

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 20 November 2018

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 11.00 am

Present

Members:

Christopher Hayward (Chairman)	Alderman Gregory Jones QC
Deputy Alastair Moss (Deputy Chairman)	Shravan Joshi
Randall Anderson	Oliver Lodge
Peter Bennett	Alderman Nicholas Lyons
Sir Mark Boleat	Deputy Brian Mooney
Mark Bostock	Sylvia Moys
Peter Dunphy	Barbara Newman
Marianne Fredericks	Graham Packham
Alderman Prem Goyal OBE JP	Susan Pearson
Graeme Harrower	Deputy Henry Pollard
Christopher Hill	James de Sausmarez
Deputy Jamie Ingham Clark	Alderman Sir David Wootton

Officers:

Gemma Stokley	- Town Clerk's Department
Jennifer Ogunleye	- Town Clerk's Department
Simon Owen	- Chamberlain's Department
Dipti Patel	- Chamberlain's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Alison Bunn	- City Surveyor's Department
Carolyn Dwyer	- Director of Built Environment
Zahur Khan	- Department of the Built Environment
David Horkan	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Rory McMullan	- Department of the Built Environment
Ted Rayment	- Department of the Built Environment
Craig Stansfield	- Department of the Built Environment
Samantha Tharme	- Department of the Built Environment
Jon Avern	- Department of Markets and Consumer Protection
Rachel Pye	- Department of Markets and Consumer Protection

Steve Presland

The Chairman paid tribute to Steve Presland, who had now retired from the City, although would still be engaged part time leading on mobilizing the City's new Waste and Cleansing contract.

The Chairman reported that Steve had worked in several Local Authorities, originally training as an Environmental Health Officer and had also had a stint with Kier in the private sector before coming to the City in 2008.

The Chairman stated that Steve's achievements at the City were too numerous to mention, but some highlights included his overseeing of several major contract procurements, including the appointments of our term contractor Rineys and the City's coordination and delivery of operations for the 2012 Olympics. The Chairman underlined that this was a highly complex logistical challenge that reflected extremely well on the City and much of what was learned has informed current strategies and practices.

The Chairman went on to report that Steve had overseen transformation of the City's streets and public spaces including Bloomberg Place, London Wall Place, the areas around Goldman Sachs, and Aldgate Square not to mention many other smaller schemes implemented by the City Public Realm Team.

It was highlighted that Steve had helped to tackle some of the City's greatest challenges including engaging with various communities to develop ambitious strategies for transport and freight that will enable the continuing development of the City as a world class Centre for business and culture. Steve has helped the organisation to learn from the best in the world including visiting New York with the Chairman to meet with their opposite numbers there and share experience.

Steve's team are also involved, of course, in every Planning Application that comes before this Committee - it is Steve's team that assess the transport impacts of development and evaluate the servicing and delivery plans, ensuring that developers mitigate the impacts of their development and negotiating appropriate improvements to the streets and public realm.

Of course, he has also overseen the delivery of the radical experiment, now permanent scheme at Bank Junction.

Steve has really understood that we need to collaborate and has developed positive relationships with developers, partners, TfL and elected Members, and most importantly of all, Steve has built and developed a fantastic team of talented, professional and committed people who are a credit to him.

Steve and the team have picked up just about every industry award over the past few years which demonstrates how much the City is at the forefront on issues such as fleet management - leading the industry to develop greener and safer vehicles, innovation in transportation and road danger reduction and the development of the concept of healthy streets in one of the most densely developed business cities in the world.

The Chairman added that the City is always developing and frequently gave awards to those developers who best manage their sites in the safest way, minimizing disruption to our communities. The Chairman reported that he had had the pleasure of judging these awards and had therefore seen first-hand how well our teams managed and enforced good practice.

The Chairman concluded by stating that he had personally enjoyed working with Steve - a fantastic colleague, with a great sense of humour, a real commitment to deliver, and a lovely manner. He stated that he hoped that all Members would join him in thanking Steve for all that he has done and to wish him all the very best for his retirement, enjoying more time doing the things he enjoyed most with friends and family.

Steve took the opportunity to respond to the Chairman's words of thanks by thanking both he and the Committee for a very challenging but enjoyable time at the City of London Corporation. He added that he was pleased with how much had been achieved during his time at the organisation and highlighted that the Committee were now left with an ambitious Transport Strategy to deliver in terms of further improvements.

