

PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 21 May 2019

Minutes of the meeting of the Port Health & Environmental Services Committee held at the Guildhall EC2 at 11.00 am

Present

Members:

Jeremy Simons (Chairman)	Deputy Jamie Ingham Clark
Deputy Keith Bottomley (Deputy Chairman)	Vivienne Littlechild MBE
Caroline Addy	Deputy Brian Mooney
Alexander Barr	Deputy Joyce Nash
Adrian Bastow	Henrika Priest
Deputy John Bennett	Jason Pritchard
Peter Bennett	Deputy Elizabeth Rogula
Tijs Broeke	Mark Wheatley
Mary Durcan	Rehana Ameer
Anne Fairweather	Sophie Anne Fernandes
Graeme Harrower	Alderman Sir Roger Gifford
Deputy Tom Hoffman (Chief Commoner)	Alderman Gregory Jones QC
Deputy Wendy Hyde	

Officers:

Rofikul Islam	- Town Clerk's Department
Gemma Stokley	- Town Clerk's Department
Mike Simmonds	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Carolyn Dwyer	- Department of the Built Environment
Jenny Pitcairn	- Chamberlain's Department
Jon Aaverns	- Markets and Consumer Protection
Gary Burks	- Open Spaces Department
Laura Simpson	- Town Clerk's Department
Joe Kingston	- Department of the Built Environment
Tony Macklin	- Markets and Consumer Protection
Peter Davenport	- Markets and Consumer Protection
Steve Playle	- Markets and Consumer Protection
Martin Falder	- Open Spaces Department
Ru Rahman	- Comptroller & City Solicitor
Jaysen Sharpe	- Office of the Remembrancer

1. APOLOGIES

Apologies for absence were received from John Chapman, Peter Dunphy, Shravan Joshi, Deputy Kevin Everett, Andrien Meyers, Graeme Harrower, Deputy John Absalom and Christopher Hill.

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

There were no declarations.

3. **ORDER OF THE COMMON COUNCIL**

The Committee received an Order of the Court of Common Council of Thursday 25 April 2019, appointing the Committee and approving its Terms of Reference.

4. **ELECTION OF CHAIRMAN**

Wendy Mead (Senior Commoner) moved that Alderman Sir Roger Gifford takes the Chair.

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29. A list of Members eligible to stand was read and Jeremy Simons, being the only Member expressing willingness to serve, was elected Chairman for the ensuing year and took the Chair.

The Chairman welcomed both new and returning Members to the Committee and thanked those Members no longer on the Committee for their service.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30. A list of Members eligible to stand was read and Deputy Keith Bottomley, being the only Member expressing willingness to serve, was elected Deputy Chairman for the ensuing year. The Deputy Chairman thanked the Committee for their support.

6. **ELECTION OF ONE MEMBER TO STREETS AND WALKWAYS**

The Committee proceeded to appoint a Representative on the Streets and Walkways Sub Committee in accordance with Standing Order No. 30. Christopher Hill, being the only Member expressing willingness to serve, was appointed for the ensuing year.

7. **MINUTES**

RESOLVED, that the Public Minutes of the meeting held on 5 March 2019 be approved as a correct record.

8. **OUTSTANDING ACTIONS**

The Committee received a report of the Town Clerk setting out their current list of outstanding actions. Updates were provided as follows:

Electric Vehicle Charging

The installation of charging point in Noble Street has made progress and the charging point was operational as of the 2 May 2019. The Committee noted that a full report on future charging strategy would be tabled at the September / November 2019 meeting of the Committee.

Water Refill Points

The 8 new water refill points to be installed by August 2019. The water refill point on Carter Lane Gardens has now had a meter installed which is providing data. Additionally, the refill points in Bow Churchyard and 60 St Mary Axe have also been commissioned.

Garden Waste Recycling

A new contract has been agreed between Cleansing Service and Veolia, with a dedicated team which has enabled a reduced time period for contract mobilisation. The new contract is now live and operational. An update on garden waste recycling would be provided to the July 2019 meeting of the Committee as part of a further report on mobilisation.

