local Plan. The team has drafted a Supplementary Planning Document (SPD) relating to noise and development control in partnership across 4 London Boroughs.



### **Noise Nuisance**

- 4.5 Noise complaints remain one of the teams main source of complaint with some 1400 complaints received in Richmond (inclusive of Residential) and 1600 complaints received in Merton.
- 4.6 The Team has maintained its night duty functions across both boroughs with staffing from both services providing resources and resilience for the service.
- 4.7 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.

### **Planning Referrals**

- 4.8 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. During the last year the partnership received 444 planning referrals. Some of these planning cases are very complex and have been subject of legal review, The Thames Hydro scheme (Richmond) was one such development which went to Judicial Review (JR) and the information provided by the pollution team helped the case to be dismissed.
- 4.9 The Pollution Team is drafting a number of planning documents across a number of boroughs to provide clear guidance to developers as to what the Council will require to minimise and mitigate local environmental impacts.

### **Accumulations of waste**

- 4.10 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**

- 4.11 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.

## **5. TRADING STANDARDS**

- 5.1 Trading Standards continue to operate an intelligence led approach to enforcement and service delivery.
- 5.2 Following a national review of Trading Standards services it is pleasing to be able to report that our service has been invited by The Local Government Association to contribute to a national study. The study will report on efficient and sustainable models for the future delivery of Trading Standards services across the country and is being undertaken by INLOGOV at the University of Birmingham.

5.3 Trading Standards activities and volumes are summarised in Table 2 below.

**Table 2**

Activity	Richmond	Merton
No. Trading Standards Premises	3570	5431
No. High Risk Trading Standards Premises	45	24
No. Trading Standards business compliance visits	131	175
No. TS Infringement Reports, Prosecutions & Simple Cautions	10	14
No. Trading Standards complaints	2436	3313

### Age Restricted Sales

- 5.4 Test purchasing is used to establish the level of compliance within the boroughs of Merton and Richmond regarding the sale of age-restricted products. Age restricted goods include tobacco products, alcohol, knives, video games, DVDs and fireworks.
- 5.5 In 2015/2016 a total of 137 test purchases were attempted by a young person under the age of 18 closely supervised by Trading Standards staff.
- 5.6 Knife sales to young people are of particular concern with the prevalence of knife related crime in our community. One investigation concerned the sale of a knife to a 15 year old girl. At the time of the sale the shop assistant was busy with a queue of customers waiting to be served. Due to the number of customer's waiting the assistant scanned the knife through the till, which in turn, triggered an age verification warning which was ignored resulting in the sale of the knife.



- 5.7 Another case involved a test purchase in a shop at a petrol station by a 15 year old boy who was assisting officers. At the time of the sale the premises were extremely busy with numerous customers waiting to be served and a petrol tanker lorry was also delivering fuel. The sales assistant was unaccompanied,

clearly distracted and under pressure. The test purchaser approached the counter with a bottle of cider and requested a packet of ten Mayfair cigarettes. The shop assistant made the sale without even looking at the boy.



5.8 These are typical examples and in all cases officers interviewed the shop assistants, store managers and owners of the businesses. Internal procedures and training were examined and comprehensive advice provided by the Trading Standards Service on practical steps that can be taken to ensure future compliance. Officer's identified areas of concern in the procedures and worked closely with the businesses to rectify the issues. Managers and shop assistants attended a Trading Standards Institute accredited 'Do You Pass' Training course providing comprehensive practical advice and support to retailers. Trading Standards staff deliver this course regularly throughout the year to support local businesses and increase levels of compliance through a partnership approach. Warning letters were subsequently sent to the businesses concerned and repeat test purchases will be made to assess improvement in compliance levels.

### **Product Safety**

5.9 One of the most significant areas of concern both locally and nationally were Hover boards predominantly imported from China. These started to appear for sale mainly via the internet from the Autumn of 2015.