1. **APOLOGIES**

Apologies for absence were received from Munsur Ali, Deputy Keith Bottomley, Stuart Fraser, Natasha Maria Cabrera Lloyd-Owen, Judith Pleasance, Graeme Smith and William Upton.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Mr Mooney enquired as to whether a number of Members who were resident in the City may, arguably, have a disclosable pecuniary interest (DPI) in relation to agenda item 17 (Consultation on Noisy Saturday Construction Work Activities in the City of London) given that any decision here could be perceived as improving the local environment and thereby enhancing property values.

The Town Clerk responded by stating that this appeared to be a tenuous link and that the matter would not necessarily engage a DPI.

The Chairman requested that legal advice be sought from the Comptroller and City Solicitor ahead of this Item being considered. The advice would need to provide clarity as to whether those Members who owned property within the City were able to speak and/or vote on the matter or whether this was a matter for personal judgement.

The Assistant City Solicitor (attending the meeting as the Comptroller and City Solicitor's representative) stated that she did not believe that this would constitute a DPI although would seek final clarification on this.

An Alderman commented that the definition of a DPI involved an appreciable financial loss or gain which was not the case in the matter for determination at Item 17.

3. **MINUTES**

The public minutes and summary of the meeting held on 30 October 2018 were considered and approved as a correct record.

4. **MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

The Committee received the draft minutes of the Streets and Walkways Sub Committee meeting held on 23 October 2018.

RECEIVED.

5. **DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**

The Committee received a report of the Chief Planning Officer and Development Director detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the report to the last meeting.

A Member raised a question in relation to application number 18/00818/FULL for Lamb and Trotter in Aldersgate Ward. She questioned whether Officers were content that all of the signage on site was necessary as it appeared to be excessive. Officers responded by stating that this kind of detail was assessed for all applications and that, in this case, they were satisfied that all of the signs were necessary given that this was a large site.

The Member went on to highlight that several signs were illuminated and questioned whether this was also taken in to consideration given that the site was situated in a residential area. Officers reassured Members that this aspect was also closely monitored and controlled and was, in this case, deemed necessary for the time being.

RECEIVED.

6. **VALID PLANNING APPLICATIONS RECEIVED BY DEPARTMENT OF THE BUILT ENVIRONMENT.**

The Committee considered a report of the Chief Planning Officer and Development Director detailing development applications received by the Department of the Built Environment since the report to the last meeting.

RECEIVED.

7. **ANNUAL ON-STREET PARKING ACCOUNTS 2017/18 AND RELATED FUNDING OF HIGHWAY IMPROVEMENTS AND SCHEMES**

The Committee received a report of the Chamberlain informing Members that the surplus arising from on-street parking activities in 2017/18 was £14.523m, a total of £4.664m was applied in 2017/18 to fund approved projects and that the surplus remaining on the On-Street Parking Reserve at 31st March 2018 was £29.980m, which will be wholly allocated towards the funding of various highway improvements and other projects over the medium term.

RESOLVED – That, Members note the contents of the report for their information before submission to the Mayor of London.

8. **REVENUE AND CAPITAL BUDGETS - 2019/20**

The Committee considered a joint report of the Chamberlain, the Director of the Built Environment and the Director of Open Spaces detailing the annual submission of the revenue and capital budgets overseen by the Planning and Transportation Committee. The report sought approval to the latest revenue budget for 2018/19 and provisional revenue budget for 2019/20, for subsequent submission to the Finance Committee.

A Member questioned the budget reductions associated with an increase in Indigo enforcement costs given that the organisation had only recently engaged Indigo.

The Chamberlain responded by stating that increases here were attributable to increases in London Living Wage and inflation. The Director of Transportation and Public Realm added that he believed that there had also been an increase in the number of enforcement officers provided by Indigo.

She went on to speak on the increased budget due to 'Sculpture in the City' costs and stated that it was important to bear in mind not only the basic costs associated with this but also the value of the exhibits that were on public display. The Chamberlain clarified that this was something that had already been committed to and was now part of the expected City offering.

Another Member requested that the wording of the resolution be amended so that it was clear that this Committee were not approving the report but, instead, recommending it to the Finance Committee for formal approval.

Another Member questioned why no budget increase had been apportioned to street lighting. The Chamberlain clarified that street lighting was a Capital Project and was not therefore featured here as the main report dealt with revenue. He added that the project had commenced in 2017/18, but that the bulk of the costs would be seen for the next 3 years as depicted in appendix 6 of the report.