Measurement and mitigation options for operational rail noise from London Underground affecting the Barbican Estate

The Pollution Team Manager from the City of London met with TfL Representatives who advised that a detailed technical response would be provided by mid-June 2019. At present the matter is being dealt with by Duncan Weir, Head of Track at the TfL. A further update would be provided to the July 2019 meeting of the Committee.

9. UPDATE ON THE IMPACT OF THE UK LEAVING THE EU (BREXIT) ON PORT HEALTH AND PUBLIC PROTECTION

The Committee received an oral update from the Interim Director of Consumer Protection and Market Operations in respect of Brexit, adding that the City of London is fully prepared with plans in place. Furthermore, the City of London is having an ongoing dialogue with relevant Government Departments to secure additional funding.

A delegation from the House of Lords EU Energy and Environment Sub-Committee visited the Port Health Office at London Gateway. Subsequently, at a debate on biosecurity in the House of Lords, Members referred to the visit and information obtained during their visit.

RESOLVED – that the oral update be noted.

10. DEPARTMENT OF THE BUILT ENVIRONMENT BREXIT UPDATE

The Committee received a report of the Department of the Built Environment on the 'Brexit' Update. Members were briefed on the potential consequences of Brexit for the Department of the Built Environment. The risks to the Department are being explored at a corporate level. The Department is preparing to deliver all its projects and objectives throughout the Brexit period.

The Department remains focused on delivering its objectives and ensure that the City of London is prepared for any eventuality.

RESOLVED – that the Committee note this report and that further update reports will be made to subsequent meetings of the Committee.

11. CEMETERY AND CREMATORIUM RISK MANAGEMENT

The Committee considered a report of the Director of Open Spaces. Members were informed on the management of risks faced by the Cemetery and Crematorium. The Committee was advised that the four risks, which are managed by the Superintendent of the City of London Cemetery and Crematorium and are within the Committee's remit, are all currently at Amber.

RESOLVED – that the Committee:

- Note the risk scoring grid at Appendix 1
- Approve the divisional risk register outlined in this report and at Appendix 2

- Approve the increase in risk score of OSD CC 003 and its return to reporting at Appendix 2
- Note the risk matrix at Appendix 3
- Note the risk history report at Appendix 4

12. **DEVELOPING A LONDON PRIMARY AUTHORITY HUB**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations.

The report sought to seek the Members approval to explore the possibilities of working in collaboration with the other Local Authorities with the aim of forming a Primary Authority 'Hub', with the City of London and other Primary Authorities pooling and sharing their regulatory and technical expertise.

There was a discussion around the cost of the 'Hub' and who the other Local Authorities were. Members were assured that the project would recover its costs. There has been an interest in the 'Hub' from boroughs such as Greenwich, Havering, Islington, Croydon and Westminster City Council.

A Member asked for an example of how the 'Hub' will function, Officers explained that the City of London will receive advice requests from businesses. Should the City of London lack the particular technical expertise to advise, it can then reach out to the other participating London Local Authorities to utilise their expertise. Furthermore, Members were assured that the City of London will always ensure that it would carry out its own second stage, final check on any advice given by another participating London Local Authority before it is issued.

A Member queried on the possibilities of any liabilities in the event of incorrect information being provided to businesses. Officers reassured Members that the mechanisms envisaged, for example the second stage check of all draft advice from other participating London Local Authorities, were robust enough to prevent legal challenges. The City of London will also seek to engage on the "Hub" with London Councils once the project makes progress on its initial stages.

RESOLVED – that the Committee:

- a) Members endorse the approach taken by the Port Health & Public Protection Division to-date; and that
- b) Members further request that: -
 - (i) the Interim Director of Consumer Protection & Markets Operations seeks partnership relationships with other willing local authorities to set up and pilot a Primary Authority "Hub" delivery model as described above in order to test out its efficacy for the future; and
 - (ii) reports back to this Committee at the end of the pilot.

13. **FOOD HYGIENE RATING SCHEME - SCORES ON THE DOORS IN THE CITY OF LONDON**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations. The report aims to raise awareness amongst the public and help make informed choices about where they eat out or shop for take away food.

Members were informed that of a sample of 140 food premises which had received a lower rating than they had previously obtained, 22 (16%) were found to be displaying a Food Hygiene Rating Scheme (FHRS) sticker that was higher than to which they were entitled. Members were informed that it was a criminal offence to display an inaccurate rating.