- 5.10 A complaint from a Merton resident was investigated by officers in partnership with the London Fire Brigade following a house fire in Morden. The hover board in question was allegedly sourced from a supplier in Ealing. Officer's investigated the matter and established that two different brands of boards were potentially in the property at the time of the fire. Officers identified a significant stock of these boards that were removed from the supply chain and placed in secure storage pending destruction.
- 5.11 A similar complaint was received from a resident in Richmond where a charging device for a hover board had overheated and melted damaging a floor. Officers submitted two hover boards for testing and it was established that the accompanying instruction manuals were none compliant and more importantly the charging plugs/adaptor were incorrectly labelled and unsafe presenting a fire risk. Officers seized a quantity of the boards that are now pending destruction.
- 5.12 The Trading Standards Service carries out a 100% inspection of all premises registered to store fireworks. Inspections identified numerous storage problems from minor to more significant concerns. One retail shop was found to be storing over 49 kilograms of high powered fireworks/explosives of the class often used for professional displays and not suitable for use by members of the public. Fireworks of this classification require specialist storage facilities and separation distances from nearby buildings. Officers ensured that the fireworks were removed from the premises using approved specialist transportation.

### **Doorstep Crime**

- 5.13 We are increasingly dealing with complaints from residents who 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. However, the work is of a poor standard (if carried out at all) and usually 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
- 5.14 This year we also received reports of unsolicited visits to residents from individuals declaring themselves to be Trading Standards Officers.
- 5.15 In one case a man visited a resident and stated that persons behind a building company had been arrested as they were rogue traders, had been conning people and the case was in court that day. The man took the resident's name and number. Shortly after the resident received a telephone call from a man claiming to be a Trading Standards Officer and provided a badge number. The man asked the resident to bring £4000 to court. The resident found this strange and asked for a telephone number on which they could call back after considering the request. When the resident called they were passed on to man claiming to be a surveyor. The 'surveyor' explained that the resident needed to make payment immediately and they would be collected in a police car and driven to court. The amount was reduced to £2000. The resident advised that they were unable to raise that amount of money that day. At that point the 'surveyor' said the case had been adjourned and the resident would be contacted again in the next few weeks. Officers investigated but were unable to identify the perpetrators but provided reassurance and advice to the resident.
- 5.16 The service has continued to work with the Adult Safeguarding Team in response to doorstep crime incidents and has recently undertaken work to clarify respective roles and improve communication.
- 5.17 Following reports of rogue traders targeting specific locations Officers have distributed written advice in leaflet format 'How to spot a rogue trader' in these areas in partnership with Police Safer Neighbourhood Teams. This action promotes awareness and provides practical advice to residents supplemented by patrols of the area with Police that have an emphasis on supporting particularly vulnerable elderly residents.
- 5.18 Trading Standards participated in pop up events where officers spoke to local councillors and residents providing advice, leaflets and guidance on doorstep crime and scams in particular.
- 5.19 In another case in Richmond a man was selling mattresses, headboards and bed frames door to door from the back of a van. The explanation given was that the contents of the van were from a cancelled order that he did not want to have

to return to the warehouse. A resident paid £250 in cash for an upholstered headboard, mattress and bed frame. There was no safety labelling on any of the products as required by law. The trader had also offered to take away the resident's old bed but once he was given the money he jumped into his van and drove away. Without a registration number it was not possible to identify the trader. A press release alerted residents to the dangers of buying goods from the back of vans.

### **Weights and measures**

- 5.20 Each year in the UK, £622 billion worth of goods and utilities are sold on the basis of the measurement of their quantity. A small percentage shortfall in the quantity supplied results in significant detriment to consumers and an unfair advantage over compliant businesses. A targeted approach is adopted focussing on short measure with officers carrying out checks on pre-packed articles and weighing and measuring equipment such as scales and petrol pumps to ensure they are accurate. Our work has also included the testing and certifying of public weighbridge operators, providing technical advice to a locally based manufacturer of measuring equipment and ensuring accurate equipment is used for the sale of alcohol in two world class sporting events; the Rugby World Cup at Twickenham stadium and the Wimbledon Tennis Championship.