RESOLVED – That, the Committee:

- Note the latest 2018/19 revenue budget;
- Agree that the provisional 2019/20 revenue budget reflects their objectives and recommend the budget for submission to Finance Committee for formal approval;
- Approve the draft capital budget;
- Approve the draft 50-year Bridges' Repairs, Maintenance and Major Works Fund budgets and the consequent required contributions;
- Agree the budget virement of the Department of Built Environment Directorate Team from Port Health Committee to Planning Transportation Committee;
- Agree additional funding of £78,000 in 2019-20, which is over and above the resource base and relates to flood risk and future resilience, to be drawn down from the un-ringfenced government grant provision for Lead Local Flood Authorities, subject to agreement of Resource Allocation Sub and Policy & Resources Committee;

- Delegate to the Chamberlain any minor budget changes required from the completion of the asset verification exercise; and
- Authorise the Chamberlain to revise budgets in respect of recharges.

9. **PUBLIC LIFT REPORT**

The Committee received a report of the City Surveyor containing details of 1 public escalator/lift that was out of service less than 95% of the time.

A Member commented that he thought that the Committee had previously asked for details of any lift in the City of London estate that was out of service for any period of time. The Chairman stated that he shared this recollection.

The City Surveyor clarified that all previous reports had only detailed those out of service for 95% of the time or less to save Members being bogged down with information on lifts that may have been out of service for just an hour or so.

A Member commented that he was of the view that, as the aim was for 100% of the lifts to be in service 100% of the time, all lift failures should be reported to Committee.

Another Member disagreed with this approach suggesting that it would be impossible to achieve 100% at all times given that these were mechanical objects that could fail at any point in time and without warning.

Another Member agreed with the reporting of all failures given that even minor outages could have maximum impact for those with mobility issues.

The Chairman put the matter to the vote with votes cast as follows:

- Those wanting all lift/escalator failures reported to Committee – 6 VOTES;
- Those wanting to maintain the status quo with reports continuing to detail those lifts/escalators out of service for 95% of the time or less – 13 VOTES

It was therefore agreed that the City Surveyor would continue to report to Committee on the same basis.

In response to further questions, the City Surveyor reported that a trial project providing the public with real time information on any lift outages was set to be trialled at Blackfriars Bridge. If the project proved successful a report would be brought back to this Committee so that it could be rolled out further. There were also plans to update the public on lift outages via social media on the Department of Built Environment's dedicated Twitter account. This was still, therefore, very much a work in progress.

RECEIVED.

10. VENTILATION & EXTRACTION REQUIREMENTS FOR RESTAURANTS/CAFES

The Committee received a report of the Chief Planning Officer setting out the controls and standards for the provision of ventilation and extraction systems for restaurants and cafes.

The Chairman reminded the Committee that this report had been produced in response to a question previously raised by a Member of the Committee.

The Member in question thanked the Chief Planning Officer for a valuable report which satisfactorily addressed the questions he had previously raised. He went on, however, to suggest that a closer look at the Policy and how it related to planning issues was now required so that the City of London Corporation could adequately address as opposed to having to continually resolve these issues.

The Member referred to paragraph 3 of the report which quoted Policy DM 21.3 of the Local Plan which seemed to be a relatively restricted element of the policy. Paragraph 4 of the report, however, went a little further stating that '...ventilation louvres should not be sited on adjoining footways'. Whilst this was pleasing to read, the Member was concerned that this did not appear to be a direct quote from the Policy. He stressed the need to be clear on this matter within the City's own Policy and asked that the point that there should be no discharging of fumes on pedestrians was adequately reflected within it going forward.

The Member went on to refer to paragraph 8 and the standard condition for hot food premises on extraction that was featured here. He highlighted that the condition referred to flues not giving rise to nuisance to other occupiers of the building or adjacent buildings. He felt, however, that it should also refer to not creating a nuisance for the general public and asked that the wording here be reviewed to take account of this going forward.

The Member concluded by stating that there were many examples of louvres which did discharge on to the pavement in close proximity to the Guildhall which suggested that the Policy was either not working in practice or had not been in place for a particularly long time. He added that this would continue to become more of an issue given that pavement space was becoming more and more at a premium in the City.

The Deputy Chairman commented that substantive progress had been made here and reference the ventilation issues at 'The Ned' as an example of this.

A Member reiterated the need to consider all those who used the City's walkways in this matter. He stated that he represented a commercial Ward and that offices were increasingly reporting problems with odours from kitchens and restaurants nearby. He added that there were also health issues to consider in terms of hot fat and the ingesting of these fumes.

A Member questioned whether the Policy also addressed the proper maintenance of cooking and ventilation equipment.

A Member noted that one of the case studies cited within the report involved another local authority serving an abatement notice. She added that the Planning Committee needed to be fully aware of the conditions that could be imposed around this and ensure that applicants and developers were also clear on this matter as early in the planning process as possible.

A Member highlighted that this was not just a matter of unpleasantness, it was also a health issue in terms of particulates. He went on to question whether the Environmental Health team had equipment which could measure the effectiveness of ventilation systems and monitor this over time.

