



Port Health & Environmental Services Committee

Date: TUESDAY, 11 MARCH 2014
Time: 11.00 am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:

Deputy John Tomlinson (Chairman)	Professor John Lumley
Wendy Mead (Deputy Chairman)	Andrew McMurtrie
Deputy John Absalom	Brian Mooney
Deputy John Bennett	Hugh Morris
Nigel Challis	Deputy Alastair Moss
Henry Colthurst	Barbara Newman
Karina Dostalova	Deputy John Owen-Ward
Deputy Billy Dove	Deputy Gerald Pulman
Peter Dunphy	Deputy Richard Regan
Kevin Everett	Delis Regis
Deputy Bill Fraser	Jeremy Simons
George Gillon (Chief Commoner)	Deputy James Thomson
Deputy Stanley Ginsburg	Deputy Michael Welbank
Alderman John Garbutt	Mark Wheatley
Wendy Hyde	Philip Woodhouse
Vivienne Littlechild	Alderman Sir David Wootton

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Lunch will be served at the rising of the Committee.

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **L MASS**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**
To agree the public minutes and summary of the meeting held on 21 January 2014.

For Decision
(Pages 1 - 6)
4. **OUTSTANDING ACTIONS**
To note the list of outstanding actions.

For Information
(Pages 7 - 8)
5. **AIR POLLUTION PRESENTATION**
To receive a presentation from Dr Kilbane-Dawe (Par Hill Research Ltd).

For Information
6. **REPORT ON AIR POLLUTION TO THE HEALTH AND WELLBEING BOARD**
Report of the Director of Markets and Consumer Protection.

For Information
(Pages 9 - 44)
7. **SCHEME OF DELEGATION**
Report of the Town Clerk.

For Decision
(Pages 45 - 70)
8. **LIGHT POLLUTION IN THE CITY**
Report of the Town Clerk.

For Decision
(Pages 71 - 74)

9. **REPORT ON THE CITY OF LONDON (VARIOUS POWERS) ACT 2013**
Report of the Remembrancer.
For Information
(Pages 75 - 78)
10. **SIGNOR PASQUALE FAVALE BEQUEST INVESTMENTS**
Report of the Chamberlain.
For Decision
(Pages 79 - 82)
11. **CORPORATE PROJECT COMPLETION – PUBLIC CONVENIENCES –
INSTALLATION OF BARRIERS AND URILIFTS (SEPTEMBER 2009)**
Report of the Director of Built Environment.
For Information
(Pages 83 - 92)
12. **OUT OF HOURS SERVICE (PRIMARILY FOR NOISE COMPLAINTS)**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 93 - 100)
13. **THE TRADING STANDARDS ENFORCEMENT OF ‘CLOSING DOWN’ SALES IN
THE CITY OF LONDON**
Report of the Director of Markets and Consumer Protection.
For Information
(Pages 101 - 106)
14. **REPORT ON PORT HEALTH AND PUBLIC PROTECTION OUT OF HOURS NOISE
SERVICE**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 107 - 114)
15. **CEMETERY AND CREMATORIUM PUBLIC CONSULTATION REVIEW**
Report of the Director of Open Spaces.
For Information
(Pages 115 - 118)

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

17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Any items of business that the Chairman may decide are urgent.

18. **EXCLUSION OF THE PUBLIC**

MOTION – 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.

Part 2 - Non-public Agenda

19. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 21 January 2014.

For Decision
(Pages 119 - 120)

20. **DEBT ARREARS – PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 31 DECEMBER 2013**

Joint report of the Directors of the Built Environment, Markets and Consumer Protection and Open Spaces.

For Information
(Pages 121 - 128)

21. **PORT HEALTH SERVICE RESTRUCTURE**

Report of the Director of Markets and Consumer Protection.

For Information
(Pages 129 - 138)

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

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

Agenda Item 3

PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 21 January 2014

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

Present

Members:

Deputy John Tomlinson (Chairman)	Wendy Hyde
Wendy Mead (Deputy Chairman)	Professor John Lumley
Deputy John Absalom	Andrew McMurtrie
Deputy John Bennett	Barbara Newman
Nigel Challis	Deputy John Owen-Ward
Henry Colthurst	Deputy Gerald Pulman
Karina Dostalova	Jeremy Simons
Deputy Billy Dove	Deputy Michael Welbank
Deputy Bill Fraser	Mark Wheatley
Deputy Stanley Ginsburg	Philip Woodhouse
Alderman John Garbutt	Alderman Sir David Wootton

Officers:

Katie Odling	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Julie Smith	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Doug Wilkinson	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
Jim Graham	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Tony Macklin	- Assistant Director, Environmental Health & Trading Standards
Gary Burks	- Superintendent & Registrar, City of London Cemetery & Crematorium

CHAIRMAN'S ANNOUNCEMENTS

The Chairman began by welcoming all those present to the first meeting of 2014.

The Chairman announced the following dates for events in 2014 –

- Annual River Inspection – 4 July
- Cemetery and Crematorium Visit – 3 September
- 42nd Fishery Experiment – 20 September

Furthermore, a visit to the Materials Recovery Facility would be organised to take place in March/April.

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Kevin Everett, George Gillon, Vivienne Littlechild, Hugh Morris, Deputy Richard Regan, Delis Regis and Deputy James Thomson.

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

There were no declarations of interest.

3. **MINUTES**

RESOLVED – That the minutes of the meeting held on 12 November, 2013 be approved as a correct record subject to paragraph two of item 7 being amended to the following –

“In response to a query from a Member over the control of transfers of non-staffing budgets to staffing budgets, the Chamberlain explained that these were in place in order to minimise the creation of new long term commitments.”

MATTERS ARISING

Polling – Public Conveniences

The Assistant Cleansing Director informed the Committee that a further detailed survey would take place to further investigate the poor public convenience results. To progress this, a working group had been set up including Members of the PHES Committee and officers. The group along with the survey company had developed a set of questions which, it was hoped, would help inform where specific improvements may be needed in the service. The survey was planned to take place in February with results being shared with the working group and reported back to this Committee thereafter with recommendations to progress forward.

Members were informed that barriers were being installed at the Public Conveniences at Bank and East Cheap. The Bank barrier installation had been delayed due to works being carried out by London Underground and completion was now anticipated to be in early February. Once the Bank barrier project had been completed works would commence at East Cheap with the expected completion being the end of March 2014. Furthermore, Members were pleased to learn that the opening hours of these public conveniences and Paternoster Square had been extended in line with Tower Hill i.e. they would open from 7.15am to 9.00pm.

Bishopsgate Bin Trial – The Assistant Cleansing Director informed Members that the ‘Which side of the Fence’ campaign had been successful and consideration was now being given to other areas of the City that might benefit. The feedback from the campaign in Bishopsgate had demonstrated just how unclean the streets became without being cleaned on a regular basis and in light of this it was likely that any future campaigns would be carried out over a shorter period of time.

4. **OUTSTANDING ACTIONS**

The list of outstanding actions was noted.

5. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2013-2016: PROGRESS REPORT (PERIOD 2)**

The Committee received a report of the Director of Markets and Consumer Protection which provided an update on progress against the Business Plan of the Port Health and Public Protection Division for period 2 of 2013 – 2014 against key performance indicators (KPIs) and objectives outlined in the Business Plan.

Reference was made to Appendix C on page 27 of the report and it was agreed that in future, statutory notices and food ratings would be included as part of the report.

In respect of the Guildhall Club, Members noted that this had now been awarded a 3 star rating; however Officers would continue to provide further support to management who it was hoped would be able to make sufficient improvements so that in time a five star rating could be awarded.

6. **ANIMAL RECEPTION CENTRE - HEATHROW AIRPORT: ANNUAL REVIEW OF CHARGES**

The Committee considered a report of the Director of Markets and Consumer Protection which sought approval of the increase to be applied to the Schedule of Charges in respect of services provided at the Heathrow Animal Reception Centre (HARC), for the forthcoming financial year.

RESOLVED – That,

- a) the charges detailed in the report be adopted and applied at HARC, with effect from 1 April 2014 or as soon as it is practicable thereafter; and
- b) the proposed Byelaws contained in Appendix A.1 to the report be approved and it be recommended to the Court of Common Council that the Byelaws be made and that the Comptroller and City Solicitor be instructed to seal the Byelaws accordingly.

7. **CITIZEN SCIENCE - AIR QUALITY MONITORING WITH CITY RESIDENTS**

The Committee received a report of the Director of Markets and Consumer Protection relating to the monitoring of air quality in the City.

A discussion took place regarding light pollution specifically in relation to public nuisance and street lighting. Concern was expressed regarding the large number of buildings that remained illuminated when empty. It was therefore agreed that a report would be submitted to the next Committee meeting which set out the issues around the practice of leaving empty buildings illuminated. The report would also address what powers the Corporation had to require owners to turn their lights off and in the absence of any specific powers what Officers were doing to remind owners of the financial cost and impact in terms of sustainability.

8. **41ST CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT 2013**
The Committee considered a report of the Director of Markets and Consumer Protection which provided the outcome of the results of the 41st Fishery Experiment and also sought approval for the 42nd Fishery Experiment.

RESOLVED – That the results of the 41st Fishery Experiment be noted and approval given to make arrangements for the 42nd Fishery Experiment which would take place on 20 September 2014.

9. **THE WORK OF THE TRI-REGIONAL SCAMBUSTERS TEAM STAFF IN THE CITY OF LONDON**

The Committee considered a report of the Director of Markets and Consumer Protection which set out details concerning four ongoing Trading Standards operations.

RESOLVED – That the continued working of the City Corporation's Trading Standards Team be approved using external resources secured from the National Trading Standards Board and the Tri-Regional Scambusters Team for these investigations affecting the City and beyond.

10. **DEPARTMENT OF THE BUILT ENVIRONMENT BUSINESS PLAN (PERIOD 2)**
The Committee considered a report of the Director of the Built Environment which set out the progress made during period 2 (August – November) against the 2013 – 2016 Business Plan. The report also showed what had been achieved, and the progress made against the departmental objectives and key performance indicators.

Reference was made to Appendix C, Page 68 – '*A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot*' – Members were informed that the existing contingency arrangements were currently being reviewed with the contractors (Amey). A more detailed report on this issue would be presented to the Committee on 13 May 2014.

SRS A – 'All external visitors to be pre-notification via the visitor management system' – The Transport and Public Realm Director advised that Officers were working towards improving the system to accommodate the high number of visitors the department received, which were often sometimes unexpected. An update would be provided at the next meeting.

11. **SECOND YEAR PERFORMANCE REVIEW OF THE DOMESTIC WASTE COLLECTION AND STREET CLEANSING CONTRACT**

The Committee received a report of the Director of the Built Environment which outlined the performance of the Domestic Waste Collection and Street Cleansing Contractor for the second full year of the contract (October 2012 – September 2013).

The committee congratulated officers on their successful management.

12. **CITY OF LONDON CEMETERY AND CREMATORIUM BUSINESS PLAN - PROGRESS REPORT**
The Committee received a progress report of the Director of Open Spaces in relation to the City of London Cemetery and Crematorium Business Plan.
13. **URGENT ITEMS**
There were no items of urgent business.
14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
'Closing Down Sales' – In response to a question, the Port Health and Public Protection Director advised that the campaign to tackle the issue of shops advertising themselves for long periods of time as “closing down” was ongoing. It was agreed that a progress report would be presented to the next meeting.
15. **EXCLUSION OF THE PUBLIC**
MOTION – 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.
16. **NON-PUBLIC MINUTES**
RESOLVED – that the non-public minutes of the meeting held on 12 November 2013 be approved.
17. **BUILT ENVIRONMENT ANNUAL FEES AND CHARGES**
The Committee considered and agreed a report of the Director of the Built Environment which provided the annual submission of the proposed fees and charges for Street Cleansing, Household Waste Collection and Public Conveniences.
18. **CEMETERY AND CREMATORIUM FEES, CHARGES AND MARKETING REPORT 2014/15**
The Committee considered and agreed a report of the Director of Open Spaces regarding the fees and charges for the range of services provided at the City of London Cemetery and Crematorium.
19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions.
20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There were no items of urgent business.

The meeting closed at 12.20pm

Chairman

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Port Health and Environmental Services Committee
Outstanding actions 2013/14

<i>Date</i>	<i>Action</i>	<i>Officer responsible</i>	<i>To be completed/ progressed to next stage</i>	<i>Notes/Progress to date</i>
<p>8 January 2013</p>	<p>Public Conveniences TfL who are currently exploring improvements to the Bishopsgate area to make the area more attractive and remove some of the clutter such as the brick planters.</p> <p>An update on the viability of extending the opening hours of the Bishopsgate and Eastcheap toilets will be included in the Public Convenience Strategy planned for November committee.</p> <p>Usage of the Disabled facilities at Monument and signage were also being reviewed and this will form part of the wider review of the public convenience strategy which will be reported back to this committee as above.</p> <p>Improved signage has been commissioned to direct people to the nearby Eastcheap facilities</p>	<p>Director of the Built Environment</p>	<p>To be presented to the Committee April/May 2014</p> <p>November 2014</p> <p>November 2014</p> <p>TBC</p>	<p>Update from January 2014 - The working group has now been established and has met. In conjunction with the survey company the group has developed a set of questions which, it was hoped, would help inform where specific improvements may be needed in the public convenience service. The survey would take place in February with results being shared with the working group and reported back to this Committee thereafter with recommendations to progress forward</p> <p>March Update The 'field work' for the survey was completed in mid-February. From this an analysis of the data needs to be undertaken to produce an outcome report of the findings. This is expected to be completed in early March with a presentation to be arranged for the Member/ Officer working following.</p>
<p>2 July 2013</p>	<p>Materials Recovery Facility (MRF) in Kent - It was agreed that a visit to this facility would be arranged.</p>	<p>Director of the Built Environment</p>		<p>A visit has been arranged for 11 April 2014</p>

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Agenda Item 6

Committee:	Date:
Port Health and Environmental Services Committee	11 March 2014
Subject: Report on Air Pollution to the Health and Wellbeing Board	Public
Report of: Director of Markets and Consumer Protection	For Information
Summary	
<p>Air quality in the City does not meet health based targets. On 20th February 2014 the European Commission launched legal proceedings against the UK government for its failure to ensure that levels of nitrogen dioxide meet legal limit values.</p> <p>The City Corporation has a statutory obligation to assist the government to meet the limit values and has been implementing a range of measures to improve local air quality for a number of years. This is overseen by the Port Health and Environmental Services Committee.</p> <p>The City Corporation also has a responsibility for public health and has prepared a Health and Wellbeing Strategy. The strategy includes air quality as a key public health priority. The City Corporation obligations for public health are overseen by its Health and Wellbeing Board (HWB).</p> <p>Independent consultants were appointed to identify the role that the City HWB can play to support a reduction in local levels of pollution, and a reduction in public exposure. The report was presented to the HWB in January 2014.</p> <p>The assessment suggested that the HWB could act to reduce air pollution by appraising the air pollution benefits of City policies, helping identify important areas for action, embedding knowledge, providing guidance and encouraging the commissioning of information and other services.</p> <p>The report, together with a copy of the presentation that was given to the HWB, is appended to this report for information.</p>	
Recommendation	
Members are asked to:	
<ul style="list-style-type: none">• Note this report	

Main Report

Background

1. Levels of air pollution in the City do not meet health based targets for nitrogen dioxide and fine particles (PM₁₀). These two pollutants can have both short term and long term effects on health, with children and the elderly being most vulnerable. Air pollution in London is associated with cardiovascular and cardiopulmonary disease, lung cancer and respiratory disease.
2. Air quality targets are defined in European legislation as limit values. The UK Government has a duty to ensure that air quality in the UK meets the limit values.
3. The limit value for nitrogen dioxide (NO₂) is not being met across London. Within the City of London, concentrations are over three times the NO₂ limit value adjacent to busy roads.
4. The European limit value for NO₂ should have been met in 2010. However an extension to 2015 was allowed if a suitable plan was submitted to the European Commission stating what action would be taken to meet the limit value. The UK government declared that the limit value was unlikely to be met in London until 2025, so the European Commission launched legal proceedings against the UK on 20th February 2014 for its failure to develop a credible plan to reduce pollution levels. This is the first case against a member state for breach of the limit values.
5. The City Corporation has a statutory obligation to assist the government to meet the limit values. This is detailed in the Environment Act 1995. The City Corporation published an Air Quality Strategy in 2011 which outlines action being taken to meet this obligation. The strategy was approved, and is monitored, by the Port Health and Environmental Services committee.
6. In addition to helping the government meet limit values, the City Corporation must now look at ways to reduce concentrations of very fine particles (PM_{2.5}) as a way of improving public health.
7. The City Corporation obligations for public health are overseen by the Health and Wellbeing Board (HWB) which, in accordance with new legislation, was established from 1 April 2013.
8. The City of London Health and Wellbeing Strategy includes 'improving air quality' as a key priority to improve the health and wellbeing of City residents and workers.