Officers from the City of London approached 75 businesses to gather their views on the FHRS, some of the businesses suggested that this should be a nationwide initiative. Moreover, the Foods Standard Agency wants to make the rating compulsory and the City of London will work relevant agencies on this.

RESOLVED – that the Committee:

1. Note the contents of this report.
2. Approve sharing of the results of this project with the Food Standards Agency to support the City Corporation's policy that the display of FHRS scores should be mandatory in England.
3. Approve publicising the results of this project to:-
 - a) raise awareness of the FHRS with consumers;
 - b) encourage consumers to check the rating of food premises on the FSA website before purchasing food; and
 - c) encourage the reporting of premises to Trading Standards that are displaying a misleading rating.

14. **MESSAGE AND SPECIAL TREATMENT LICENCE FEES 2019/20**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations on the Massage & Special Treatment Licence Fees 2019/20.

The report sought the approval of Members on the matters considered by the licensing service in setting the proposed fees for the mentioned services.

RESOLVED – that the Committee:

Agree the proposed fees for 2019/20 as set out in Appendix 2 (column two).

15. **PROGRESS REPORT ON MOBILISATION OF THE NEW WASTE AND CLEANSING CONTRACT**

The Committee considered a report of the Director of Built Environment on the progress report on the mobilisation of the new waste and cleansing contract. The City of London has been working closely with Veolia ES (UK) Ltd (Veolia) to address issues. Veolia had responded quickly to any issues arising.

There had been a loss of data and invoice addresses for the commercial waste business by the previous contractor. Veolia have now identified all these customers.

Members were further informed that Veolia are responsible for the cost of charging all electric vehicles employed on the waste collection contract and the contractors were happy with the charging arrangement.

RESOLVED – that the Committee:

- Note the report and the commencement of the new contract.

- Note the proposed KPIs at Appendix 1.
- Agree that a further progress report be brought back to this committee in September with a particular focus upon the delivery of the mobilisation Plan as set out at Appendix 2.

16. **LITTER INTERVENTION TRIAL**

Members were informed of the results of a Litter Intervention Trial carried out in partnership with Keep Britain Tidy to reduce “careful” littering. During the trial there was a reduction of 19.5% in the litter placed at three trial sites.

RESOLVED – that the Committee:

- Note the report.
- Note that the intervention will be considered for future use at appropriate locations at different times of the year.

17. **STREET TRADING: REPEAL OF PART III OF THE CITY OF LONDON (VARIOUS POWERS) ACT 1965**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations on the Street Trading: Repeal of Part III of the City of London (Various Powers) Act 1965.

Members were advised that although it is unlawful to carry out street trading on a City Walkway, powers of enforcement do not extend to confiscating and forfeiture which are available in respect of illegal street trading on a street under City of London (Various Powers) legislation. The proposal would overcome this problem.

RESOLVED – that the Committee:

It is recommended that Monday 22 July 2019 is appointed as the day from which the provisions of Part III of the 1965 Act are repealed and that this date is advertised in the London Gazette and a newspaper circulating in the City.

18. **UPDATE ON STREET TRADING ENFORCEMENT FOR THE CITY'S BRIDGES**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations on the Update on Street Trading Enforcement for the City's Bridges.

Members were advised that the City of London has a Section 101 agreement with Tower Hamlets Council and Southwark Council and continues to work in partnership with the boroughs. The City of London recently had seized several illegal items not just from nuts sellers but also from gamblers. The illegal traders are moving from one bridge to another in order to avoid being caught. A request has been sought to extend the City of London's area of enforcement on the Southside of the Millennium Bridge.

Members were further informed that Officers from the City of London are working with agencies including the City of London Police, HMRC and Border Force Officers to launch further operations at the last minute to catch offenders off guard. This has resulted in an individual being taken to court.

There was a discussion around the fact that there are certain sellers who the City of London cannot legally stop such as flower sellers and shoeshine operators.

RESOLVED – that the Committee:

Note the contents of the report and that officers will be undertaking a full review prior to the end of the two-year trial period.