The Chairman requested that this report also be sent to the Port Health and Environmental Services Committee for Information alongside a resolution from this Committee outlining its concerns around the need to both strengthen and align policies in this area.

The Assistant Director Planning Development stated that he would liaise with colleagues regarding the Local Plan and the alignment of this Policy with it. He stated that the point around maintenance had been well made and that new, enforceable conditions around this could be taken into consideration.

The Deputy Director of Port Health and Public Protection reported that ventilation systems were monitored as part of every Food Hygiene Inspection of premises and that this involved a visual inspection rather than the use of any specific equipment for this purpose. Maintenance records were also regularly inspected.

RESOLVED – That, the Committee note the report.

11. **ROAD DANGER REDUCTION & ACTIVE TRAVEL PLAN 2018 -2023**

The Committee considered a report of the Director of the Department of Built Environment on the Road Danger Reduction & Active Travel Plan 2018-2023.

Officers reported that the plan had been developed with the aim of reducing the annual number of people killed or seriously injured (KSI) in traffic incidents in line with the Vision Zero target.

The Chairman underlined the importance of the plan to this Committee.

Officers went on to highlight that data had revealed that goods vehicles remained the most dangerous on the City's roads in terms of pedestrian death and serious injury. There was also a rising trend of pedestrian collisions with two wheeled vehicles – both bicycles and motorcycles.

Members were informed that consultation showed high support for the Plan and that the amended document had therefore retained the ten original steps but modified them to reflect comments from the consultation process.

Officers went on to report that engagement would be a key element in delivering the plan and reaching intended targets, particularly given that data showed that 70% of collisions in the City occurred on TfL roads.

An Alderman stated that he was fully supportive of the proposed plan and any steps necessary in terms of achieving Vision Zero. He went on, however, to question why the City's 2022 target was so high in relation to the Mayor's target for that same year. He also questioned why the 2020 target had been set back in 2013.

Officers reported that the 2022 target was set against a baseline year of 2009-2014 as set by TfL. This period had, unfortunately, seen a 65% increase in KSI's for the City of London Corporation and the organisation had therefore adopted a linear approach to hit the 2030 target. He added that the organisation had failed to hit the 2013 target on KSIs due to an increase in the number of people entering the City on a daily basis at this point in time which did not appear to have been factored in to target setting.

A Member commended the document and went on to question the wording in Theme 2 'Safer Speeds'. He suggested that the assumption made here that, 'stopping distances increase with speed and reaction times reduce' was wrong. He asked that this be amended to read '*..required* reaction times reduce' here and throughout the document. Officers agreed to this amendment.

With reference to the fact that goods vehicles representing the greatest cause of pedestrian death and serious injury on the City's roads, a Member questioned whether further progress had been made in terms of moving forward loading times for these vehicles. The Chairman indicated that a further report on this matter would be brought back to the Committee in due course. Officers reported that this matter would also be addressed within the emerging Transport Strategy.

The Member went on to mention mobile phone use by pedestrians and stated that, in other countries, drastic approaches had been adopted such as giving criminal records for this. Another Member commented that mobile phone use was also an issue amongst cyclists. She suggested that the City of London Corporation should play a role in developing national legislation around this given that there were already clear rules in place around it for drivers.

Officers reported that an informal survey had recently been conducted at Ludgate Circus on pedestrian use of mobile phones and that some data on this would therefore be available going forward.

Officers went on to highlight that national legislation around cyclists using mobile phones was currently progressing through parliament and that the City Corporation had made a submission alongside the City of London Police and TfL on this requesting that careless cycling be made an offence.

The Member also questioned the use of images within Theme 3 'Safer Vehicles'. She suggested that there were better examples of this depicting safe,

visible vehicles that might be more appropriate to use here. Officers agreed with this point and undertook to replace this with a more suitable image.

With further reference to the dangers associated with goods vehicles the Chairman questioned what, in anything, was being done about tipper trucks specifically. He commented that he frequently observed these vehicles driving at speed at peak times and questioned whether, in time, more thought needed to be given to segregating these types of vehicles. Officers reported that there had been two fatalities on the City's roads involving tipper trucks in the past 5 years. They added that a lot of work had been undertaken with contractors via the Fleet Operation Recognition Scheme with which they must now comply. This approach appeared to be working with a reduction in the number of KSIs involving these vehicles. Education was also provided for cyclists in terms of vehicles turning and driver 'blind spots'.

A Member commented that Vision Zero should be exactly that, whereby the organisation was genuinely aiming for a target of zero KSIs and all of the different ways in which this could be achieved within the City whether that was via larger areas being pedestrianised or allowing goods vehicles to enter the City at certain times only. Officers endorsed the idea of zero being a genuine target for KSIs on the City's roads and emphasised that this was the long-term target for 2041.