Current Position

9. Many City Corporation policies support action to reduce air pollution. The Sustainable Community Strategy and the Corporate Plan, between them, include both an overall goal to improve air pollution and 11 more specific goals that support improving air pollution. These include promoting the City's

competitiveness with cleaner cities like New York, encouraging excellence in building innovation and design, and improving public health.

10. The City Corporation has an Air Quality Strategy, which was published in 2011. The strategy outlines specific action that is being taken to improve air quality. The City Corporation has a statutory obligation to produce this strategy.
11. As air quality is a key priority in the City Health and Wellbeing Strategy, a report has been produced which considers what additional action the HWB can take to assist in improving air quality and the subsequent health of residents and workers in the City. The report, which has been produced by independent consultants, is attached as Appendix A. The assessment was funded by a Department of the Environment Food and Rural Affairs air quality grant and the Mayor of London's Air Quality Fund.

Proposals

12. The report recommended that the HWB considered the following action:
 - a) Ensure that the City's Joint Strategic Needs Assessment (JSNA) reflects the severity of poor air quality as a public health issue.
 - b) Consider how the City of London Corporation can influence neighbouring authorities and the Greater London Authority (in particular Transport for London) so that more action is taken to reduce the public health effects of air pollution.
 - c) Consider how the HWB can help to reinforce, and enforce, Development Control policies on air pollution, and where necessary comment on new developments.
 - d) Consider how the HWB can advise on, and review, Development Control policies, as and when new evidence around the best practice for mitigating against the health effects of poor air quality develops.
 - e) Advocate that changes in the urban realm which could affect people's exposure to poor air quality, such as the introduction of new public spaces and on street seating, are assessed for changes in the levels of exposure.
 - f) Consider recommending that air pollution concentrations and effects become a performance indicator in the next review of the Local Implementation Plan.
 - g) Conduct a rapid Health Impact Assessment on the Local Implementation Plan of the Mayor's Transport Strategy, similar to the one carried out on the Local Plan.
 - h) Assess the air quality implications of the proposals contained within the Area Enhancement Strategies and identify which urban enhancement interventions are the most beneficial from a public health perspective.
13. In order to meet the requirements of the above, it was decided that:

- The next review of the Joint Strategic Needs Assessment would reflect the recent evidence about the severity of poor air quality as a public health issue.
- Planning, Transportation and Public Realm officers would receive training on how future plans and programmes could be shaped to help to improve local air quality and reduce people's exposure to air pollution. This will be funded by the Mayor's Air Quality Fund.
- A rapid health impact assessment would be undertaken of the City Local Implementation Plan (Transport Policy). This will also be funded by the Mayor's Air Quality Fund.
- The HWB would be consulted on the revision of the Air Quality Strategy, due for summer 2014.

Corporate & Strategic Implications

14. Improving air quality supports Corporate Plan policy KPP3:

- Engaging with London and national government on key issues of concern to our communities: Mayor of London – environment, air quality.

It also supports the following aims of the City Together Strategy:

- 'to support our communities', specifically to 'encourage healthy lifestyles and protect and improve City communities' health and wellbeing'
- 'protect, promote and enhance our environment', specifically to 'identify local air pollution hot spots'.

Financial Implications

15. The action that follows from the report will be funded by the Mayor's Air Quality Fund.

Conclusion

16. Air pollution in London is at a level that causes harm to human health and air quality has been highlighted as a priority in the City Health and Wellbeing Strategy.
17. The City Corporation has a number of policies that support action to improve air quality in the Square Mile. There are a number of additional actions that the Health and Wellbeing Board can take to help to both improve air quality, and reduce the exposure to high levels of pollution of City residents and workers, leading to an improvement in public health. Specifically:

- a) The next review of the Joint Strategic Needs Assessment will reflect the recent evidence about the severity of poor air quality as a public health issue.
- b) Planning, Transportation and Public Realm officers will receive training on how future plans and programmes could be shaped to help to improve local air quality and reduce people's exposure to air pollution.
- c) A rapid health impact assessment will be undertaken of the City Local Implementation Plan.
- d) The HWB will be consulted on the revision of the Air Quality Strategy, due for 2014.

Appendices

- Appendix 1 – Report to the City of London Health and Wellbeing Board on Air Pollution
- Appendix 2 – Copy of the presentation given to the Health and Wellbeing Board

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Report to the City of London Health & Wellbeing Board on Air Pollution



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Environment, Policy
& Innovation

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Iarla Kilbane-Dawe & Leon Clement

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Executive Summary

Air pollution in urban environments, even at the relatively low levels in London, is recognised as a threat to human health, warranting further action to reduce air pollution significantly over coming years. At the levels found across London, and in the City, it is a significant cause of disease and death, especially heart disease and lung cancer, but also respiratory disease and asthma. Department of Health figures suggest it may be as much as the fifth cause of death in London, ahead of communicable disease, passive smoking, alcohol abuse, road accidents and suicide. As the pollution particles pass into the blood and travel throughout our bodies they inflame many organs, and there are now associations with Alzheimer's and Parkinson's diseases, Type 2 diabetes, cognitive impairment and learning problems in children. Air pollution disproportionately affects the elderly, poor, obese, children and those with heart and respiratory disease, but it has effects on everyone exposed to it to some extent. The evidence on air pollution's public health effects supports air pollution reduction being ranked third in the Joint Health and Wellbeing Strategy.

The Health and Wellbeing Board (HWBB) can act to reduce air pollution by assessing the scale of the problem, appraising the air pollution benefits of City policies, helping identify important areas for action, embedding knowledge, providing guidance and encouraging the commissioning of information and other services. Supporting action on air pollution clearly falls under the HWBB remit. In particular, the effects of air pollution in exacerbating health inequalities are relevant, as are the health and financial co-benefits of actions that reduce air pollution, such as active travel, energy efficiency and insulation.

Many City policies support action being taken to reduce air pollution. The Sustainable Community Strategy and the Corporate Plan between them include both a specific goal to improve air pollution and 11 additional goals that support improving air pollution, including promoting the City's competitiveness with cleaner cities like New York, encouraging excellence in building innovation and design, and improving public health.

Actions that can improve air pollution range from small changes that reduce exposure during cyclical improvement to the urban realm, to major regulatory actions that can proscribe all but the cleanest vehicles from the City's highways. Many are cost-effective or cost-beneficial. Other key approaches include encouraging or incentivising cleaner fleets and the development of new and innovative vehicles and services. The many individual area plans in the City can readily be adjusted to assist in reducing air pollution and its effects.

List of Recommendations

These recommendations are included throughout the report, together with the rationale for the HWBB considering action:

- 1. Ensure that the City’s Health and Wellbeing Profile reflects the severity of poor air quality as a public health issue. In particular, ensure that any future application of multi-criteria decision analysis (e.g. the Portsmouth Scorecard system) to prioritise health issues uses accurate evidence on the health effects of air pollution locally, and the scope for a local authority to reduce them.**
- 2. Consider how the City of London Corporation can influence neighbouring authorities and the Greater London Authority (in particular Transport for London) so that more action is taken to reduce the public health effects of air pollution.**
- 3. Consider how the HWBB can help to reinforce, and enforce, Development Control policies on air pollution, and where necessary provide timely comment on new developments.**
- 4. Consider how the HWBB can advise on, and review, Development Control policies as and when new evidence around the best practice for mitigating against the health effects of poor air quality develops.**
- 5. Advocate that changes in the urban realm which could affect people’s exposure to poor air quality, such as the introduction of new public spaces and on street seating, are assessed for changes in the levels of exposure.**
- 6. Consider recommending that air pollution concentrations and effects become a performance indicator in the next review of the Local Implementation Plan.**
- 7. Conduct a rapid Health Impact Assessment on the Local Implementation Plan of the Mayor’s Transport Strategy, similar to the one carried out on the Local Plan.**
- 8. Assess the air quality implications of the proposals contained within the Area Enhancement Strategies and identify which urban enhancement interventions are the most beneficial from a public health perspective.**

1. The HWBB can act to reduce the health effects of air pollution

As shown in the next section, air pollution is a serious public health issue across London, and more locally in the City, and there are good reasons for the HWBB to act. There are several ways that the HWBB can act on air pollution by considering the effects of current policies and plans on air pollution. These are:

What the HWBB can do...

- Assess the extent to which air quality is considered within the City's policies and strategies
- Appraise the actions that the City is taking to mitigate against poor air quality, quantifying these from a public health perspective
- Identify geographic areas and specific policies where more needs to be done to tackle air pollution
- Embed knowledge and consideration of the health effects of poor air quality further into City procedures and policies
- Provide guidance from a public health perspective, where there are a range of policy directions or a number of initiatives, as to which may provide the best health outcomes through the reduction of pollution
- Influence the commissioning of health services across the City of London so that they consider the effects of poor air quality effectively

To assist the HWBB in considering such actions, this report has identified:

- Evidence for the public health effects of air pollution and what causes these effects
- The broad policy and legislative case for the HWBB to act on air pollution
- How City policies support the case for action on air pollution locally
- How local planning and transport plans are likely to reduce air pollution's effects (or can be improved to reduce them)
- The specific types of actions local authorities can take to reduce the effects of air pollution
- How the City's Area Enhancement Strategies can be improved to reduce the effects of air pollution

Where there are specific recommendations for the HWBB to consider these are boxed and in **bold**.

2. Air pollution is a serious public health issue in London and in the City

In recent years, thousands of studies have been conducted on the health aspects of air pollution. Taken together, these have established that, even though air pollution has reduced a great deal in the last few decades, it is nevertheless the fifth major cause of disease and subsequent death [PHE, 2013]. This is despite air quality meeting the legal limits for air pollution in many respects. Although people generally think of air pollution as causing asthma, the strongest evidence is that it is a major cause of heart disease and death [WHO, 2013]. This happens because most of the very tiny particles of soot, metal and other detritus (known as PM_{2.5}) that we inhale stick to the inside of our lungs, then cross into the blood. There they cause inflammation, leading to thickening of the arteries, blood clots and high blood pressure, which can ultimately lead to heart attacks and strokes. These effects can happen after only 6-24 months of daily exposure to the pollution [Brooke et al, 2010].

2.1 Air pollution causes heart disease and lung cancer, and is strongly related to vehicle movement

It is established that PM_{2.5}, and the larger PM₁₀ particles, are a cause of lung cancer and, as people generally understand, respiratory problems and asthma, especially in young children [WHO, 2013]. This seems to be linked not only to the fine particles that pass into the organs causing inflammation, but to bigger particles that come from tyre, brake and road wear. More of these bigger particles are formed and swept into the air as vehicles travel faster, increase in weight, stop and start frequently or increase in number. Air pollution going up for even a few hours can increase hospital admissions measurably for asthma or heart attacks, by 10%, 20% or more [WHO, 2013].

2.2 Air pollution causes more harm than many other common diseases

The HWBB has prioritised action on air pollution in the Joint Health and Wellbeing Strategy (JHWS) and evidence on the health effects of air pollution supports this prioritisation. Public Health England has conducted a Health Impact Assessment of the effects of PM_{2.5} on health for every local authority area in England [PHE, 2013]. This shows that, at the levels experienced in London, air pollution is the 5th of 12 ranked causes of mortality risk, ahead of preventable heart disease, road accidents, communicable diseases, respiratory disease in the under 75s, liver disease and suicide. It also contributes to the bigger causes of death, cancer and heart disease.

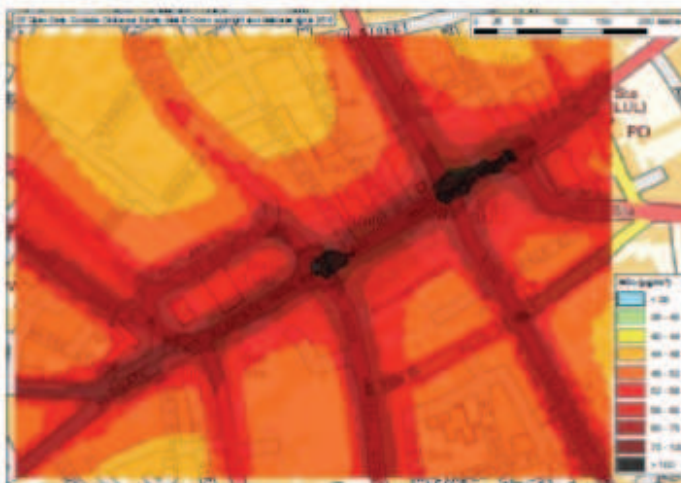
2.3 Air pollution in the City is mainly from traffic movements

Although around half of the PM_{2.5} in the City of London comes from outside Greater London, on average 40%-50% of the air pollution that people can breathe in the City is produced within the City boundary [CERC, 2011], with a higher proportion from local sources when people are close to roads. The map below, obtained from a computational model of how air pollution flows in the street, suggests that air pollution is much higher closer to roads. This effect has been proven by measurement experiments in which pedestrians on the footpath and in nearby streets were

found to be exposed to lower air pollution than passengers in black taxis and cars on main roads [Kaur et al, 2007]. Of the pollution generated within the City, most comes from traffic (73%) and buildings (18%), with black taxis accounting for 29% of the PM_{2.5}, cars 26%, vans 18%, lorries 16%, and buses 8% [CERC, 2011]. The pollution comes not only from vehicle and boiler exhausts but also from wear of the tyres, brakes and road surfaces.

2.4 Air pollution varies strongly with location, creating both threats and opportunities

As pollution varies strongly with location, this can create opportunities to reduce exposure. People who are close to the kerbside of a busy road experience more pollution than people who are further away, while people in an adjacent, quiet street often experience half the pollution or less. Buildings and other physical barriers can redirect or concentrate pollution, and good air conditioning can remove most or all of the pollution from ambient air. An individual's level of exposure is also



important for the effects they are likely to experience. An elderly resident housebound all day in a well-ventilated home next to a busy road will receive 10-20 times more air pollution than a worker moving quickly from a railway carriage into a well-air conditioned office.

3. The HWBB can take a lead role in tackling air pollution in the City

3.1 The remit of the HWBB supports taking action

The terms of reference of the City Health and Wellbeing Board are sufficiently broad to justify the board looking at air pollution as a public health issue. The terms of reference enshrine the City of London Corporation's new responsibilities under The Health and Social Care Act 2012.

3.2 Tackling air pollution can help to reduce health inequalities

Air pollution is a relevant factor in the application of the new duty for local authorities to tackle health inequalities in the discharging of their public health duties. From what is already known about air quality in the City of London, and more generally, those that are exposed to poor air quality suffer from multiple disadvantages and other poor health outcomes:

- Poorer people are more exposed to higher levels of air pollution due to the co-location of social housing and major roadways, such as at Mansell St
- There is also epidemiological evidence that the poor, the elderly, women and the obese are disproportionately affected by poor air quality [Hoek, 2013; WHO, 2013]

The HWBB can usefully frame and assess action to tackle poor air quality as a way to reduce health inequalities. This is also a useful way to present the case for action to other decision-making bodies.