### **Intellectual property**

- 5.21 Over 7000 DVDs were seized during the year for breaches of copyright, unauthorised use of trade marks and failure to comply with the age labelling requirements of the Video Recordings Act.
- 5.22 Another retailer was found to be selling rolls of cloth material, some of which were confirmed by the Dutch manufacturer as counterfeit.
- 5.23 A further case involved a complaint regarding a shop selling counterfeit clothing that included vests, baby clothes and shawls with embellishments such as ribbons and badges of trade marks such as Chanel, Nike and Adidas.



5.24 The Trading Standards Service led on enforcement for the Regulatory Services Partnership during the Rugby World Cup (RWC) and was responsible for producing the Rights Protection Plan for Richmond detailing enforcement in relation to all aspects of the tournament. In the months preceding the tournament officers provided advice to local businesses and licensed traders to ensure that they would not be selling infringing products. Monitoring of the eBay site found traders selling infringing products which were referred to the representatives of the RWC to have taken down. A team of officers attended each match and our presence ensured that there was no counterfeit merchandise available for sale.

### **Business Advice and Fair Trading**

- 5.25 Supporting local businesses continues to be a key area of our work. During the year we have established 3 new Primary Authority partnerships endorsed by the Better Regulation Delivery Office (BRDO) with locally based businesses that operate both nationally and internationally. This provides significant benefits to those businesses by improving their legal compliance, online business, efficiency, growth and customer retention through working in partnership with us.
- 5.26 We have received approximately 300 requests for 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 and the accuracy of product and service descriptions.
- 5.27 The service represented the Regulatory Services Partnership at the highly successful Richmond Expo event for businesses organised by Richmond's Economic Development team at Twickenham Stadium.



- 5.28 Significant investigations during the year have included the UK's largest home and garden online retailer to improve their processes and legal compliance and tackling claims by an international call blocker company of numerous endorsements/approvals and that their product prevents 99% of nuisance calls to residents when evidence suggests that this figure is less than half this level. Nuisance marketing calls to elderly and vulnerable people cause significant detriment nationally.

#### **Proceeds of Crime**

- 5.29 A number of financial investigations are ongoing including a business that sold counterfeit mobile phone covers and laser pens via eBay. The man was found guilty of trade mark and safety offences. The financial benefit from these crimes has been assessed at over £220,000 and action is continuing to reclaim this money through the Home Office incentivisation scheme.
- 5.30 A confiscation order of £141,000 was obtained in relation to a woman who falsely claimed housing benefit from Merton Council using two different names. The judge made the order at Kingston Crown Court which includes £50,000 to be paid to the Council as compensation. The defendant has 3 months to pay with a default term of 2 years imprisonment.
- 5.31 An investigation is continuing into a letting agent that closed down owing both landlords and tenants monies. The agent created false documents for landlords and tenants that had supplied him with a deposit and 6 month's rent in cash in advance that was not passed on to the landlords. Additionally VAT was charged on landlord statements and invoices when the agent was aware that property letting is exempt for VAT purposes to tenants. The agent was sent to prison and the financial investigation is continuing.



## 6. LICENSING

- 6.1 The licensing teams in Merton and Richmond continue to meet all statutory targets as specified in the Licensing Act 2003 and the Gambling Act 2005.
- 6.2 The team continues to work very closely with the local Metropolitan Police licensing teams based in Richmond and Merton and joint police/council inspections of licensed premises are carried out on a regular basis.
- 6.3 The licensing requirements associated with the Rugby World Cup tournament placed additional demands on council and police resources and as a consequence partnership working with the local licensing trade, especially in relation to the control of visitors and patrons for the four late kick offs, during the RWC was especially significant. Thanks to the partnership working between the local Police Licensing Team, the Licensing Authority Licensing Officers supported by colleagues from the RSP Trading Standards Team and the Commercial Environmental Health Team the build- up and close of each match played at the RFU was a great success.
- 6.4 The total number of licensed premises across the partnership for the current financial year (2016-17) amounts to 4,034 which is an increase from the figure published in the previous report. A breakdown showing the premises type and activity volumes is shown below in Table 1:

**Table 1**

<b>Type of Licensed Premises</b>	<b>Merton</b>	<b>Richmond</b>
Premises Licenses/Club Premises Certificates (LA03)	594	771
Premises Licenses/Tracks Betting (GA05)	36	21
Special Treatment Premises	186	244
Street Trading	978	1089
Pet Shops	6	4
Riding Establishments	2	4
Scrap Metal	6	2
Zoo's	0	1
Animal Boarding Establishments	0	0
Dog Breeding	0	0
Sex Shops/Sex Entertainment Venues	0	1
Total Number of Inspections of Licensed Premises to Date	280	376
Total Number of Applications Received to Date	465	715
Service requests (complaints and enquiries) received	186	

- 6.5 The London Borough of Merton's Licensing Policy (alcohol, entertainment & late night refreshment) was adopted by full Council on the 18 November 2015 following the documents review. The additional Cumulative Impact Zone for Mitcham Town Centre and the surrounding area to control the number of off licensed premises and sales of high alcohol by volume beers and lagers was also adopted and is now in place.
- 6.6 The London Borough of Richmond upon Thames Statement of Principles under the Gambling Act 2005 and the London Borough of Merton Statement of Principles under the Gambling Act 2005 were updated and formally adopted by both Council's late in 2015.
- 6.7 The Licensing Team has supported the Police Licensing Officers in a number of reviews of premises licenses where alcohol has been sold to minors and sold beyond permitted hours as authorised by a premises licence. Ambaal Store at 173 Streatham Road Mitcham came to the notice of the licensing team when the local MP and a local Ward Councillor, Councillor Kirby asked Officers from the Licensing Team and the local Police to attend a meeting with local residents following complaints about the premises remaining open and selling alcohol after permitted hours. Following a failed test purchase and alcohol being sold to an undercover Police Officer after permitted the Police submitted a review application which was supported by the Licensing Team. The premises licence was suspended by the Licensing Sub-Committee for three months. During the suspension period Officers of the Licensing Team and the Police have discovered alcohol stored and displayed on the premises. As a result a second review application has been submitted by the Police supported by the Licensing Team. This review application is yet to be determined.
- 6.8 Popular Food and Wine on Hampton Road Twickenham was tested twice by the Police using underage Police Cadets to purchase alcohol in late 2015 and early 2016. On both occasions staff working inside the premises sold alcohol to the Police Cadets. Following the second review application the Licensing Team support the Police and following evidence submitted by the Licensing Team and the Police the premises licence was revoked by the Licensing Sub-Committee.
- 6.9 The Licensing Team has recently prosecuted an illegal street trader for selling ice cream from Richmond riverside without a street trading licence. This particular trader has been prosecuted and found guilty in 2010 and 2013 of similar street trading offences in the same locality. In 2015 the Licensing Team received a number of complaints from members of the public about the trader selling ice creams at weekends from Richmond riverside without a street trading licence. Because team resources were limited at weekends and ex-Police Detective was employed on a temporary contract to build up a case against the trader. In February 2016 the trader was found guilty in his absence before the Court of twelve offences of trading without a street trading licence and he received a fine with full costs awarded to the Council. However, this decision by the Court has now been deferred and a trial date has been set for August 2016 before Wimbledon Magistrates Court. Because the trader has continued to trade from Richmond riverside and he has made threats to lawful traders who sell ice cream in Richmond and to Council Officers an injunction was sort at Kingston County Court. An interim injunction was imposed on the 24 May by the Court restricting access to the trader. A further hearing before Kingston County Court

is due to take place in June where costs and a permanent injunction are to be discussed.

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

- Appendix A – Performance Data

**16 BACKGROUND PAPERS**

16.1 None for the purposes of this report

**Appendix A**  
**Performance Data**

Indicator	MERTON		RICHMOND	
	Target	Achievement	Target	Achievement
% of Category 'A' & Category 'B' high risk food premises inspections carried out of those due.	100%	100%	100%	100%
% of food premises rated 2 <sup>1</sup> or below	Less than 15%	10.53%	Less than 15%	7.9%
% of premises licences processed within 21 days	100%	100%	100%	100%
Number of test purchases and "Do You Pass?" training sessions carried out	100	88	100	49

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<sup>1</sup> 2 – Improvement Necessary, 1 – Major Improvement Necessary, 0- Urgent Improvement Necessary