A Member commented on proposals around Safer Street Design within Theme 1. He stated that he often found the design and lighting of certain signs wanting, particularly when driving in the City in darker/winter months. He asked that this also be taken into consideration within this area. Officers undertook to raise this with the Engineering Team.

With regard to the enforcement required around the Plan, a Member questioned if capacity had been discussed with the City of London Police. Officers reported that they had engaged with the City of London Police, TfL and the GLA amongst others in terms of how things such as 20mph speed limits and cycling offences would be enforced going forward.

A Member referred to the figures provided on pedal cyclist and pedestrian collision within the plan. He added that he believed that, in reality, the figures around slight injuries were a lot higher than this as this seemed to be a frequent occurrence. Officers should be aware that not all incidents were necessarily reported in these circumstances. Officers accepted that these incidents were possibly understated and highlighted that TfL had now introduced an online portal where even slight injuries resulting from these types of collisions could be recorded.

The Chairman requested that regular reports on the plan and its effectiveness be brought back to this Committee.

RESOLVED – That, Members approve the Road Danger Reduction and Active Travel Plan 2018-2023 for adoption.

12. **DRAFT LIP DELIVERY PLAN 2019/20 TO 2021/22**

The Committee considered a report of the Director of the Built Environment regarding the provision of Transport for London (TfL) funding to the City of London Corporation.

The Transportation and Public Realm Director clarified that the City of London Corporation must provide an application detailing projects that the organisation wish to take forward. If Members were content to approve this report it would subsequently be submitted to TfL. This report would also be submitted to the Streets and Walkways Sub Committee in early 2019.

A Member commented that he was disappointed that the Sub Committee had not had the benefit of reviewing the draft plan ahead of the grand Committee as this seemed to be a missed opportunity for a more detailed review.

RESOLVED – That, the Draft LIP Delivery Plan 2019/20 – 2021/22 for consultation with TfL, statutory consultees and the public.

13. **TRANSPORT FOR LONDON FUNDING: LIP ANNUAL SPENDING SUBMISSION 2019/20, LIVEABLE NEIGHBOURHOOD.**

The Committee considered a report of the Director of the Built Environment covering the provision of Transport for London funding to the City of London Corporation.

A Member referred to reference at the end of the report that officers will monitor the expenditure of Transport for London grants to ensure that they are fully spent. She added that the Committee had previously produced a list of project which would be 'nice to do' as opposed to essential, she suggested that this list might be consulted should there be any remaining funds. She stated that additional funding had been gained in the past in this way.

The Transportation and Public Realm Director undertook to look in to this and also reminded Members that this did not prevent the organisation from looking at alternative streams of funding for these types of projects.

RESOLVED – That, Members of the Planning and Transportation Committee:

- Approve the projects to be included in the City Corporation's 2019/20 Annual Spending Submission;
- Approve delegated authority for the Director of the Built Environment to approve reallocations of the 2019/20 Corridors and Neighbourhoods grant of up to £100,000 within the financial year;
- Approve the allocation of the additional awarded sum of £106,822 for 2018/19 to the delivery of Legible London; and
- Approve the submission of a Liveable Neighbourhoods bid for the City Cluster.

14. **DISCONTINUANCE OF THE BROAD STREET HOUSE CITY WALKWAY, THE 99 BISHOPSGATE CITY WALKWAY AND THE 55 BISHOPSGATE CITY WALKWAY**

The Committee considered a report of the Director of the Built Environment regarding the discontinuance of the Broad Street House City Walkway, the 99 Bishopsgate City Walkway and the 55 Bishopsgate City Walkway.

An additional paper detailing the land ownership of the walkways was tabled.

The Committee were informed that the walkways had previously been closed temporarily due to a structural installation and Members were now asked to consider their permanent discontinuance. Officers reported that the building owners were supportive of this approach as they had recently reported problems with rough sleepers and litter in these areas. Officers added that they had also almost reached the point of legal agreement on allowing for safe fire egress from all buildings that currently rely on the walkways.

A Member sought clarity on the proposed usage of the walkways by property owners going forward. He also questioned whether the bridge depicted in yellow on the tabled sheet would be removed should the decision to discontinue the walkways be taken. Officers clarified that the walkways would continue to be available to property owners for fire egress and that the bridge would remain in place so that City of London Corporation staff could continue to access the area for maintenance. The area would simply be closed in terms of public access. Having said that, the long-term ambition would be to remove the structure and proposals around this would be brought back to this Committee in due course.