3.3 Tackling air pollution has significant health, financial and other co-benefits

Some actions to tackle air pollution have significant health co-benefits. Encouraging modal shift to active travel is a key approach to reducing air pollution, and its public health co-benefits in terms of cancer, heart disease and obesity are so great that the UK Government's National Institute for Health and Clinical Excellence (NICE) issued guidance encouraging the promotion of physical activity and active travel [NICE, 2008] in local transport planning. Studies by the Department of Health (DH) have shown that projects to increase active travel have very high benefits-costs ratios, with benefits typically outweighing costs by a factor of 13-19 [DH, 2010]. Active travel has low or no capital or running costs compared to cars, taxis and buses, and so can address both health inequalities and poverty [Kilbane-Dawe, 2012]. Building insulation can improve the health of the fuel poor [Green & Gilbertson, 2008] as well as reducing use of heating which causes air pollution.

Other actions, such as improving the urban realm with green space, vegetation and larger pedestrian areas, reduce air pollution impacts somewhat, and have also been shown to improve mental health and wellbeing (see for example White et al, 2013). Finally, many air pollution-reducing actions also reduce carbon dioxide emission or the cost of wasted or expensive fuels [Kilbane-Dawe, 2012]. Examples of this include replacing diesel use with Liquefied Petroleum Gas, or 'ecodriving' (fuel-efficient driving).

3.4 Prioritisation of air quality through the JSNA/JHWS process

The HWBB has an important role in the assessment of the health needs of the local population in order to inform and guide the commissioning of health, well-being and social care services within the City. This is done through the JSNA, which in the City of London is referred to the Health and Wellbeing profile, and has historically been completed in conjunction with Hackney Council. The City utilised a public consultation event as the prioritisation framework to identify those issues which would form the priorities in the Health and Wellbeing Strategy in 2011-2012. Through public consultation, air pollution was ranked as the third highest public health concern for City residents. Prioritisation is supported by the evidence reviewed for this report.

This contrasts with the prioritisation of air quality in Hackney - where it came out as the joint 28th ranked health priority. Hackney employed a system of prioritisation based on multi-criteria decision analysis (MCDA), which evaluated air quality alongside other determinants of health outcomes, based on the following criteria:

- Is this an issue which affects a significant proportion of the population (directly or indirectly)?
- Is this an issue which significantly affects vulnerable groups?
- Is this issue a significant contributor to inequalities in health and wellbeing?
- Are there significant unmet needs?
- Are needs amenable to intervention by the Local Authority, NHS and partners?
- Where the criteria is a London/national health priority.

In reaching its conclusion on air pollution, Hackney identified that:

- There was little scope for local authority intervention
- There was only an effect on those who were already ill, and a lack of local evidence of air quality affecting vulnerable groups
- There is no evidence of poor air quality contributing to health inequalities
- There is no unmet need on tackling air quality, as for most pollutants legal limits are not exceeded.

However, as this report states, the health effects of poor air quality are manifested at pollution levels well below the legal limits; local authorities control or influence traffic patterns and developments; and there is established evidence that air pollution contributes to health inequalities. The Hackney case demonstrates the high risk that the MCDA approach can evaluate a lack of known *evidence* as being indicative of a lack of *need* to prioritise a health issue, with the result that issues are not prioritised based on accurate evidence.

HWBB Recommendation 1:

Ensure that the City's Health and Wellbeing Profile reflects the severity of poor air quality as a public health issue. In particular, ensure that any future application of multi-criteria decision analysis (e.g. the Portsmouth Scorecard system) to prioritise health issues uses accurate evidence on the health effects of air pollution locally and the scope for a local authority to reduce them.

4. The City's strategic priorities support action being taken on air pollution

Both City and national policies support action by the HWBB on air pollution. City policies are, for the most part, extremely well-harmonised and cohesive. Support for action on air pollution comes both from the Sustainable Community Strategy (SCS) and the Corporate Plan. The SCS has five themes, which include a number of goals, and a specific goal to improve air quality:

- **To continue to minimise noise, land and water pollution and improve air quality where this is possible**

There are five other goals that can address the effects of poor air quality. We have ranked these in the order in which they are most likely to contribute to the goal of reducing air pollution, and added commentary on relevant actions and possible threats.

I. **To encourage sustainable forms of transport**

The greatest scope for rapid action on air pollution concentrations comes from sustainable travel. Actions such as encouraging modal shift to active travel, promoting or requiring uptake of low-emission vehicles, tighter enforcement of current standards, lower speed limits, lower weight limits, will all help reduce pollution emissions. Transport that maximises active travel, low-emission vehicles, lighter vehicles, lower vehicles speeds and, ultimately, fewer vehicles, is the most effective way to reduce the air pollution concentrations at kerbsides, where most air pollution exposure occurs.

II. **To ensure high standards of energy and resource efficiency in the design and implementation of the built environment and to encourage reduced carbon emissions across all sectors**

Ensuring buildings are designed to be as energy-efficient as possible over the long term reduces demand for heating which causes pollution.

II. **To protect and enhance the built environment of the City and its public realm**

This has the effect of encouraging active travel and encouraging people to use open spaces. However, more use of open spaces can encourage people to occupy areas in air pollution hotspots, so green space development should be complemented by reducing air pollution close to that green space.

III. **To advance sustainable procurement and consumption**

This can be used to promote low-emission procurement, such as using low-emission or active travel-based deliveries

IV. **To conserve and enhance biodiversity**

Improving biodiversity often involves improving green space and planting in the urban realm. Increasing vegetation has an established local effect on reducing air pollution concentrations, if appropriate species are chosen. However, the effect is very local and not substantial unless extremely expensive options are chosen. Tree planting of appropriate species is likely to be the most cost-effective approach.

The theme also includes the following goal:

V. To reduce our impact on climate change and to improve the way we adapt to it

The City Together Strategy does not quantify the air quality problem under “What we know”, but highlights its importance under “What are the opportunities and challenges ahead?” Here air quality is listed as being both a national and City problem, but is tackled as a subsidiary problem to climate change. It should be emphasised that air pollution policy and carbon mitigation can be at odds, for example in promotion of biomass fuels and Combined Heat and Power. Policies’ actions should aim to deliver both outcomes rather than one at the expense of the other.

Five other goals under other themes also support action on air quality:

- **To improve people’s health, safety and welfare within the City’s environment through proactive and reactive advice and enforcement activities**
Poor air quality is by far the largest environmental factor, with a detrimental effect on the health of the City’s population. Action on information about poor air quality will help meet this goal.
- **To enable the City to continue to flourish and to see the benefits of its success spread across London, the UK and internationally**
- **To ensure that the built environment within the City meets the growth in business needs, whilst minimising the associated disruption caused to all sections of the City’s communities**
In the international competition for financial services, quality of life is an increasing issue. It is no accident that Wall Street has significantly better air quality than most of Central London - US air pollution regulations on PM_{2.5} are much stricter than those across Europe and lead to lower concentrations and effects on public health. Acting to reduce air pollution to levels similar to those in New York would help improve the health of workers in the City and improve the City’s competitive offer.
- **To facilitate the provision of an enhanced public transport system that is both sustainable and meets the growing needs of all users including disabled people**
See previous note on sustainable transport.
- **To facilitate the opportunity for exemplary, innovative, inclusive and sustainable design which respects and enhances the distinctive character of the City**
Innovative design can help reduce air pollution both from buildings and transport, thus reducing exposure to air pollution. It is important that innovation not be seen as a wholly creative activity - 99% of innovation is simply applying designs and approaches that have been proven to work in other markets or locations. Creative innovation is most effectively spurred through competitions and prizes - for example, the City of London could build on its air quality awards by establishing a competition to design a new iconic, affordable and zero emission Black Taxi for London, or a prize for the new building with the lowest air pollution and carbon emission in the square mile.

The Corporate Plan 2013-2017 explicitly refers to air quality, under Key Policy Priority 3:

- **Engaging with London and national government on key issues of concern to our communities including policing, welfare reform and changes to the NHS**

Further detail is provided on this priority, where air quality is stated as an issue, around which the City of London should engage London partners:

- **Mayor of London Olympic legacy; Transport (investment in the network, ‘keeping London moving’); Promotion (financial services; tourism/visitors); Environment (waste issues; air quality)**

Working with the neighbouring authorities and the GLA (in particular TfL) has the potential to improve air quality in the City significantly, recognising that some air pollution is produced outside the square mile, and the importance of TfL as the strategic transport authority.

HWBB Recommendation 2:

Consider how the City of London Corporation can influence neighbouring authorities and the GLA (in particular TfL) so more action is taken to reduce the public health effects of air pollution.

Further support for undertaking action on poor air quality within the SCS and Corporate Plan is included in Appendix 1.

5. Ways that the HWBB can strengthen the air pollution aspects of the City’s planning and transport policies

5.1 The Local Plan

The Local Plan is the spatial manifestation of the Sustainable Community Strategy and provides the development policies that underpin the vision and five themes stated in the SCS. As an updated version of the Local Development Framework, it also includes policies relating to development control and management. Indeed, Policy DM15.6 relating to mitigation of air pollution of new development is exemplary in its approach to minimising air pollution effects.

However, development control policies come under constant pressure from developers. The Local Plan identifies that up to 10% of the new office, retail and hotel floor space in the City could be located around Aldgate, as well as up to 10% of new housing units, in an area where resident populations are already exposed to very high levels of air pollution. With the National Planning Policy Framework stipulating a presumption in favour of sustainable development (assuming other local planning policies are not contravened), the air pollution effects of new developments should be properly considered and mitigated for, where necessary.

HWBB Recommendation 3:

Consider how the HWBB can help to reinforce, and enforce, Development Control policies on air pollution and, where necessary, provide timely comment on new developments.

HWBB Recommendation 4:

Consider how the HWBB can advise on, and review, Development Control policies, as and when new evidence around the best practice for mitigating against the health effects of poor air quality develops.

The Health and Wellbeing Board have considered the Local Plan through a rapid Health Impact Assessment (HIA). This rapid HIA mentions air quality, stating that the Local Plan covers air quality thoroughly, although the health effects from construction need to be taken further into account. The rapid HIA discusses the proposed changes to the Aldgate gyratory from a disabled access point of view, but does not take into consideration that the positioning of street furniture and creation of public spaces can increase people’s exposure to air pollution.

HWBB Recommendation 5:

Advocate that changes in the urban realm, which could affect people’s exposure to poor air quality, such as the introduction of new public spaces and on-street seating, are assessed for changes in the levels of exposure.

5.2 *The Local Implementation Plan*

The Local Implementation Plan (LIP) is the strategy which outlines how the City of London intends to implement the London-wide Mayor's Transport Strategy. As a consequence there is a strong synergy between the suite of mayoral transport documents and the City of London's LIP. It is particularly important for the City of London's LIP to reflect the importance of action to tackle poor air quality, as 73% of fine particles and 67% of oxides of nitrogen emitted in the City are from motor vehicles [CERC, 2011].

The LIP contributes to meeting both the Mayor's transport goals and the challenges identified in the Central London Sub-Regional Transport Plan. There are two goals in the Mayor's Transport Strategy, which can be used to justify action to improve the health of residents of the City of London:

- Enhance the quality of life for all Londoners
- Reduce transport's contribution to climate change, and improve its resilience

'Improving air quality' is also specifically identified as a challenge to be tackled in the Central London Sub-Regional Transport Plan. The LIP, which came into force in 2011, builds upon the goals and challenges stated in the Mayor's transport strategy, and aims to:

- Reduce the pollution of air, water and soils, and excessive noise and vibration caused by transport in the City

The LIP has two objectives which directly relate to tackling poor air quality. These are:

LIP 2011.1: To reduce the pollution of air, water and soils, and excessive noise and vibration caused by transport in the City

LIP 2011.4: To reduce the adverse effects of transport in the City on health, particularly health effects related to poor air quality and excessive noise, and the contribution that travel choices can make to sedentary lifestyles

There are a number of other LIP objectives that support action on tackling the effects of poor air quality - these are included in Appendix 1.

The LIP states that there will be on-going monitoring against the Mayor's statutory targets to move towards a cleaner local authority fleet of vehicles, as well as targets to increase the number of journeys being undertaken in the City through walking and cycling, labelled as 'reporting outputs' in the LIP. The LIP recognises the importance and urgency of action within these objective areas, and states that the focus of improvement will be in the first part of the LIP period. However, there are no targets contained in the LIP related to the direct measurement of the health effects of poor air quality.

HWBB Recommendation 6:

Consider recommending that air pollution concentrations, and effects, become a performance indicator in the next review of the Local Implementation Plan.

A sustainability appraisal has been undertaken of the LIP. It is based on ensuring that the ‘three pillars’ of sustainability are met: economic, environmental and social sustainability. In the context of this appraisal, different levels of action under thematic headings are assessed against different headline objectives, linked to these three pillars of sustainability. The sustainability appraisal includes headline objectives to ‘Improve the health of city workers, residents and visitors’ and ‘Improve air quality’. The appraisal summarises that the actions contained within the LIP will overall contribute positively to the environmental sustainability of the City, including reducing air pollution. Transport remains one of the most important policy areas for improving air quality. Recognising this, the HWBB may wish to undertake a Health Impact Assessment to supplement this sustainability appraisal.

HWBB Recommendation 7:

Conduct a rapid Health Impact Assessment on the Local Implementation Plan of the Mayor’s Transport Strategy, similar to the one carried out on the Local Plan.

6. Specific actions that the City can take to improve air quality

All local authorities, including the City of London, have the power to make interventions to address air pollution. Many save money, some with short payback times. These range in scale from minor adjustments to policies, that will, over time, accumulate to decrease public health effects (such as requiring all footways to be wider), to major regulatory actions that would require several years of development and consultation, such as imposing a Low Emission Zone (LEZ). There are also opportunities for innovation and promotion of innovation, both by applying tested approaches from other cities or domains, to encouraging genuinely new innovations. We have loosely classed the actions that can be taken as follows, although some fall into several classes.

- A. Those that reduce the exposure of individuals to pollution
- B. Those that reduce the concentrations of pollutants
- C. Those that reduce the emissions of pollutants

In general, measures to reduce exposure and concentrations (Types A & B) are the least controversial, but address only the symptoms of the problem. There are very few measures in the Type B category - once air pollution is emitted there is very little that can be done to remove it except encouraging urban design that facilitates ventilation of the street. Type C actions address the sources of the problem, but tend to be more controversial, as they often require changes of habit or technology, challenges to conventional wisdom or ingrained perception, or rigorous application of current rules and regulation against vested economic and bureaucratic interests. In some cases they even require action to remedy strategic mistakes made in regional, national or EU strategies.

6.1 Type A - Actions that reduce the exposure of individuals to pollution

6.1.1 Reducing the proximity of people to vehicles

A rule of thumb is that anything that increases the distance between the most intense local sources of the most harmful pollution (usually traffic) and the people who breathe it in will dilute the pollution, and thus its effects. A few metres' difference can reduce exposure by 20%-50% compared with the concentrations close to vehicle exhausts. Wider footpaths, redirecting heavy traffic away from parks, shopping streets or other areas of high pedestrian footfall, pedestrianised streets, vehicle-only streets without footways, positioning entrances and foyers of attractions to minimise the proximity of gatherings to major roads, placing cycle tracks or parking between pedestrians and vehicles, are all options.

It also includes measures such as vertical exhausts, or stacks, on buses, Light Goods Vehicles or Heavy Goods Vehicles, tall chimneys on buildings, or requiring CHP or kitchen exhausts to be at roof level or higher. The effect of chimneys varies strongly with the local urban form and in complex terrain may require expert modelling to ensure the pollution does not fall to the ground.

6.1.2 Placing physical barriers between people and pollution sources

Physical barriers increase the effective distance between the air pollution sources and the people who breathe in the pollution. These could comprise new buildings, redirecting traffic, screens or vegetation. The key point is to ensure that a physical barrier encourages the polluted air to vent to the free atmosphere instead of diffusing towards people.