19. **APPROVAL OF THE 2019-2020 FOOD SERVICE ENFORCEMENT PLANS FOR THE CITY AND THE LONDON PORT HEALTH AUTHORITY**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations on the Approval of the 2019-2020 Food Service Enforcement Plans for the City of London and the London Port Health Authority.

The report sought the Members approval for two Food Service Enforcement Plans, one for the City of London and one for the London Port Health Authority. A Member asked as to how the plan will be funded. Officers advised the Members that the work will be funded out of the Local Risk Budgets, but that functions carried out at the London ports are subject to full cost recovery through charges to importers.

RESOLVED – that the Committee:

A) The specific food safety activities set out in Appendix 1 (City Food Safety Enforcement Plan 2019-2020) of the Commercial Environmental Health Team Plan 2019-20, as well as the associated, more cross-cutting activities such as Primary Authority that are also contained therein; and

B) The London Port Health Authority Food Service Enforcement Plan 2019-2020 both of which have been previously circulated electronically and are available in the Members' Reading Room.

20. **APPROVAL OF THE HEALTH AND SAFETY INTERVENTION PLAN 2019-2020**

The Committee considered a report of the Interim Director of Consumer Protection & Market Operations on the Approval of the Health & Safety Intervention Plan 2019-2020. The report sought Members approval for the Health & Safety Intervention Plan 2019-2020 for which the City of London Corporation is required to obtain Member approval and subsequently publish.

RESOLVED – that the Committee:

approves the specific health & Safety interventions set out in Appendix 2 (Health & Safety Intervention Plan 2019-2020) of the Commercial Environmental Health Team Plan 2019-20, as well as the associated, more cross-cutting activities such as Primary Authority that are contained therein.

21. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2018/2019: PROGRESS REPORT (PERIOD 3)**

The Committee received a report of the Interim Director of Consumer Protection & Market Operations on the Markets and Consumer Protection Business Plan 2018/2019: Progress Report (Period 3).

RESOLVED – that the Committee:

Note the content of this report and its appendices.

22. **DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - PERIODIC REPORT**

The Committee received a report of the Interim Director of Consumer Protection & Market Operations on the Department of the Built Environment Risk Management – Periodic Report. Members were updated that the Cleansing Risk contract is now closed. In addition, Members was informed that 97% of staff had completed the online Driver Check.

Furthermore, tenants for the Tilbury Offices have been obtained and the offices will soon be in occupation.

RESOLVED – that the Committee:

Note the report and the actions taken in the Department of the Built Environment to monitor and manage effectively risks arising from the department's operations.

23. **PORT HEALTH AND PUBLIC PROTECTION RISKS**

The Committee received a report of the Interim Director of Consumer Protection & Market Operations on the Port Health & Public Protection Risks. Members were advised that two corporate risks had been moved to Amber.

RESOLVED – that the Committee:

Note the report and the actions taken in the Department of Markets and Consumer Protection to monitor and manage effectively risks arising from our operations.

24. **REVENUE OUTTURN 2018/19**

The Committee received a report of the Interim Director of Consumer Protection & Market Operations, the Chamberlain, the Director of the Built Environment and the Director of Open Spaces.

RESOLVED – that the Committee:

Note the report and the proposed carry forward of local risk underspendings to 2019/20

25. **DRAFT ALCOHOL STRATEGY 2019-23**

The Committee received a report of the Director of Community and Children's Services on the Draft Alcohol Strategy 2019-23.

A Member asked if the City of London was following the strategy, considering the amount of alcohol the City of London serves at its events.

It was further agreed that the Committee will receive a detailed written response to Members' questions from Director of Community and Children's Services.

RESOLVED – that the Committee:

- Note the draft Alcohol Strategy 2019-23 set out in Appendix 1.
- Note the plan for consultation

26. **DECISIONS TAKEN UNDER DELEGATED POWERS SINCE THE LAST MEETING OF THE COMMITTEE**

The Committee received a report of the Town Clerk on the Decisions taken under delegated powers since the last meeting of the Committee.

RESOLVED – that the Committee:
Members are asked to note the report.

27. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions.

28. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
The Chairman took the opportunity to confirm that the next Committee meeting is confirmed for 23 July 2019.

The meeting closed at 12.36

Chairman

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