RESOLVED – That, the Committee:

1. Resolve to discontinue the Broad Street House City Walkway (CW45), the 99 Bishopsgate City Walkway (CW6) and the 55 Bishopsgate City Walkway (CW70) on a date to be determined in the terms of the resolution set out at Appendix 1 to this report; and
2. Delegate authority to the Transport Planning and Development Manager to insert an appropriate date for the resolution to come into force.

15. **REVIEW OF PROJECTS WITHIN THE BUILT ENVIRONMENT DIRECTORATE**

The Town Clerk advised the Committee that, at the request of the Director of the Built Environment and with the agreement of the Chairman, this item had been withdrawn.

ITEM WITHDRAWN

16. **CITY CORPORATION'S PROPOSED APPROACH TO CARBON OFFSETTING**

The Committee received a report of the Director of the Built Environment setting out the City Corporation's approach to the collection and allocation of

carbon offsetting contributions associated with development in the City, which will assist in the move to a Zero Emissions City.

A Member highlighted that Garrard House appeared twice within the list of potential carbon offsetting contributions detailed at Figure 1 within the report. She went on to refer to the carbon offsetting/absorption of trees and the role of the City's Open Spaces in this area. She suggested that it was important that this continued to be emphasised given that these spaces made a considerable contribution to the City's move towards zero emissions.

In response to questions, Officers reported that new developments were expected to reduce carbon emissions as per the Local Plan. If this was not the case, then financial contributions were required. Funds received in this way had to then be spent within the Square Mile to improve existing building stock and therefore contribute to the lowering of the City of London's performance/footprint in terms of carbon emissions. He concluded by clarifying that this was additional funding as opposed to replacement funding.

RESOLVED – That the proposed approach to carbon offsetting for the City is noted.

17. CONSULTATION ON NOISY SATURDAY CONSTRUCTION WORK ACTIVITIES IN THE CITY OF LONDON

The Committee considered a report of the Director of Markets and Consumer Protection seeking a decision on the standard noisy construction hours arrangements for Saturday mornings in the City of London.

The Chairman sought clarity from the Comptroller and City Solicitor as to whether certain members of the Committee arguably had a DPI in relation to this item and whether their ability to speak and/or vote would therefore be affected. The Assistant City Solicitor confirmed that the Comptroller and City Solicitor endorsed the advice previously provided by the Town Clerk at Item 2. He did not consider members who owned property in the City had a DPI here as any property interest would be too remote to the subject of the report. She added that it was, however, a matter for each member to decide, and the City Solicitor can only speak for himself, but as far as he is concerned in his role as Monitoring Officer, he is happy to confirm that he has no expectation of any self-referrals being made by any member due to their participation in this agenda item.

The Director of Port Health and Public Protection provided Members with some background to this issue and highlighted that it was something that the Port Health and Environmental Services Committee had requested Officers to look at and consult upon. It also had implications for the Planning and Transportation Committee as this Committee took decisions on conditions which could be applied to planning applications. Members were informed that a three-month consultation process had taken place around the suggested hours and that the results of this consultation were detailed within the papers.

The Director also went on to highlight the potential options now open to Members around juggling construction times between the needs of residents and necessary construction activities. He also highlighted that all constructors were expected to abide by the City's Code of Practice which did include appropriate liaison with local residents. He concluded by stating that Counsel had been consulted throughout the process.

In response to questions, the Assistant Director Public Protection reported that there were quiet periods of 10:00-12:00 and 14:00-16:00 built in to weekday standard working hours. She clarified that noisy works were permitted on a Saturday although constructors were asked to take residents in to account and look at the possibility of sequencing works for example.

A Member reported that construction noise had long been an issue for both businesses and residents in the City. She stated that there had been cases previously where developers/constructors had proactively worked through a programme of works alongside Environmental Health and had negotiated noisy working hours with local residents. She stated that she would like to see this approach adopted going forward whereby works could be negotiated with local residents/businesses and the Environmental Health Team on a case by case basis. She added that more information on such works was also needed on the City's website so that those affected were kept adequately and regularly informed and were satisfied that any necessary consultation and mitigation measures were in place.

Other Members agreed with this point of view. A Member highlighted that Saturday works would inevitably have more of an impact on residents than businesses. He stated that he was in favour of option d.i. within the report (partial permissions) and changing standard noisy Saturday construction hours City wide to 0900 to 1400 with the onus being on developers to consult and negotiate with residents around this option.