6.2 Type B - Actions that reduce the concentrations of pollutants

6.2.1 Designing streetscapes in which air pollution does not accumulate

Air pollution tends to build up in streets that are narrower than the buildings are tall, known as the canyon effect. Reducing canyon effects will encourage pollution to blow away. This can be done by ensuring that streets do not comprise extended terraces of buildings that are higher than the street is wide, as a rule of thumb.

6.2.2 Encouraging good quality air conditioning and air infiltration from cleaner locations

Air conditioning can remove most air pollutants if the correct equipment is used. Ensuring buildings in hot-spots have air conditioning with the correct filters and intakes from the cleanest locations, especially if they are occupied by children, people with CVD (Cardiovascular disease), respiratory disorders or asthma, the elderly or the less well-off will help reduce their exposure.

6.2.3 Massively increasing vegetation in the urban realm

There is good evidence that trees and plants in general encourage air pollutants to be deposited out of the air onto their leaf surfaces, instead of in people's lungs. The evidence also suggests that the effectiveness of this depends enormously on the species of vegetation. For it to have a significant effect, the entire available surfaces of the street (both horizontal and vertical) would need to be carpeted with vegetation. This tends to be extremely expensive and not cost-effective. Trees alone make only a very small impact, even at relatively high density, but are somewhat more cost-effective.

6.3 Type C - Actions that reduce the emissions of pollutants

6.3.1 Reduce the demand for heat in buildings

Buildings cause pollution directly through heating systems in which fuel is burned locally. By enforcing building controls on energy efficiency, building management systems and insulation, and requiring more insulation and take up of insulation grants, demand for heat is reduced. Good practice in building operations will also reduce emissions and fuel costs.

6.3.2 Reduce exhaust emissions from vehicles

This could mean creating an (Ultra) Low Emission Zone in which only the cleanest vehicles are permitted, switching Council fleets to Liquefied Petroleum Gas (LPG) and encouraging this amongst taxis or other major polluters, incentivising development of clean fleets by operators and low-emission service companies. In general, the Euro standards have proved unreliable at reducing some air pollution emissions from vehicles, so such approaches need to be planned

with care. Diesel use, especially biodiesel, should be discouraged due to its potential carcinogenic and particle-forming properties [WHO, 2013].

Lobbying TfL to clean up the fleets they control - black taxis, hackney cabs and buses - is also a key action. Black taxis are subject to rules that prevent competition from cleaner, cheaper vehicles, while London's bus fleet, although cleaner than it was, is still responsible for significant amounts of pollution.

6.3.3 Reduce the brake and tyre wear by the vehicles

Brake and tyre wear contributes to coarse PM particles, which cause respiratory and other problems. These can be mitigated by reducing average vehicle speeds and encouraging smoother driving, introducing more vehicle weight limits, removing humps or excessive traffic lights that encourage brake-accelerate behaviour, and ultimately reducing vehicle numbers.

6.3.4 Reduce the emissions from building's heating plant

By encouraging clean fuels (e.g. gas), ultra-low NO_x, lean burn and condensing boilers, both energy efficiency and clean air are promoted. CHP (Combined Heat and Power) should be deployed very carefully as the plant can emit 5-10 times more pollution than equivalent gas boilers, and much more if biomass or diesel fuels are used. In many cases CHP is not cost-effective.

6.3.5 Promote modal switch to mass transit and active transport to reduce vehicle numbers

The most highly developed and richest cities in the World - even very large cities like Tokyo - have progressed past their 'age of the motor' and pushed down vehicle use in favour of mass transit and active transport. These approaches allow congestion to be reduced, encourage physical activity and reduce many of the air pollution problems due to vehicle movements.

6.3.6 Innovation prizes and awards for clean vehicles, buildings and services

Some of the actions listed above may take years to plan or enact. Research has shown that substantial prizes and awards - for example the X-Prizes - are disproportionately effective at encouraging new innovation. The City could consider awarding prizes for low pollution developments, low-polluting service companies or cleaner taxi and bus technologies to encourage corporate, architectural and engineering innovation.

7. Specific alterations to Area Enhancement Strategies can help reduce the health effects of air pollution

The City is covered by sixteen Area Enhancement Strategies (AESs) at various stages of development and adoption. The AESs are useful to assess from an air quality point of view because:

- The AEAs contain proposed micro-level improvements, often along single streets - a scale of intervention which is complementary to the highly localised distribution of air pollution in the City
- The AEAs cover improvements to the urban landscape and localised transport initiatives, which can be highly effective in reducing both emissions and exposure to emissions
- The majority of proposals contained within the AEAs do not contain any indication of the effects of the intervention on air quality
- The AEAs provide a 'longlist' of potential interventions to improve the urban environment at localised levels - some have identified funding streams but many of the suggested improvements do not, allowing prioritisation of proposals based on air quality effect to be considered

Appendix 2 contains a table which lists the urban enhancement initiatives contained within the Aldgate and Tower AES, to illustrate how small-scale plans can be used to reduce air pollution exposure. The HWBB may want to consider the following general points when reviewing the proposed improvements contained within Area Enhancement Strategies:

- The role that reducing emissions and reducing exposure to emissions plays in improving health outcomes at a very local level
- Improvements that reduce emissions should be prioritised, including changes that keep traffic to single carriageways, reduce the speed of traffic, and improve accessibility for pedestrians and cycling
- Many of the actions listed in the AESs are useful for reducing exposure to emissions - not only widening footpaths and creating new green public spaces away from traffic directly, but also improving lighting and planting, and making walking and cycling easier and more desirable overall
- Prioritising improvement in those areas with resident populations exposed to detrimental levels of poor air quality, i.e. around The Minories and the Mansell Street Estate, and the routes connecting these

Of the projects listed, urban environment improvements that propose widening footpaths and reducing traffic volume and speed, through a range of measures (reduction of number of traffic lanes; changes to vehicle entry into main thoroughfares), will facilitate the greatest reduction in air pollution and exposure to pollution. It is noted that these are *proposed* enhancements, that could improve the urban environment in the majority of locations identified in the AESs. This suggests that, beyond the larger strategic priorities, such as the transformation of the Aldgate gyratory, consideration should be given to where such improvements can have the most impact.

In considering the health effects of air pollution, the following approaches can help identify the locations with the greatest need of such enhancements:

- Targeting areas where the footfall is greatest, i.e. reducing the exposure to pollution to the largest numbers of people
- Targeting areas where the pollution is greatest, i.e. where the traffic is heaviest and there may be little work already to reduce emissions and/or exposure to these pollutants
- Targeting areas where residents live and the streets they are most likely use, i.e. reducing the exposure to pollution of those individuals that receive high levels of exposure from residing in the City

The cost-effectiveness of actions should also be taken into consideration, and this should include the potential health co-benefits from improving air quality.

Careful consideration needs to be given to the location of green spaces and street seating areas. Although such enhancements are desirable from the point of view of creating an urban environment that is attractive to pedestrians, the location of such enhancements in relation to emissions sources (such as major roads) needs to be considered, to ensure that prolonged exposure is minimised. This is not addressed within the AESs.

HWBB Recommendation 8:

Assess the air quality implications of the proposals contained within the Area Enhancement Strategies, and identify which urban enhancement interventions are the most beneficial from a public health perspective.

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Appendix 1 - Detailed policies supporting action on air pollution

This report comments on the main policies within City of London strategies that can provide support for action on air pollution. As stated within the report, there are numerous other policies contained within City of London strategies that can be utilised to justify specific actions. This appendix will list the most important of these, comprising:

- Further Key Priority Policy from the Corporate Plan
- Policy DM15.6 of the Local Plan, which covers air quality from a development control perspective
- Further policies from the City of London LIP for the Mayor's Transport Strategy

Corporate Plan

Further support for undertaking action on poor air quality can be found within the Corporate Plan's key policy priority 1:

- Supporting and promoting the international and domestic financial and business sector

In particular, we note that air pollution regulations are much tighter in the USA, and air pollution measurements are much lower near Wall St in New York.

Local Plan

Policy DM 15.6 Air quality

- 1) Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment
- 2) Development that would result in deterioration of the City's nitrogen dioxide or PM₁₀ pollution levels will be resisted
- 3) Major developments will be required to achieve maximum points for the pollution section of the BREEAM, or Code for Sustainable Homes assessment relating to NOx emissions
- 4) Developers will be encouraged to install non-combustion low- and zero-carbon energy technology. A detailed air quality impact assessment will be required for combustion-based low- and zero-carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation
- 5) Demolition, construction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts
- 6) Air intake points should be located away from existing and potential pollution sources (eg busy roads and chimneys). All chimneys should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

Local Implementation Plan

There are further LIP objectives which can be used to justify action to tackle poor air quality:

LIP 2011.2: To reduce the contribution of transport in the City to climate change and improve the resilience of the City's transport to its effects

LIP 2011.5: To increase permeability, connectivity and accessibility in the City.

LIP 2011.6: To smooth traffic flow and reduce journey-time variability and traffic congestion in the City

LIP 2011.7: To facilitate the efficient and economic construction of Crossrail and other major public transport improvements, while minimising the disruption and environmental impacts that this construction will cause in the City, including on traffic movement

LIP 2011.8: To plan for a City with an operational Crossrail, a significantly increased total public transport capacity and significantly increased numbers of pedestrians and cyclists

Many of the actions identified in section 2 of this report can be framed under these LIP objectives and would also improve air quality.

As the LIP identifies, these objectives have a significant role to play in reducing poor air quality and meeting the targets established in the City of London Air Quality Strategy 2011-2015. The LIP also identifies work towards these objectives which contributes to the 'improving air quality' challenge identified in the Central London Sub-Regional Plan of the Mayor's Transport Strategy.

Appendix 2 - Possible improvements to air quality from planned urban realm improvements

This appendix details which urban realm enhancements from the many listed within the Tower & Aldgate Area Enhancement Strategy can help to reduce air pollution and its effects.

Area	AES	Suggested improvements	Effect on AQ	Comment
The Minories	Aldgate & Tower	Widen footpath, add greenery, install side road entry treatments, consider loading and waiting requirements, consider table and chair licenses, possibility for two-way traffic, consider adding elements of play and public art	Potentially positive - along a street with a resident population	As an area with a resident population there should be an effort to reduce emissions and exposure to emissions. Widening the footpath would be the most desirable policy, whilst any attempts to add greenery should look at the location and species of any planting to maximise the positive impact.
Crutched Friars & Jewry Street	Aldgate & Tower	Widen footways, tree planting, insert parking and waiting, seating on street, raised entry treatments to reduce speed	Potentially positive	Widening footways will increase the distance of the majority of pedestrian foot flow from source of emissions. Similarly, improvements aimed at reducing the speed of vehicles along the thoroughfare could reduce the TBW and exhaust emissions.
Little Somerset Street	Aldgate & Tower	Rebalance the carriageway and footway to match the function, planting trees, approach third parties about installing green walls, ensure adequate lighting, improve access at northern end for pedestrians, add elements of play and public art	Potentially positive - along a street connecting Aldgate tube with the Mansell Street Estate	Improving pedestrian access should be encouraged.

Area	AES	Suggested improvements	Effect on AQ	Comment
Vine Street & Crescent Green	Aldgate & Tower	Create space that encourages people to spend time, consider planting, consider art, provide seating, introduce green walls, consider reopening-up of the southern end of the Crescent to change footfall between the underground and the Tower of London	Generally positive	<p>Further work to 'reduce traffic volumes and encourage cycling and walking' should be implemented - tying into the priorities developed in other strategies. Any proposal that changes the flow of pedestrians away from the traffic, such as reopening the Crescent, will reduce exposure. It would be worthwhile to make this an integral part of any future enhancement plans for this area.</p> <p>Consideration should be given to the exposure of individuals in newly created public spaces - these should not increase an individual's exposure to air pollution due to proximity to emission sources. Additional planting at America Square will reduce pollution somewhat.</p>
Aldgate Gyratory	Aldgate & Tower	Create green public space, remove barriers to pedestrian movement, increase cycling provision, plant the area, introduce sustainable urban drainage, provide seating and a pleasurable environment, two-way traffic provision, bus services retained, improve signage, improve the high street spine	Overall extremely positive - air quality modelling of the effects of this project have been undertaken	Provides a pedestrian link from the Aldgate transport hub to the residential areas of the Mansell Street Estate and beyond, reduces traffic flow, increases the distance between the Sir John Cass School and the emission sources. All of this will reduce overall emissions in the area and reduce the exposure of residents and schoolchildren as well.

REPORT TO THE CITY OF LONDON HEALTH & WELLBEING BOARD ON AIR POLLUTION

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HOW HAS UNDERSTANDING CHANGED IN RECENT YEARS?

2005

WHEN CURRENT LIMITS WERE SET

PM₁₀ particles

From lab and epidemiological studies **thought** to cause respiratory and cardiovascular (CVD) problems. Well measured.

PM_{2.5} particles

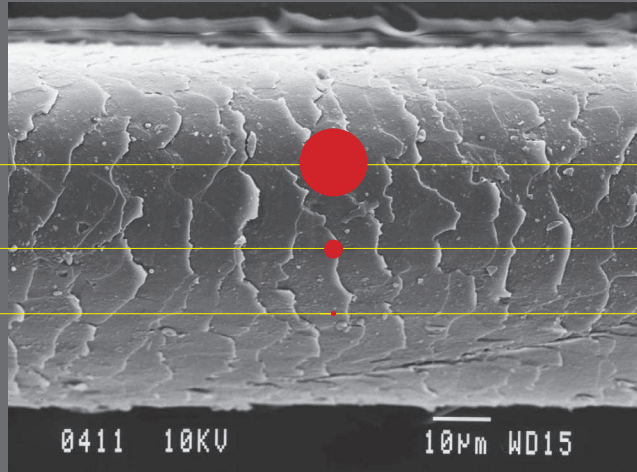
Thought to be the best way of quantifying the impacts of the air pollution. An epidemiological study suggested it **could cause 800-8,000 premature deaths in London per year**. Not measured widely.

PM_{0.1} particles

Lab evidence suggests it might be very poisonous to humans. Not measured at all.

NO_x & O₃ gas

O₃ peaks induce asthma. NO_x possibly harmful, but unclear if it's a separate issue to PM.



PM_{0.1} SIZE EXAGGERATED X 10

PM Legal Limits

2½ x limits of the USA. Levels permit a major burden of disease.

Vehicle Air Pollution

Officially listed as a Class 1 carcinogen. Traffic count alone has quantifiable health outcomes.

2013

PM₁₀ particles

Certain to cause lung cancer, asthma, bronchitis symptoms especially in the young.

PM_{2.5} particles

Certain to cause CVD, stroke, lung cancer, respiratory disease. PHE estimate it **causes 3,300 premature deaths in London** each year. Poor, children, women affected more. Associated with cognitive impairment, Parkinson's, Alzheimer's, Type II diabetes, adverse birth outcomes.

PM_{0.1} particles

Probable evidence this is the main cause of harm, passing throughout the body and driving system inflammation.

NO_x gas & O₃ gas

Causes respiratory disease at levels found in London and most UK and EU cities. CVD, COPD, diabetes patients more vulnerable.

WHAT IS THE SCALE OF THE PUBLIC HEALTH PROBLEM?

PHOF INDICATOR AS CALIBRATED FOR THE POPULATION OF ENGLAND BY DH	MEAN CUT IN LIFE EXPECTANCY (YEARS)	PHOF INDICATOR DEATHS PER 100,000 PA RANKED BY LONDON RANKING	AVERAGE OF ALL LONDON BOROUGHES	HACKNEY
Premature mortality from cancer	1.7	4.05i - Cancer < 75	104.9	111.0
Premature mortality from CVD	1.4	4.03 - All preventable causes mortality	104.3	171.7
Excess weight - adults	1.0	4.04i - CVD < 75	64.3	86.4
Smoking prevalence (over 18s)	0.6	4.05ii - Preventable cancer < 75	60.8	67.3
Air pollution , Population vaccination coverage, or Premature mortality from respiratory diseases	0.5	3.01 - PM_{2.5} (converted to deaths pa/100,000)	40.6 (5th)	33.7 (7th)
Infant mortality	0.4	4.04ii - Preventable CVD <75	40.2	55.3
Premature mortality of people with mental illness	0.3	1.10 - Road accidents (KSI)	35.3	48.3
Cancer diagnosed at stage 1 and 2, Premature mortality from chronic liver disease, Suicide, Road injuries and deaths, Premature mortality from communicable diseases	0.2	4.08 - Communicable diseases (provisional)	31.6	33.1
Excess winter deaths, Drug Treatment	0.05	4.07i - Respiratory disease < 75	22.7	31.3
Falls in over 65s	0.04	4.06i - Liver disease < 75	15.7	22.1
Smoking at time of delivery, NHS health check	0.02	4.06ii - Preventable Liver disease < 75	13.4	15.5
Under 18 conceptions, Homelessness, Fuel poverty, Child poverty, Failure to breastfeed	≤0.01	4.07ii - Preventable Respiratory disease < 75	11.5	15.1
		4.10 - Suicide rate (provisional)	6.9	8.8

Recommendation 1

Ensure that the City's Health & Wellbeing Profile reflects the severity of poor air quality as a public health issue.

HOW MANY PEOPLE ARE AFFECTED? WHO IS AFFECTED?

DH Committee on the Medical Effects of Air Pollution, 2010

COMEAP **speculated** that

“Average loss of life ranges [from] 11½ years [if PM2.5 caused] 29,000 deaths [per year] to six months [if it affected everyone.] Both extremes are extremely unlikely.”

“It is more reasonable to consider that air pollution may have made some contribution to the earlier deaths of up to 200,000 people in 2008, with an average loss of life of about two years per death affected.”

Other new and older evidence

People with cardio-vascular and cardio-pulmonary diseases are the most important affected group.

There is probable evidence that

- People with major respiratory diseases, diabetes
- Children and older people
- People from lower socio-economic groups

are also especially vulnerable.

People who are **especially vulnerable and highly exposed are likely to be affected most.**

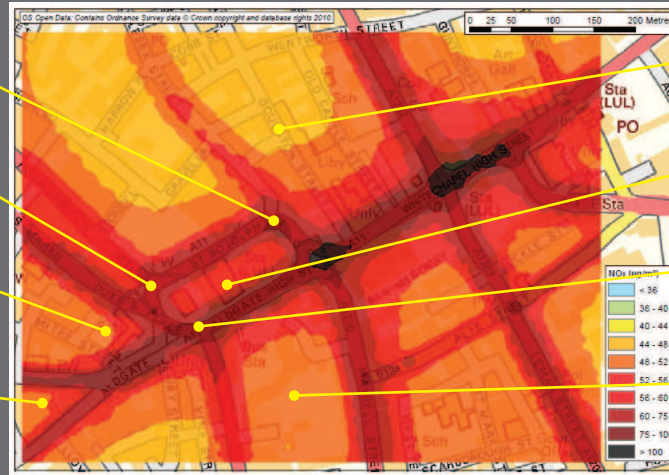
WHAT DO WE RECOMMEND?

Taxi driver working 12 hours daily, 6 days weekly

Street sweeper in planned new mini-park

260 children in passively ventilated school

76,000 people well air-conditioned offices. Some will go out at lunch. Most use the tube to commute.



Cyclist commuting an hour every day

TfL employee standing at Aldgate Station all day.

5,000 pedestrians per hour at peak, though only 600 vehicles

600 residents in public housing, many children, some with health problems. Few elderly.

AIR POLLUTION IS HIGHLY LOCALISED

Exposure increases rapidly with proximity to sources. Exposure is strongly determined by individual's routes or home environment.

R5 – advocate that changes in the urban realm ... are assessed for changes in [resulting] exposure.

R8 – assess the air quality implications of proposal in Area Enhancement Strategies [and rank by public health benefits].

DIRTY VEHICLE MOTORS & FUELS

Diesel is very polluting, but some fuels are cleaner and/or cheaper: petrol, LPG, CNG, EVs. Engine standards proven ineffective, the taxis are especially bad, but quality of evidence is low.

R2 – [influence] neighbouring authorities and the GLA (in particular TfL) so that more action is taken to reduce the public health effects of air pollution.

VEHICLE MOTION

Moving vehicles and heavier vehicles generate PM₁₀ by wearing down vehicle parts and road surfaces.

R6 – [air pollution indicators] should be included in the next review of the Local Implementation Plan.

R7 – [as with the Local Plan, conduct a rapid] HIA on the Local Implementation Plan.

INEFFICIENT BUILDINGS & DIRTY HEATING SYSTEMS

Building design often driven by appearance rather than energy efficiency, causing waste. Biomass and CHP systems emit extremely high air pollution levels.

R3 – [reinforce and enforce City] Development Control policies on air pollution.

R4 – [consider how the HWBB can advise on] Development Control policies [as evidence develops].

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Agenda Item 7

Committee: Port Health and Environmental Services Committee	Date: 11 March 2014
Subject: Corporate Governance – Scheme of Delegations and Standing Orders	Public
Report of: Town Clerk	For Decision
Summary	
<p>As part of the City Corporation's arrangements for ensuring good governance, the Scheme of Delegation to Chief Officers has been reviewed and a number of changes have been proposed. The changes, which principally reflect changes to legislation and previously agreed City Corporation's policies, have been considered by Policy and Resources Committee on 23 January 2014 and will be submitted to the Court of Common Council on 1 May 2014.</p> <p>The Policy Committee is responsible for the review and for the co-ordination of the City Corporation's governance arrangements. The Committee has considered the Scheme in its entirety including the general framework and conditions of the delegations and an amendment to Standing Orders which relate to the declaration of operation property assets which are surplus to requirements.</p> <p>All service committees are required to consider those elements for which they have responsibility. A copy of the revised sections applicable to this Committee is attached as an appendix to this report for your consideration. The Director of Open Spaces and the Director of Markets and Consumer Protection are proposing some minor amendments to Scheme of Delegation and these are set out in Annex A.</p>	
Recommendations	
<ol style="list-style-type: none">1. Approve the delegations relating to the Directors of the Built Environment, Markets and Consumer Protection and Open Spaces as set out in the appendix including the proposed amendments from the Director of Open Spaces and the Director of Markets and Consumer Protection which are set out in Annex A; and2. note the proposed amendment to Standing Orders relating to the declaration of operation property assets which are surplus to requirements.	

Main Report

Background

1. As a corporate body all decisions are vested in the Court of Common Council. To facilitate the administration of the City Corporation's many and complex functions, the Court delegates the majority of its functions to its committees and officers. The committee terms of reference set out the functions

delegated to committees whilst the Scheme of Delegations sets out those functions which have been delegated to officers.

Scheme of Delegations

2. The Scheme of Delegations has recently been reviewed and a number of changes are proposed which on the whole reflect changing legislation, amendments to corporate policy and operational needs. A copy of the revised Chief Officer(s) delegations relevant to this Committee is attached as an appendix to this report.
3. A full copy of the Scheme is available for Members to view in the Members' Reading Room and is also available on request.

Director of the Built Environment

4. To enable certain City Corporation's functions and services to be better managed a number of organisational changes were agreed in 2011 which resulted in the creation of the Department of the Built Environment. The Scheme of Delegation now needs to be adjusted to take account of these changes. The proposed amendments to the functions delegated to the Director of the Built Environment are therefore more substantial in order to reflect this.
5. The Policy and Resources Committee are responsible for the review and co-ordination of the City Corporation's governance arrangements which includes amongst other things, committees and Standing Orders.

Standing Orders – Declaring Assets Surplus

6. The drive for efficiency savings including the Corporate Asset Realisation Programme and the more recent Service Based Reviews have highlighted the need for the City to more effectively identify those assets which are surplus to departmental need so they can be considered for alternative uses or disposal.
7. Whilst there are a number of officer groups considering the efficient and effective use of assets and resources it is felt that their work would be assisted by a change to Standing Orders which would formalise the process for Chief Officers and Committees identifying assets as surplus. It should be noted that prior to the approval of the Court, the Policy and Resources Committee have considered and approved adding the following with regard to this.

Standing Order No 55 - Identification of Property Assets Surplus to Departmental Requirements

(1) Committees are required to consider the effective and efficient use of all operational property assets. This will be monitored by the Corporate Asset Sub Committee

(2) Where assets are no longer required, in whole or in part, for the provision of operational services for which they are currently held, a report on

*the circumstances must be made to the Corporate Asset Sub Committee.
This does not apply where letting are an integral part of the service e.g.
market or housing tenancies*

Corporate & Strategic Implications

8. The proposed changes to the Scheme of Delegations and Standing Orders are intended to support the effective governance of the City of London and ensure that decision making is effective and transparent.
 - Appendix 1 – Revision(s) to Scheme of Delegations

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CITY OF LONDON CORPORATION

SCHEME OF DELEGATIONS TO OFFICERS

DIRECTOR OF THE BUILT ENVIRONMENT

The following general powers are delegated to the Director of the Built Environment.

Authorisations

1. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and of Department.
2. To sign the necessary warrants of authorisation for the above officers.

Charges

3. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

Transportation & Public Realm

4. To implement, waive or vary charges relating to traffic management and /or the Public Highway and/or pipe subways such as parking dispensations, private apparatus in the highway, temporary road closures and traffic orders, scaffolding hoarding and fencing licenses, and charges for pipe subways (including under S.73 of the London Local Authorities Act 2007).
5. To grant permission or consent with or without conditions or refusing to grant permission or consent as the case may be with respect to applications made to the City of London Corporation:
 - a. under Part II of the Road Traffic Act 1991, relating to dispensations from, or, the temporary suspension of, waiting and loading regulations or parking places regulations made in accordance with the Road Traffic Regulation Act 1984;
 - b. under Section 7 of the City of London (Various Powers) Act 1973, relating to new buildings;
6. To sign appropriate notices indicating that consent or refusal has been given, as the case may be under (a) above.
7. To sign and serve notices or granting of consents under the Highways Act 1980, City of London Various Powers Act 1900 and the City of London Sewers Act 1848 relating to the management and maintenance of streets within the City.
8. To exercise powers under the Road Traffic Regulation Act 1984 in respect of temporary traffic orders
9. To issue notices and, as necessary discharge the City of London Corporation's obligations under Part III of the New Roads and Street Works Act 1991, relating to the co-ordination and execution of street works by public utility companies and other licensed operators.
10. To enter into agreement with companies and statutory companies to allow the placement of plant within the pipe subways inherited from the Greater London Council in accordance with the London County Council (General Powers) Act 1958 and to determine applications for consent to place electricity substations in the street pursuant to the Electricity Act 1989
11. To enter into agreements with other traffic authorities to jointly exercise the City's traffic order making functions or to delegate those functions to them in accordance with S.101 Local Government Act 1972

12. To enter into agreements with other highway authorities under section 8 of the Highways Act 1980

Water and Sewers

13. The requisition of sewers under Sections 98 to 101 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaker within the City to adopt sewers).
14. The adoption of sewers under Sections 102 to 105 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaken within the City to adopt sewers).
15. To authorise and/or approve works under Section 112 of the Water Industry Act 1991 (relating to the power to exercise and discharge the requirements of the Undertaker within the City).
16. The closure or restriction of sewers under Section 116 of the Water Industry Act 1991, relating to the powers to exercise and discharge the functions of the Undertaker within the City to close or restrict the use of a public sewer.
17. The alteration or removal of pipes or apparatus of the Undertaker under Section 185 of the Water Industry Act 1991, relating to the power to exercise and discharge the functions of the Undertaker within the City to alter or remove any relevant pipe or apparatus.

Highways and Transport

18. To make all Traffic Orders under sections 6, 9, 10, 23 and 45 of the Road Traffic Regulation Act 1984, and to make modifications to or to revoke any experimental Traffic Regulation Order (following consultation with the Commissioner of Police for the City of London) where deemed necessary in the interests of safety, convenience or the expeditious movement of traffic.
19. To exercise powers under Part V of the Highways Act 1980 dealing with highway improvements.
20. To make representation or lodge objection, as appropriate, to applications for a Public Service Vehicle Operator's Licence, under Section 14A of the Public Passenger Vehicles Act 1981 or for a London Local Service Licence, under section 186 of the Greater London Authority Act 1999 and authorising in writing the appropriate officers in his Department to put forward objection or recommendation on behalf of the City of London Corporation at any Inquiry or Appeal arising out of an application for either of the recited licences.
21. To agree details of railway works in the City of London under the Transport and Works Act 1992.
22. To issue projection licences on, over or under streets pursuant to schemes where planning permission has already been agreed or renewing existing licences.
23. To be responsible for all functions under the Traffic Management Act 2004 and Regulations made thereunder that relate to the City of London as a local highway and local traffic authority.
24. To agree consents for temporary highway activities pursuant to the Crossrail Act 2009

25. To exercise through Civil Enforcement amongst other things, parking management and parking enforcement functions, under the Road Traffic Regulations Act 1984, the Road Traffic Act 1991, the London Local Authorities Acts 1996 – 2008 (LLAA), and the Traffic Management Act 2004 (TMA)

City Walkway

26. 25. Power to licence the temporary hoarding or enclosure of City Walkway pursuant to Section 162 of the City of London Sewers Act 1848 and Section 21 and Schedule 2 Part II to the City of London (various Powers) Act 1967.

Cleansing

27. The institution of proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part II, Part III and Part IV.
28. To institute proceedings and other enforcement remedies in respect of the Health Act 2006, section 6, 7, 8, 9 and 10.
29. To institute proceedings and other enforcement remedies in respect of offences under the Refuse Disposal (Amenity) Act. 1978.
30. To institute proceedings and other enforcement remedies in respect of offences under the City of London (Various Powers) Act 1987.
31. To institute proceedings and enforcement remedies in relation to part VI of the Anti-Social Behaviours Act 2003.
32. To institute proceedings in relation to Town and Country Planning Act 1990 section 224 and 225.
33. To institute proceedings in relation to Regulatory Investigator Powers Act 2000
34. To institute proceedings in relation to Control of Pollution Act 1974
35. To issue notices under section 6 London Local Authorities Act 2004 (abandoned vehicles).

Delegations to other Officers

The following authorities are also delegated to the specified Deputies or Assistants:

Transportation and Public Realm Director – Items 4-35

Assistant Director (Highways) –5 -17 and Items 23 – 26

DIRECTOR OF MARKETS & CONSUMER PROTECTION

The following matters are delegated to the Director of Markets & Consumer Protection.

Markets

1. To agree the assignment of tenancies where, in their opinion, there are no complications.
2. To grant tenancies at will to suitably qualified applicants in a standard form previously approved by the Comptroller & City Solicitor.
3. To authorise the Comptroller & City Solicitor to institute proceedings under the City of London Corporation's Byelaws.

Delegations to other Officers

4. The above matters are also delegated to the Superintendents of Billingsgate Market, Smithfield Market and Spitalfields Market to be exercised either at the direction of or in the absence of the Director of Markets & Consumer Protection.

Port Health and Public Protection Division

a) Administrative

5. To increase current charge rates for products of animal origin annually in line with inflation.
6. To enter into a Service Level Agreement with the Health Protection Agency and agree minor amendments from time to time if required.
7. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

b) Legislative

8. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and Department.

The Director of Markets and Consumer Protection and any staff authorised by him are indemnified against all claims made against them including awards of damages and costs arising out of acts done by them in the bona fide discharge or purported discharge of such functions.