A Member stated that he had issues with the statistics provided within the report, an issue which he had previously raised at the Port Health and Environmental Services Committee in 2017. He referred to the 725 responses received to the consultation on this matter, 78% of which were attributable to individuals. He questioned whether these individuals were mostly City workers who would therefore not be affected, for the most part, by proposals on noisy Saturday working. The report went on to state that 21% of all responses were from organisations. If a response was, for example, sent in from one organisation how could this be classed as representative of the views of all of its employees.

The Member went on to argue in favour of option d.ii. – not permitting noisy construction works on Saturdays near residential areas. He also questioned the reference within the report to the potential negative impacts of Saturday noisy working on certain protected groups suggesting that the response from the City on this point was weak.

The Member explained that the original request from the Port Health and Environmental Services Committee had been to consider the banning of noisy Saturday working near residential areas. This report had therefore been irrelevantly expanded and should therefore be rejected.

A Member stated that he too had concerns around the consultation on this matter and was concerned to see a relatively low response rate. He added that the question posed almost implied that if Saturday noisy work were to be banned there would be no noise from elsewhere in the City on those days. He went on to state that he felt that businesses were as entitled as residents to a view on this matter but that there were perhaps more appropriate ways to consult on this such as physical meetings with different affected groups. He concluded by stating that less noisy work on a Saturday could perhaps translate to more noisy work during the week which would have an impact on businesses and residents alike.

A Member stated that he was surprised that Option d.ii. within the report suggested that residential areas in the City were not able to be defined in any workable and/or fair way given that a lot of work had been done around this within the recently drafted Local Plan. He suggested that a more pragmatic view be taken on this with noisy Saturday works not recommended in residential areas unless by exception.

An Alderman stated that he agreed with the fact that local communities should be involved in negotiating appropriate hours with developers around a set timeframe on a case by case basis. This would be preferable to a blanket policy.

A Member questioned whether works carried out by statutory undertakers could also be controlled. He highlighted that they often had equipment to limit the noise impact of their works. The Member went on to highlight that the City was a noisy place regardless of any controls that may be put in place around noisy Saturday construction work. He added that works in neighbouring boroughs also often impacted on City residents.

A Member stated that he felt it was appropriate that the consultation had included all stakeholders but that the responses were predictable with the majority of workers not having strong views around noisy Saturday works and most residents preferring not to have them at all. The Member reminded the Committee that the City were in competition with other commercial sectors and that the impact, in this respect, of any restrictions imposed therefore needed to be considered. He argued that it would be difficult to take a 'zoning' approach to different areas of the City and give any special/preferential treatment to particular locations. It might also be argued, if this were the case, that certain resident Members did have a conflict of interests. The Member concluded by stating that he had taken the opportunity to look at the approach adopted elsewhere to this and that noisy Saturday construction works were generally permitted. Although there was some variance in permitted hours, it would appear bizarre for the City to prohibit such activities given that similar steps had not been taken anywhere else.

At this point, the Chairman sought approval from Committee Members to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.

An Alderman agreed with the point made and that it would be a mistake to differentiate between different parts of the City which was open to businesses and residents alike.

The Director of Port Health and Public Protection responded to some concerns around the consultation by reassuring Members that this had taken the same form as similar consultation exercises carried out elsewhere across the organisation. The approach had also been agreed by the Port Health and Environmental Services Committee and advice from Counsel had been sought at every stage. He went on to state that the advice received had also suggested that it would be discriminatory for the City to not look at the whole of the Square Mile when developing any policy on this matter. He agreed with the points made by Members relative to close liaison between constructors, Environmental Health and residents on noisy Saturday works and suggested that Officers could look to maximise what was already in place around this.

A Member moved that the Committee consider that noisy construction works on Saturdays should not be permitted near residential areas of the City. This was seconded and put to the vote. Votes were cast as follows:

FOR – 5 Votes.
AGAINST – 13 Votes.

The motion was therefore not carried.

Another Member moved that the Committee look to adopt Option d. i. within the report and change standard noisy Saturday construction hours City wide to 0900 to 1400. This was seconded and put to the vote. Votes were cast as follows:

FOR – 11 Votes
AGAINST – 7 Votes.

The motion was therefore carried.

The Chairman thanked Members for their contributions and stated that it was now for the Committee to await the decision of the Port Health and Environmental Services Committee on this same matter.

RESOLVED – That, the Planning and Transportation Committee:

1. Note the assessment and evidence set out in Appendices 3-6 and 8;
2. Consider the report on the outcome of public consultation set out in Appendix 2;

3. Having considered 1. and 2. above and read the legal comments of the City Solicitor set out in Appendix 9 and having, both when considering 1. and 2. above and at all stages throughout, complied with the City's duties set out in this report, including reading and considering the Equality Impact Assessment at Appendix 7 and having due regard to the needs set out in section 149 of the Equality Act 2010, decide that standard noisy construction hours arrangements for Saturday mornings in the City of London are changed City wide to 0900 to 1400.