	Legislation	Delegated Function
1.	Accommodations Agencies Act 1953	Institution of Proceedings and other enforcement methods
2.	Administration of Justice Act 1970	Institution of Proceedings and other enforcement methods
3.	Agriculture Act 1970 (as amended)	(i) Institution of Proceedings and other enforcement methods (ii) Section 67 – to enforce this part of the Act within the respective area; and the health authority of the Port

		of London shall have the like duty as respects the district of the Port of London
4.	Agricultural Produce (Grading & Marking) Act 1928 Agricultural Produce (Grading & Marking) Amendment Act 1931	Institution of Proceedings and other enforcement methods
5.	Animal Boarding Establishment Act 1963	(i) Institution of Proceedings and other enforcement methods (ii) Authorising of Officers to carry out inspections (iii) Granting of Licences
6.	Animal Health Act 1981 including all Orders and Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 52(1) – Appointment of Inspectors and other Officers as required for the execution and enforcement of the Act
7.	Animal Health & Welfare Act 1984	Institution of Proceedings and other enforcement methods.
8.	Animal Welfare Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Section 51 – Appointment of Inspectors and other Officers as required (iii) Service of Notices under Section 10
9.	Anti-Social Behaviour Act 2003	(i) Institution of Proceedings and other enforcement methods (ii) Section 48 – Issue of Notices (iii) Section 43 – Issue of FPN's (iv) Authorisation of Officers
10.	Breeding of Dogs Acts 1973 (as amended) & 1991 Including any regulations made there under and Breeding and Sale of Dogs (Welfare) Act 1999 (amendment to the 1973 Act)	(i) Institution of Proceedings and other enforcement methods (ii) Section 2 – Authorisation of officers (iii) the Granting of Licences

		iv) Setting of Fees
11.	Building Act 1984 including all Orders & Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 126 – Authorisation of Officers (iii) Part I and Schedule 3 - Granting all authorisations and consents and issuing of notices
12.	Cancer Act 1939	Institution of Proceedings and other enforcement methods
13.	Children & Young Persons Act 1933 (as amended by Protection of Children (Tobacco) Act 1986	Institution of Proceedings and other enforcement methods
14.	Children & Young Persons (Protection from Tobacco) Act 1991 Including all Orders and Regulations made thereunder	Institution of Proceedings and other enforcement methods
15.	Christmas Day (Trading) Act 2004	(i) Institution of Proceedings and other enforcement methods. (ii) Section 3(2) – Appointment of Inspectors. (iii) Section 2(1) – Granting of Consents.
16.	City of London Sewers Act 1848 (as amended in 1851 and 1897)	(i) Powers of Inspection under Sections 70 and 71 (ii) Issuing of notices Sections 61 and 75
17.	City of London (Various Powers) Act 1954 – Section 4	Institution of Proceedings and other enforcement methods
18.	City of London (Various Powers) Act 1971 – Section 3	Institution of Proceedings and other enforcement methods
19.	City of London (Various Powers) Act 1973	To exercise the power to dispense with or relax any requirement of a sanitation byelaw
20.	City of London (Various Powers) Act 1977	Authorisation of Officers under Section 22
21.	City of London (Various Powers) Act 1987 – Part III	(i) Grant and renewal of annual licences (ii) Institution of Proceedings and other enforcement methods (iii) Section 26 – Designation of

		areas
22.	Clean Air Act 1993 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 56 – Authorisation of Officers (iii) Sections 24, 36 & 58 – Serving of notices (iv) Section 15 – Granting of approvals (v) Section 35 – Powers of entry
23.	Clean Neighbourhoods and Environment Act 2005	(i) Power to make dog control orders (ii) Issue Fixed Penalty Notices (iii) Setting the level of fees (iv) Authorising Officers
24.	Companies Act 2006 Including any regulations made thereunder	Institution of Proceedings and other enforcement methods
25.	Consumer Credit Act 1974 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Sections 162 & 164
26.	Consumer Protection Act 1987 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers under Sections 28 & 29 (iii) Part II – Serving of notices
27.	Control of Pollution Act 1974	(i) Institution of Proceedings and other enforcement methods. (ii) Part III and Section 93 – serving of notices.
28.	Copyright Designs & Patents Act 1988	Institution of Proceedings and other enforcement methods
29.	Courts & Legal Services Act 1990	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Section 106(6)
30.	Criminal Justice Act 1988	Institution of Proceedings and

		other enforcement methods
31.	Criminal Justice & Public Order Act 1994	Institution of Proceedings and other enforcement methods
32.	Dangerous Wild Animals Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Section 3 – Authorisation to carry out inspections (iii) Section 1 – Granting of licences
33.	Education Reform Act 1988	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of officers under Section 215
34.	Enterprise Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Serving of Notices (iv) Applying for Orders
35.	Environment Act 1995	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
36.	Environmental Protection Act 1990 (Part III)	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
37.	Estate Agents Act 1979	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
38.	European Communities Act 1972	Institution of legal proceedings, granting of authorisations/permissions, issuing of notices and authorisation of officers in respect of regulations made under the provisions of S.2(2) European Communities Act 1972

		insofar as they apply to the Common Council of the City of London in its capacity as a local authority, weights and measures authority, food authority or port health authority.
39.	Explosives Act 1875 – Section 69	Discharge of duties
40.	Fair Trading Act 1973	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
41.	Farm & Garden Chemicals Act 1967	Institution of Proceedings and other enforcement methods
42.	Fireworks Act 2003	Institution of Proceedings and other enforcement methods
43.	Food and Environmental Protection Act 1985	Institution of Proceedings and other enforcement methods
44.	Food Safety Act 1990	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices (iv) Appointment of Public Analysts for the City of London Corporation acting as a Food Authority and/or a Port Health Authority
45.	Forgery & Counterfeiting Act 1981	Institution of Proceedings and other enforcement methods
46.	Fraud Act 2006	Institution of Proceedings and other enforcement methods
47.	Gambling Act 2005	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting applications, variations and transfers of premises licences (iv) Granting provisional statements (v) Endorsement of temporary use notices (vi) Issuing club gaming permits

		(vii) Issuing of club machine permits (viii) Granting and renewing family entertainment centre permits; Licensed Premises Gaming Machine permits; Prize Gaming permits
48.	Greater London Council (General Powers) Act 1967	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Certificates of Registration
49.	Greater London Council (General Powers) Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
50.	Greater London Council (General Powers) Act 1984, Part VI	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of refusing registration
51.	Hallmarking Act 1973	Institution of Proceedings and other enforcement methods
52.	Health Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
53.	Health and Safety at Work Act 1974 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of inspectors (iii) Issue of notices
54.	House to House Collections Act 1939 (Regulations 1947)	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences.
55.	Housing Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Granting of Licences
56.	Housing Act 2004	(i) Institution of Proceedings

		<p>and other enforcement methods</p> <p>(ii) Issue of Notices</p> <p>(iii) Authorisation of Officers</p> <p>(iv) Power to make Orders</p> <p>(v) Exercising the licensing functions</p>
57.	Insolvency Act 1986	Institution of Proceedings and other enforcement methods
58.	Intoxicating Substances (Supply) Act 1985	Institution of Proceedings and other enforcement methods
59.	Knives Act 1997	Institution of Proceedings and other enforcement methods
60.	Legal Services Act 2007	Institution of Proceedings and other enforcement methods
61.	Licensing Act 2003 Various provisions relating to granting or refusal or enforcement.	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Authorisation of Officers</p> <p>(iii) Granting premises licences, variations to premises licences and transferring premises licences</p> <p>(iv) Issuing provisional statements</p> <p>(v) Granting club premises certificates, and variations to club premises certificates</p> <p>(vi) Issue of Notices</p> <p>(vii) Renewal of personal licences</p> <p>(viii) Determining representations</p>
62.	Local Government (Miscellaneous Provisions) Act 1976	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Issue of Notices</p>
63.	Local Government (Miscellaneous Provisions) Act 1982	<p>(i) Institution of Proceedings and other enforcement methods</p> <p>(ii) Authorisation of Officers</p> <p>(iii) Granting of registrations</p>
64.	London County Council (General Powers) Act 1920 - Part IV	(i) Institution of Proceedings and other enforcement

		methods (ii) Authorisation of Officers
65.	London Local Authorities Act 1990	(i) Institution of Proceedings and other enforcement methods under Section 34 (ii) Granting, renewing, revoking or varying of licences under Part III
66.	London Local Authorities Act 2007	Institution of Proceedings and other enforcement methods under Section 75
67.	Malicious Communications Act 1988	Institution of Proceedings and other enforcement methods
68.	Medicines Act 1968 Including any Regulations and Orders made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
69.	Motorcycle Noise Act 1987	Institution of Proceedings and other enforcement methods
70.	National Lottery ETC Act 1993	Institution of Proceedings and other enforcement methods
71.	Noise Act 1996	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
72.	Olympic Symbol etc. (Protection) Act 1995	Institution of Proceedings and other enforcement methods
73.	Performing Animals (Regulation) Act 1925	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
74.	Pet Animal Act 1951	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers (iii) Granting of Licences
75.	Poisons Act 1972	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
76.	Pollution Prevention & Control Act 1999 and the	(i) Institution of Proceedings

	Environmental Permitting (England and Wales) Regulations 2010	and other enforcement methods. (ii) Undertaking of functions relating to permits (iii) Carrying out of Enforcement Actions (iv) Authorisation of Officers under Regulation 32 of the 2010 Regulations.
77.	Prevention of Damage by Pests Act 1949	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
78.	Prices Acts 1974	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
79.	Property Misdescriptions Act 1991	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
80.	Protection against Cruel Tethering Act 1988	Institution of Proceedings and other enforcement methods
81.	Protection from Harassment Act 1997	Institution of Proceedings and other enforcement methods.
82.	Public Health (Control of Disease) Act 1984	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Power to make Orders (iv) Applying to Courts for Closure Orders
83.	Public Health (Aircraft) Regulations 1979	Authorisation of Officers
84.	Public Health (Ships) Regulations 1979	Authorisation of Officers
85.	Public Health Act 1936	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
86.	Public Health Act 1961	Issue of Notices

87.	Riding Establishments Acts 1964 and 1970	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences and provisional Licences
88.	Road Traffic Act 1988 Including any Regulations made thereunder	Institution of Proceedings and other enforcement methods
89.	Scrap Metal Dealers Act 1964	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of suitable officers.
90.	Site Waste Management Plan Regulations 2008	i) Institution of Proceedings ii) Issue of Notices Authorisation of Officers
91.	Solicitors Act 1974	(i) Institution of Proceedings and other enforcement methods (ii) Powers of Entry
92.	Sunbeds (Regulation) Act 2010	i) Institution of Proceedings and other enforcement methods ii) Powers of Entry
93.	Sunday Trading Act 1994	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of Inspectors (iii) Consents
94.	Tobacco Advertising & Promotion Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
95.	Trade Descriptions Act 1968	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
96.	Trade Marks Act 1994	Institution of Proceedings and other enforcement methods
97.	Unsolicited Goods & Services Act 1971	Institution of Proceedings and other enforcement methods
98.	Video Recordings Act 1984	Institution of Proceedings and other enforcement methods

99.	Water Industry Act 1991	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices and Notifications (iv) Granting of Consents
100.	Weights and Measures Act 1985	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Power to appoint Inspectors
101.	Zoo Licensing Act 1981	<ul style="list-style-type: none"> (i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting, renewing, revoking, alteration and transferring of licenses (iv) Making zoo closure directions

DIRECTOR OF OPEN SPACES

The following matters are delegated to the Director of Open Spaces.

Strategic

1. To submit responses on behalf of the Open Spaces Committee to initiatives and consultative documents issued by the Government and its agencies.

Operational

Burnham Beeches and City Commons

2. To deal with the sale of agricultural and forestry produce by private treaty.
3. To issue all necessary licences, franchises and consents relating to the Beeches/Commons where a precedent has already been set and where the Epping Forest & Commons Committee have not indicated that they wish to consider any further applications.
4. To seek and obtain all requisite licences and consents required in connection with Beeches/Commons lands, activities or entertainments.
5. To take any action to protect or preserve the Beeches/Commons and to report to the Epping Forest & Commons Committee, as appropriate.
6. To enforce the Byelaws relating to the Beeches/Commons subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
7. To authorise individual officers to enforce the Byelaws appertaining to the Beeches/Commons subject to any decision to institute proceedings being taken in accordance with paragraph (8) above.
8. To grant licences for:
 - a. sale of refreshments
 - b. filming and commercial photography
 - c. events and entertainments
 - d. driving and parking vehicles
9. To grant minor wayleaves and licences in consultation with the City Surveyor.

Epping Forest

10. To take any action to protect or preserve the Forest, and to report to the Epping Forest & Commons Committee, as appropriate.
11. To authorise individual officers to enforce the Byelaws relating to the Forest, subject to any decision to institute legal proceedings for any offence being made in consultation with the Comptroller & City Solicitor, if appropriate, and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
12. To institute proceedings in Magistrates' courts under the Epping Forest Act 1878 (as amended) Section 87 of the Environmental Protection Act 1990, Section 9 of the City of

London (Various Powers) Act 1971 and Section 7(6) of the City of London (Various Powers) Act 1977>

13. To close, re-open and vary designated ways pursuant to Section 9(4) of the City of London (Various Powers) Act 1961.
14. To deal with the sale of Forest produce by private treaty.
15. To grant licences for –
 - e. sale of refreshments;
 - f. filming and commercial photography;
 - g. circus and fairs;
 - h. flying model aircraft;
 - i. driving and parking vehicles;
 - j. camping;
 - k. events and entertainments.
16. To let out recreational facilities in accordance with the current approved scale of charges.
17. To grant minor way-leaves and licences.
18. To fix fees for the sale of Forest produce and to fix licence fees for ice cream vans and other small scale refreshment facilities in the Forest.

Hampstead Heath, Highgate Wood and Queen's Park

19. To liaise with English Heritage pursuant to the provision of any agreement in this regard between the City of London Corporation and English Heritage.
20. To issue all necessary licences, franchises and consents relating to Hampstead Heath, Highgate Wood and Queen's Park where a precedent has already been set and where the Hampstead Heath, Highgate Wood & Queen's Park have not indicated that they wish to consider any further applications.
21. To seek and obtain all requisite licences and consents required in connection with Hampstead Heath lands, Highgate Wood and Queen's Park, activities or entertainments.
22. To act to protect or preserve Hampstead Heath, Highgate Wood and Queen's Park and to report to the Hampstead Heath, Highgate Wood & Queen's Park Committee, as appropriate.
23. To enforce the Byelaws relating to Hampstead Heath, Highgate Wood and Queen's Park subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Hampstead Heath, Highgate Wood & Queen's Park Committee.
24. To authorise individual officers to enforce the Byelaws appertaining to the Hampstead Heath Grounds, Highgate Wood and Queen's Park subject to any decision to institute proceedings being taken in accordance with paragraph 25 above.

25. To let out recreational facilities in accordance with the current approved scale of charges.

26. To grant licences for:

- l. sale of refreshments
- m. filming and commercial photography
- n. circus and fairs
- o. driving and parking vehicles
- p. events and entertainments
- q. minor wayleaves and licences

City Gardens and West Ham Park

27. To take any action to protect or preserve West Ham Park and the City Gardens, and to report to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

28. To enforce the Byelaws relating to West Ham Park and the City Gardens subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor, and to the result of any such prosecution being reported to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

29. To authorise individual officers to enforce the Byelaws appertaining to West Ham Park and the City Gardens, subject to any decision to institute proceedings being taken in accordance with paragraph 28 above.

30. To grant licences for:

- r. sale of refreshments
- s. filming and commercial photography
- t. events and entertainments
- u. driving and parking vehicles

31. To grant minor wayleaves and licences.

32. To seek and obtain all requisite licences and consents required in connection with West Ham Park and City Gardens lands, activities or entertainments.

33. To let out recreational facilities in accordance with the current approved scale of charges.

Cemetery and Crematorium

34. To re-purchase the Rights of Burial in unused graves.

35. To refund fees paid by City of London Corporation employees or their close relatives in respect of the purchase of the Rights of Burial in a grave or alternatively the crematorium fees.

36. Setting of contract conditions and burial and cremation fees, in conjunction with the Comptroller & City Solicitor.

Delegations to other Officers

37. The following authorities are also delegated to the Officers identified to be exercised either,

- v. at the direction of the Director of Open Spaces; or,
- w. in the absence of the Director of Open Spaces.

Superintendent of Burnham Beeches	-	Items 2 - 9
Superintendent of the City Commons	-	Items 2 - 9
Superintendent of Epping Forest	-	Items 10 – 18
Superintendent of Hampstead Heath, Highgate Wood and Queen’s Park	-	Items 19 – 26
Superintendent of Parks & Gardens	-	Items 27 – 33
Cemetery & Crematorium Manager	-	Items 34 – 36

This annex sets out proposed amendments to the Scheme of Delegation and provides details of changes that have been made -

1. Proposed amendments -

Director of Open Spaces

Cemetery and Crematorium – It is proposed to amend the following paragraphs 34 and 35 to read –

34. To extinguish to Exclusive Rights of Burial in a grave that has not been used for over 75 years.
35. To refund fees paid by City of London Corporation employees and Members of the Common Council or their close relatives burial or alternatively cremation.

The changes above simply put those already in the report in the correct context and ensure accuracy.

Director of Markets and Consumer Protection

Page 53 - Port Health and Public Protection Division – it is proposed that the delegations listed under this sub heading are also delegated to the Port Health and Public Protection Director in the absence of the Director of Markets and Consumer Protection.

2. Changes to the Scheme

Director of the Built Environment

Cleansing (paras 27-35). 2-3 functions were removed as they related to matters now delegated to Director of Markets and Consumer Protection.

Director of Markets and Consumer Protection

While pieces of legislation have been amended in the Scheme of Delegations, their removal from or addition to the delegated powers of the Director of Markets and Consumer Protection has previously been approved by your Committee through various reports.

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Agenda Item 8

Committee(s): Port Health and Environmental Services Committee	Date(s): 11 March 2014	
Subject: Light Pollution in the City of London		Public
Report of: Town Clerk		For Decision
<u>SUMMARY</u>		
<p>Members will be aware that the issue of light pollution from office buildings has been raised by a number of city residents.</p> <p>This report aims to explain the legal position of the City of London Corporation with respect to taking action on this issue. Current and historic attempts to manage this problem are discussed and a suggestion with respect to raising awareness of this issue amongst commercial property owners is made.</p> <p>It is recommended that members</p> <ul style="list-style-type: none">• Note the information contained in this report• Decide on whether further action is required		

Background

1. Over the last decade, at meetings, in e-mails and in letters, a number of City residents have raised the issue of light pollution with both officers and members .
2. A common complaint has been that lights in commercial buildings are being left on throughout the night and shining directly into residents' flats.
3. The residents directly affected, and some others, have not just focussed on the inconvenience this causes them but have commented on the perceived waste of energy and associated carbon emissions.

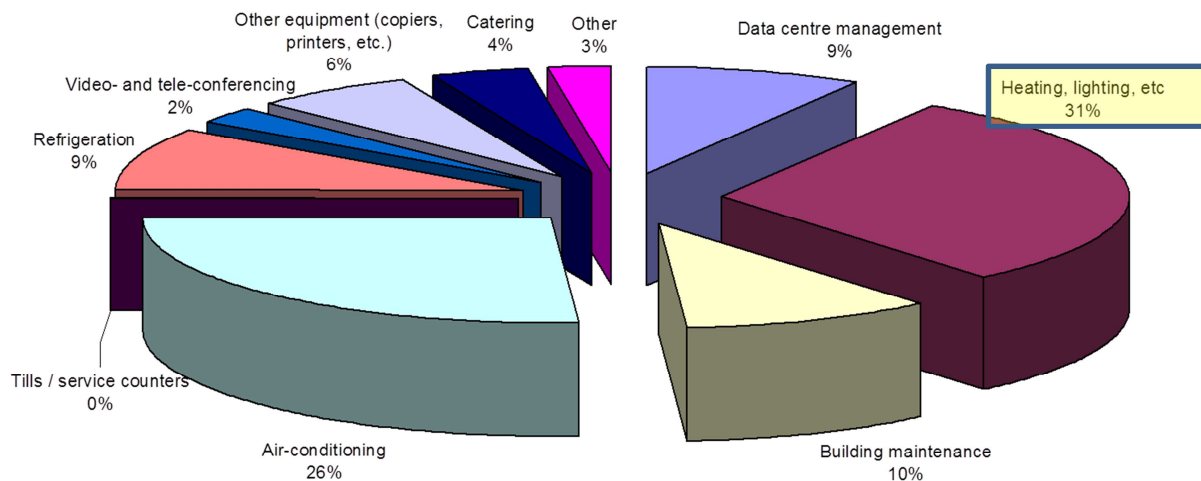
Light Pollution as statutory Nuisance- our powers to act.

4. In acting on complaints made by residents with respect to light pollution, whilst the Clean Neighbourhoods and Environment Act 2005 gives limited scope to allow the City to deal with some issues relating to light pollution, our enforcement powers are restricted to external lighting only.
5. Whilst residents affected could, in extreme cases, take civil action against the commercial property owners concerned, such action would be costly and likely to meet with very limited success- nuisance is difficult to prove, and the remedy- thicker curtains- is simple to apply.

Light Pollution as an Environmental Issue

6. In January 2009, the City of London Corporation published a report detailing the Carbon Footprint of the Square Mile. This determined that the City produces approximately 1.7 Million Tonnes of CO₂ per annum (excluding transport). Residents are only responsible for approximately 21,000 tonnes of this, or around 1.2% of the total emissions.
7. With respect to commercial emissions, figure 1 (below) shows that whilst lighting makes up less than a third of total energy used in the City's commercial buildings, this is still several hundred thousand tonnes of carbon per year.

Figure 1 Typical Energy Split in a City of London Commercial Building



Source: 2009 survey of approximately 1400 City Businesses

Action to Reduce Emissions

8. The City of London Corporation, encouraged by our constituents in the legal and insurance communities have been pro-active in tackling both the causes and effects of climate change. Over the years we have engaged both businesses and resident in programmes of activity to reduce or offset carbon emissions.
9. This has included-
 - Engagement with the financial services community, notably our support and encouragement of the carbon markets which has established the City as the global centre for carbon finance
 - Climate change adaptation, where we were the first UK local authority to develop a comprehensive climate change adaptation

strategy which details how we intend to minimise climate change risks to our services and infrastructure

- Energy efficiency, in addition to supporting one of London's most advance CHP stations, in the mid 1990's we became the first large organisation to actively purchase renewable energy, whilst this is no longer an active programme, an extensive programme of energy management has substantially reduced the City Of London Corporations carbon emissions.
 - Programmes to engage businesses and residents in reducing their environmental impacts, such as the City Climate Pledge (2008) Middlesex Green (2010) The Golden Lane Project (2011), as well as residents meetings and business "green days"
10. With respect to the lighting of landmark buildings, members will be aware that in recent years a major project has been undertaken to enhance the lighting of bridges and iconic structures such as St Paul's Cathedral. This has involved the replacement of traditional flood lighting with energy efficient LED lighting which enhances key architectural features.
 11. Whilst every effort is being made to reduce night time lighting at the Guildhall complex, the use of the Guildhall as an events venue limits what can be done. None the less the Energy Manager has been highly successful in reducing un-necessary energy use.
 12. However, despite our on-going efforts within the field of energy management, there has been no significant engagement with commercial property owners and occupiers on energy efficiency issues for several years, aside from annual engagement with WWF's "*Lights out London Campaign*" <http://earthhour.wwf.org.uk/> .

Barriers to Action on Light Pollution

13. In principle, the owners and occupiers of commercial buildings should be amenable to suggestions as to how they can reduce their energy use. As members are aware energy prices have risen considerably in the last few years, and major energy users face the additional burden of the CRC tax, which currently costs the City of London Corporation alone, £500,000 per annum.
14. In practice however, the reasons that commercial property owners and occupiers keep their building illuminated at night are complex and varied. Many businesses run 24 hour trading floors, or in the case of law firms, who by and large are very receptive to environmental issues, they have very late working hours. In other instances where buildings appear unoccupied there is a genuine need to keep lights on at night, because of security, or the need to keep stairwells lit.

- 15 Informal conversation with property developers and owners also reveals that there is low awareness of the issue of light pollution.
- 16 Even where building owners are willing to engage, the problem has proven difficult to solve in isolation, particularly in multi-let offices with a large number of agents taking part-responsibility for facilities management.

Conclusion

Whilst, light pollution is a recurrent theme within the City, the reality is that those who live in a twenty four hour metropolis cannot expect dark skies. This having been said, light pollution can be highly disruptive, impacting of sleep-patterns and quality of life.

Whilst the City of London Corporation cannot force building owners and occupiers to be good neighbour, the vast majority would wish to be so. To this end there are a number of options for talking this issue.

A low cost approach could be a letter from the City Property Advisory Team to building owners and occupiers in the neighbourhood of affected residents alerting building owners that there is a problem thus prompting engagement with the issue.

If members wished to be more proactive on the issue and develop a national leadership position, a programme could be developed which included the development of a “*good practice note*” that identifies the issues and what can be done about them through good management systems- Businesses / building owners could even be asked to sign up to a code of practice on lighting and energy use. Naturally, this would require a proper campaign through the various media available to us.

However, the latter approach would entail significant resources which the Sustainable Development Unit’s does not have. To this end, should member wish to pursue this line of enquiry a separate report will be submitted to your committee detailing potential options and their costs.

The City Surveyor and Department of the Built Environment were consulted in the preparation of this report.

Report prepared by
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Committee(s):	Date(s):
Streets and Walkways Port Health and Environmental Services Planning and Transportation	10 March 2014 11 March 2014 18 March 2014
Subject: City of London (Various Powers) Act 2013 London Local Authorities and Transport for London (No. 2) Act 2013	Public
Report of: The Remembrancer	For Information

Summary

This report sets out the main changes made to the City's street trading regime and its powers in relation to City Walkways following the passing of the City of London (Various Powers) Act 2013.

The Act provides the City Corporation with the power to issue temporary street trading licences so that commemorative and seasonal events will be able to include a street trading element if the City wishes. To provide a further amenity for residents, workers and visitors to the City, the Act provides for the City Corporation to be able to approve the setting up of ice cream stalls outside food premises. Powers of enforcement against illegal street trading and in relation to City Walkways have been strengthened.

The report also explains the effect of the London Local Authorities and Transport for London (No. 2) Act 2013. This Act provides minor additional powers for the Corporation in relation to highways.

Recommendation

Members are invited to note the contents of this report.

Main Report

Background

1. The only place where street trading has been permitted in the City for over a century is in Middlesex Street, as part of the "Petticoat Lane" Sunday market. There has been no desire for this to be changed radically, but there has been a wish to liberalise the regime so as to enable temporary street trading to take place in limited circumstances. In recent years there have also been problems with illegal street trading in the City of London, particularly from ice cream vans. In 2010 an injunction was obtained against one particular company to prevent it trading in the City, but this exercise was highly resource intensive. To be able to take more effective and immediate enforcement action, it was

clear that amendments were required to the City Corporation's legislation. A Bill was therefore drafted to provide for temporary street trading and strengthened enforcement powers. The opportunity was also taken to make other changes that were required to the street trading regime and legislation related to City Walkways.

2. The Bill was sponsored in the House of Commons by Mark Field MP and in the House of Lords by Lord Brooke of Sutton Mandeville. It received Royal Assent on 18 December 2013, following a relatively short passage through the House of Commons. The Bill had its First Reading in the House of Lords at the beginning of 2011. There was then a lengthy delay because of an objection by the Department for Business, Innovation and Skills to the provision for ice cream sales on the basis of a suggested conflict with the EU Services Directive. The City provided an opinion from leading Counsel in support of the measure, but it was not until June 2013 that the Department, after taking its own Counsel's advice, withdrew its objection.
3. During the Commons stages, a number of objections were made to the Bill by a small group of MPs who have objected over the last few years to all local authority Bills and in particular to those providing enhanced enforcement powers. The proposed strengthened enforcement powers included in the City's Bill were similar to those existing in Westminster and the rest of London. In response to the criticisms made by the MPs, amendments were put forward at Commons Committee stage. These amendments made relatively small changes to the legislative powers but were such as to enable the Bill to pass through its remaining stages without further objection.
4. The most significant of the changes was an increase in the burden of proof on a police officer or other authorised officer, so as to require that, where an officer is considering seizing goods, he must have reasonable grounds for believing that a person has committed a street trading offence, rather than simply reasonable suspicion that the person has committed an offence.

Powers exercisable by the City Corporation

5. The Act provides two principal new powers for the Corporation. First, the Corporation may now issue temporary street trading licences. Under the City of London (Various Powers) Act 1987, the only street trading permitted was in the part of Middlesex Street in the City and only on Sunday mornings. The new power enables street trading licences to be issued for trading for up to 21 days in any area of the City other than Middlesex Street. Where a temporary market is proposed, the Act provides for one person to be able to apply on behalf of a number of traders. Provision is made by the Act for charges for processing applications and for the recovery of expenses, and for the application procedure.
6. The second main new power provided by the Act is for the Corporation to be able to permit stalls to be set up for the sale of ice cream and similar confectionary outside food businesses. The Corporation's approval is required

for the design and location of the stall. The restriction to food premises will enable a high standard of hygiene to be maintained.

Enforcement

7. The Act increases the maximum penalty levels for street trading offences from level 2 (currently £500) to level 3 (currently £1,000), as applies in the rest of London. It will also be possible for fixed penalty notices to be issued for unauthorised street trading.
8. A new seizure power applies to goods being unlawfully sold, and to equipment and vehicles used by unlawful street traders. This will enable, for example, an ice cream van operating in the City to be seized. The van must be returned to the owner within 3 days unless the owner has been convicted of a previous street trading offence.
9. In response to suggestions made by MPs, the Bill was amended to provide a statutory requirement for training to be provided to any Corporation officer who is to be authorised to use these enforcement powers. This is currently being prepared for City Corporation staff and City of London Police officers.

Other changes

10. The Act changes the arrangements for fixing Middlesex Street traders' charges. The 1987 Act provided for charges to be the subject of a tariff imposed by by-laws. The by-law mechanism has proved cumbersome and so provision is now made for the imposition of charges following consultation with the traders.

City Walkways

11. The Act also contains two provisions in respect of the City Walkways. The statutory code relating to City Walkways is in Part 2 of the 1967 Act and provides for a Walkway to be created by formal resolution of the Corporation. The 1967 Act is amended so as to enable the Corporation to recover administrative and advertising costs incurred in complying with the necessary resolution requirements. This is similar to the provision for applications in respect of other rights of way.
12. Secondly, provision is made for parking on Walkways to be an offence in respect of which a Penalty Charge Notice may be issued. The enforcement regime for parking on City Walkways is now the same as the existing civil enforcement of the prohibition on parking on footpaths in the City and elsewhere, that is, through the issue of Penalty Charge Notices by Civil Enforcement Officers.

London Local Authorities and Transport for London (No. 2) Act 2013

13. This Private Act, introduced on behalf of all London boroughs and the City Corporation, also received Royal Assent on 18 December 2013. It faced

considerable opposition in Parliament and took some 6 years to pass all its Parliamentary stages. The Act will enable the City Corporation to take more effective enforcement action by means of civil traffic regulation (a penalty charge notice regime) on builders' skips that are not properly lit and covered when placed on paths or roads, in place of existing criminal offences; makes it an offence to interfere with a barrier placed on a highway by a traffic authority pursuant to a road traffic regulation order; and will enable the City Corporation to provide charging points for electrical vehicles on highways and in car parks or to grant permission for others to do so. Other provisions were included in the Bill on introduction, including powers to regulate pedicabs, but were strongly opposed and subsequently removed from the Bill.

Conclusion

14. The Markets and Consumer Protection Department, together with the Department of the Built Environment, are preparing a draft policy framework to be used in the exercise of the new street trading powers. Under the City of London (Various Powers) Act, the City Corporation must place on its website information about the Act and its policies as to enforcement of street trading laws. The draft policy will be submitted to your committee's next meeting for approval.

Contact:

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Committee(s):	Date(s):
Port Health and Environmental Services	11 Mar 2014
Subject: Signor Pasquale Favale Bequest Investments	Public
Report of: Chamberlain	For Decision

Summary

The Signor Pasquale Favale Bequest, which awards marriage dowries to ‘poor honest young women’, currently holds £3,773 (33%) of its assets as cash, and £7,649 (67%) as investments in the form of City of London Charities Pool units.