18. **OUTSTANDING ACTIONS**

The Committee received a report of the Town Clerk detailing outstanding actions since their last meeting.

Updates were provided as follows:

Ludgate Circus

The Transportation and Public Realm Director reported that he and the Deputy Chairman would be meeting with TfL on this matter on 30th November 2018. He added that TfL had informed the City Corporation that the signal timing review had progressed well and was substantially complete. The City were now therefore pressing for a date when it would be released. The Scoot installation was scheduled for the New Year and Officers were requesting confirmation of a target date for this.

He concluded by stating that, unfortunately, TfL had declined to fund the agreed survey due to financial constraints. However, the City Corporation had decided to undertake the survey itself which was due to commence next week. A report on the results was expected to be available in mid-December 2018.

Blackfriars Bridge Underpass

The Chairman reported that he proposed to now remove this issue from the Committee's list. It was suggested that, given that the underpass was still in a poor state, the matter be referred to the Streets and Walkways Sub Committee to keep track of until such time as urgent safety works were progressed.

RESOLVED – That the report be noted.

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

COLPAI Project on former Richard Cloudesley School site

A Member stated that she understood that the developer of the COLPAI project on the former Richard Cloudesley School site had requested to discharge Condition 5, which required the retention of the trees in the boundary of the site adjoining the Golden Lane Estate allotments. The developer was now of the view that these could not be saved. The Member asked the Chairman if he was able to confirm that all the correct consultation would be undertaken and that proper consideration of possible changes during detail design had been explored to enable the trees to be retained.

The Chairman confirmed that an application to discharge Condition 5 had been submitted to both the City and Islington to seek the removal of the existing trees. He informed the Committee that an arboricultural report had been submitted which concluded that the trees need to be removed to enable the development to be built. In accordance with standard procedures, Open Spaces had been consulted on the submission and it was anticipated the it would be determined under delegated authority in due course.

The Chairman went on to state that he was aware that approximately 30 letters of objection to the submission had been received to date despite the fact that no neighbourhood consultation was carried out as it was not required for the discharge of conditions.

A Member commented that, given that the developer in this case was the City of London, he was very disappointed that the designs could not be changed to allow the trees to remain.

The Chairman stated that he intended to discuss this matter further with the Chief Planning Officer going forward.

A Member questioned whether the developer might consider planting replacement trees on the site. Officers noted this suggestion.

Another Member agreed that it was unfortunate that the existing trees could not be retained and asked that consideration be given to bringing the matter to this Committee for further discussion.

'The Tulip'

A Member questioned if the Committee were able to have a briefing on this project now that it was in the public domain.

The Chairman reported that the developer had notified the City Corporation that their application would be submitted in the last week and that they were happy for the details of this to go public. A standard press response was provided from the City Corporation at this stage. The application was now going through the usual processes and it was anticipated that this would come before the Committee for formal consideration in April 2019.

20. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Crossrail City Residents Forum

A Member reported that the Crossrail City Residents Forum had been disbanded as it was previously anticipated that Crossrail would be up and running at this stage. TfL had, however, continued to take this up and would continue meetings around this for both businesses and residents. The Member encouraged anyone with a transport related issue to attend the next scheduled meeting on 29 November 2018 at 6.15pm here at Guildhall.

Daylight/Sunlight Training

A Member requested that Officers look to offer appropriate training on this matter for Members of the Committee going forward.

TfL Control Room Visits

The Chairman reminded Members of the visits to the TfL Control Room scheduled for Thursday 22nd and Thursday 29th November. He reported that there were still spaces available for each visit and asked any Member who was interested in joining to inform the Town Clerk at their earliest opportunity.

21. **EXCLUSION OF THE PUBLIC**

RESOLVED - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item No.	Exempt Paragraph(s)
22-23	3
24	3, 5 & 7
25-26	-

22. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 30 October 2018 were considered and approved as a correct record.

23. **NON-PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

The draft non-public minutes of the Local Plans Sub Committee meeting on 23 October 2018 were received.

24. **DEBT ARREARS - BUILT ENVIRONMENT (P&T COMMITTEE) - PERIOD ENDING 30TH SEPTEMBER 2018**

The Committee received a report of the Director of the Built Environment informing Members of arrears of invoiced income as at 30th September 2018.

25. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions raised in the non-public session.

26. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no additional, urgent items of business for consideration in the non-public session.

The meeting closed at 1.45 pm

Chairman

Contact Officer: Gemma Stokley
tel. no.: 020 7332 3414
gemma.stokley@cityoflondon.gov.uk