The report proposes increasing the proportion of assets held as investments in order to maximise growth of the Bequest, whilst still being able to achieve its aims through the award of dowries.

Recommendation(s)

Members are asked to:

- Approve the purchase of City of London Charities Pool units such that the remaining cash balance of the Bequest at 1 April 2014 is between £750 and £800.
- Review the Bequest’s holding of Charities Pool units at three-yearly intervals hereafter, and authorise the Chamberlain to sell units if the cash balance falls below £450 before the next review takes place.

Main Report

Background

1. Your Committee is responsible for the Signor Pasquale Favale Bequest, which was left to the City in 1882 for the purpose of awarding marriage ‘portions’, or dowries, to ‘poor honest young women’ who meet certain criteria.
2. In January 2012, your Committee agreed that the amount of the dowries should be increased to £150 each. The Bequest originally allowed for the award of three dowries, but there is currently no limit on the number of dowries that can be awarded, so long as there are sufficient funds.

Current Position

3. The original donation and accumulated revenue surpluses up to 31 March 1983 have been invested in the City of London Charities Pool. This is an

investment mechanism operating in a similar way to a unit trust, which enables the City to ‘pool’ small charitable investments together and consequently obtain better returns than would be the case if investments were made separately. This provides revenue income by way of a dividend, together with capital growth in the value of the investment.

4. The accumulated revenue surplus since 1983 is held as cash. Interest is earned on this cash balance.
5. The assets of the Bequest as at 1 April 2013 are shown in the table below.

	Unrestricted Funds General	Endowment Fund	Total
	£	£	£
Fixed Assets			
Investments (Charities Pool)	-	7,649	7,649
Total Fixed Assets	-	7,649	7,649
Current Assets (Cash)	3,773	-	3,773
Total Net Assets	3,773	7,649	11,422

6. Since 2010/11, the number of successful applications for dowries has been between one and four, to a maximum annual cost of £600 (at the current level). Revenue income over the same period has averaged £332 per annum.
7. The cash balance (which represents 33% of the total assets) is therefore far in excess of the amount required to meet the cost of dowries in any one year, and the surplus could be used to increase the investment in the Charities Pool. The next opportunity to buy Charities Pool units is 31 March 2014.
8. Converting assets from cash to investments will benefit the Bequest by a combination of increased revenue, as the dividend return on Charities Pool units is typically at least 1% higher than the interest on cash balances, and capital growth in the value of the investments.
9. The purchase price of Charities Pool units will be based on their value at 31 March 2014, but is likely to be around £7.90 based on recent capital growth rates. The value at 30 September 2013 was £7.55, an increase of 4.4% over the value at 31 March 2013 of £7.23.
10. The annual revenue income is sufficient to fund two dowries of £150. To be able to award more than two dowries, some of the existing cash should be retained.
11. The table overleaf shows a forecast of opening cash and investment balances for the next five years, based on current dividend, growth and interest rates, an average of three dowries per year, and assuming that £3,200 of the existing cash is used to purchase Charities Pool units at the end of 2013/14.

	Opening Balance				
	2014/15	2015/16	2016/17	2017/18	2018/19
	£	£	£	£	£
Fixed Assets					
Investments (Charities Pool)	11,536	12,576	13,703	14,933	16,280
Total Fixed Assets	11,536	12,576	13,703	14,933	16,280
Current Assets (Cash)	750	665	579	491	401
Total Net Assets	12,286	13,241	14,282	15,424	16,681

12. It can be seen that by 2018/19, the opening cash balance would be insufficient to fund the award of three dowries in that year. Any change in the underlying assumptions will affect how soon the cash balance would be depleted to this level. The assets of the Bequest will therefore need to be reviewed before 2018/19 to determine whether Charities Pool units need to be sold to replenish the cash balance.

Proposals

13. It is proposed that Charities Pool units should be purchased such that the opening cash balance for 2014/15 is between £750 and £800. The precise number and cost of units to be purchased will be dependent on the final dividend and interest income for 2013/14, and the price of the units at 31 March 2014.
14. It is further proposed that your Committee review the Bequest's holding of Charities Pool units at three-yearly intervals, to ensure that the balance between cash and investments remains appropriate. In order that it is possible to award at least three dowries in any given year, it is also proposed that the Chamberlain be authorised to sell Charities Pool units if the cash balance falls below £450 before the next review takes place.

Implications

15. Converting assets from cash to investments will maximise the value of the Bequest, as a greater proportion of the assets will be subject to capital growth. However, reducing the cash may restrict the number of dowries that can be awarded if the number of applications in any given year exceeds the revenue funds available. A balance therefore needs to be maintained between growth and the aims of the Bequest.

Conclusion

16. The Bequest can sustain the annual award of three dowries of £150 each for the next four years based on the assumptions contained in this report. Regular review of the holdings of the Bequest will ensure that its aims can be met whilst maximising capital growth of its assets.

Appendices

- None

Background Papers:

'Pasquale Favale' report of the Town Clerk, 12 November 2013

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Committee(s): Port Health and Environmental Services	Date(s): 11 March 2014
Subject: Corporate Project Completion – Public Conveniences – Installation of Barriers and Urilifts (September 2009)	Public
Report of: Director of Built Environment	For Information
<p>Summary</p> <p>This report to your Committee completes the formal corporate project framework process and is to inform Members of the completion of the project which included installation of barriers at Tower Hill and Paternoster Square public conveniences and the installations of an 'Urilift' at four locations across the City identified as suffering from ASB street urination.</p> <p>Attached is the Gateway 7, project completion report which received formal sign off and approval from the Projects Sub-committee on 25 February 2014.</p> <p>This capital project was agreed at the PHES September 2009 committee and the programme of installations followed. Installation of Barriers at Tower Hill – Completed April 2010 and the Installation of Barriers at Paternoster Square – Completed April 2010</p> <p>Installation of the four Urilifts: Watling Street – Completed March 2011, Cornhill – Completed March 2011, Bishopsgate — Completed December 2011 Charterhouse Street –Completed September 2013. The two barrier locations now generate an annual income of around £370k and the urilifts are being well used when operational at night, therefore making a positive contribution to the night time economy by providing a provision when it is needed.</p> <p>Recommendations</p> <p>Members are asked:</p> <ol style="list-style-type: none"> 1. To note the report and the completion of the project. 	

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Committee(s):	Date(s):	Item no.
Projects Sub Committee	25 th February 2014	
Subject: Outcome Report - Gateway 7 Public Convenience Project (approved 2009) Installation of paddle gates at two locations and install four Urilift urinals at identified locations across the City	Non-Public	
Report of: Report of the Director of the Built Environment	For Decision	
NOT FOR PUBLICATION		
By virtue of paragraph(s) 3 of Part I of Schedule 12A of the Local Government Act 1972.		
<u>Summary</u>		
<u>Brief description of project</u> Installation of paddle gates and introduction of charging at Tower Hill and Paternoster Square public conveniences and the installation of four Urilift urinals at locations across the City identified as suffering from high levels of anti-social behaviour in the form of street urination. These locations are: Charterhouse Street, Watling Street, Cornhill and Bishopsgate.		
Recommendations <u>Outcome Report recommendation</u> Members are asked to note the completion of the project and approve the additional project cost of £63,003 which can be met from the Directors local risk and authorise the closure of the project.		

Overview

1. Evidence of Need	PHES Committee agreed at the September 2009 meeting to the introduction of hi-tech 'pop up' urinals that disappear, by remote control, beneath the ground when not in use and the introduction of charging at Tower Hill and Paternoster Square public conveniences. The installation of Urilift Style toilets would seek to address the problem of street urination associated with the City's night time economy. When not needed they would be housed below the ground hence reducing their impact upon the street scene. Section 87 of the Public Health Act 1936 enables the City to provide sanitary conveniences (which include urinals) in proper and
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	<p>convenient situations, provided that the consent of the highway authority is obtained where such conveniences are to be located in or under a highway for which the City is not highway authority.</p> <p>In 2008/9 the usage of Tower Hill and Paternoster Square toilets is approximately 1.9 million uses per annum. With the introduction of a 50p charge, as agreed by PHES Committee in January 2009, private sector research suggests up to a 60% reduction in usage may be expected. Nevertheless the predicted annual income was still expected to be around £380,000</p>
2. Project Scope and Exclusions	<p>Urilifts</p> <p>Four locations were identified as suffering from significant anti-social behaviour in the form of street urination resulting from the growth in the night time economy across the City, the sites were:</p> <p>Charterhouse Street, Bishopsgate, Watling Street and Cornhill.</p> <p>Introduction of charging and barrier installations were based on usage figures, Tower Hill and Paternoster Square were two facilities with the greatest user numbers. Other locations were not within the scope of this project but may be considered at a later date.</p>
3. Link to Strategic Aims	<ul style="list-style-type: none"> • To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors, with a view to delivering sustainable outcomes. • To provide valued services to London and the nation.
4. Within which category does the project fit	Invest to save
5. What is the priority of the project?	<p>Advisable/ Essential</p> <p>The longer term viability of the public convenience service was at risk unless steps are taken to reduce the net costs of the service.</p>
6. Resources Expended	£485,503 – This sum includes additional project costs of £63,003 due to complex technical installation difficulties with the Urilift at Charterhouse Street.

Outturn Assessment

7. Assessment of project against Success Criteria

Barrier Installations

The modelling used to estimate number of users at Tower Hill and Paternoster Square was based on experience elsewhere in London. A 60% reduction in usage was assumed and this has proved a reasonably accurate assumption. These numbers gave a basis to estimate the annual income from the introduction of a 50p charge. The estimated income was £380k and the actual income is averaging around £370k.

As with the introduction of any charging, we received a small number of complaints. These were always responded to, detailing that whilst other authorities are closing these types of facilities the City is trying to continue to provide public conveniences in what are challenging financial times for public finances. As time has passed generally it has been accepted and we now receive 'minimal' complaints.

Urillift installations

The units have proven to be generally reliable, although one or two suffered from some teething issues, (electrical faults), soon after installation. These were investigated and repaired relatively quickly by the supplier and as they have 'settled in' breakdowns appear to be infrequent. The units are of robust construction and have not suffered any damage or vandalism.

The usage of the units is varied across each location and the unique 'open design' is something of a cultural change for many people. To enable the capture of usage data, web based system counters were fitted to each unit, which record the number of users. This provides information that demonstrates the need for these units in the locations identified and also gives justification for the investment. It can be seen from the usage figures below that these units are being used relatively well by night-time users.

The total usage figure for 2013 was 8381.

Watling Street - 3319; Bishopsgate - 2271; Cornhill - 2288; Charterhouse Street (3 months only) – 503.

These are all sites that previously experienced incidents of street urination. We will be monitoring usage as people become more comfortable with these new style facilities.

	<p>Whilst it is difficult to quantify the reduction in street urination following the introduction of the units anecdotally the night service have stated that the areas in the locality of the units are not requiring the same level of flushing as they once did prior to installation.</p> <p>The Urilift ‘pop up’ urinals now provide additional public convenience provision to assist with the servicing of the growing night time economy and helps the City of London Police when undertaking enforcement against street urination. CoLP Officers have issued 47 FPN’s for street urination since July 2013 (previously none were issued). The CoLP also direct night time users/offenders to available facilities and have been issued with toilet maps.</p> <p>During consultations on the installation of the units at each location there were some concerns raised about the ‘open design’ of the units and whether they would attract unwelcome behaviour. In reality, we have received no complaints whatsoever.</p>
<p>8. Programme</p>	<p>Installation of Barriers at Tower Hill – Completed April 2010</p> <p>Installation of Barriers at Paternoster Square – Completed April 2010</p> <p>Installation of four Urilifts:</p> <ol style="list-style-type: none"> 1. Watling Street – Completed March 2011 2. Cornhill – Completed March 2011 3. Bishopsgate – consultation with local Members resulted in an alternative location being agreed which required additional work/cost to re-design the raised planters to accommodate the unit. Some additional costs were incurred – Completed December 2011 <p>Charterhouse Street – following lengthy consultation, a satisfactory location was agreed. The location identified was agreed to be in the loading bay area of the highway and not on the footway, this then required four additional safety retractable bollards to be installed incurring an additional cost. Work was coordinated with the Crossrail construction site adjacent to this location. Some technical issues were encountered once the site was excavated which required immediate resolution due to the impact on the surrounding area, e.g. discrepancies in service drawings resulting in alternative drainage</p>

	<p>design and connections. The services connection had to be extended to the nearest functioning drains which were an additional 30m away. In addition, a Thames Water main required diverting (£10k) to create a clear area for the unit. Re-surfacing of the highway at this location was also complex due to the original surface levels being so varied. The engineering complexities were successfully overcome. - Installation was completed in September 2013.</p>																
<p>9. Budget</p>	<table border="1" data-bbox="663 607 1465 920"> <thead> <tr> <th data-bbox="663 607 874 734">Description</th> <th data-bbox="874 607 1075 734">Approved Budget (Est. cost based at 2009 prices)</th> <th data-bbox="1075 607 1273 734">Actual Cost</th> <th data-bbox="1273 607 1465 734">Variance</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 734 874 808">Paddle Barriers</td> <td data-bbox="874 734 1075 808">£155,401</td> <td data-bbox="1075 734 1273 808">£155,401</td> <td data-bbox="1273 734 1465 808">0</td> </tr> <tr> <td data-bbox="663 808 874 882">Urilift Toilets</td> <td data-bbox="874 808 1075 882">£267,099</td> <td data-bbox="1075 808 1273 882">£330,102</td> <td data-bbox="1273 808 1465 882">£63,003</td> </tr> <tr> <td data-bbox="663 882 874 920">Total</td> <td data-bbox="874 882 1075 920">£422,500</td> <td data-bbox="1075 882 1273 920">£485,503</td> <td data-bbox="1273 882 1465 920">£63,003</td> </tr> </tbody> </table> <p data-bbox="663 943 1465 1200">Due to the complex technical difficulties with the installation of the Urilift at Charterhouse Street, additional essential emergency work was required to enable successful installation resulting in the variance of £63K. Approval is sought to increase the project sum by this amount, to be met from the Director's local risk budget.</p>	Description	Approved Budget (Est. cost based at 2009 prices)	Actual Cost	Variance	Paddle Barriers	£155,401	£155,401	0	Urilift Toilets	£267,099	£330,102	£63,003	Total	£422,500	£485,503	£63,003
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Urilift Toilets	£267,099	£330,102	£63,003														
Total	£422,500	£485,503	£63,003														
<p>10. Risk</p>	<p>There is a risk to the income if people choose not to use the facilities where barriers/ charging have been introduced. However, the past two full year figures have been consistent.</p>																
<p>11. Communications</p>	<p>DBE have produced a fold up map of the City of London showing the location of all toilet provision. This includes staffed toilets, Automatic Public Conveniences, Community Toilet Scheme members and Urilift locations.</p> <p>The City's website also has an interactive map where people can locate facilities and it shows details of opening times, staffed, disabled access etc.</p> <p>We are exploring the world of apps with toilet locations integrated into 'Visit the City' and walking tours already.</p>																
<p>12. Benefits achieved to date</p>	<p>The two locations where charging has been introduced by installing barriers have produced an annual income of around £370k, this combined income more than funds the operation of these two facilities and additionally helps to support the continuance of wider public</p>																

	convenience service. The installation of the Urilifts has improved the number of facilities available at a time when the night-time economy is growing in the City along with some of the issues that it brings.
13. Strategy for continued achievement of benefits	<p>Promote and publicise the locations of all public conveniences. We are currently undertaking a service specific survey on the public conveniences to gather users' views on the current provision, quality, locations, availability and customer service, to establish where we can make improvements to the service and understand the service from a user perspective. This will be reported back to Port Health and Environmental Services Committee in the Spring of this year.</p> <p>Cleansing Services will ensure that a close working relationship continues with the City of London Police to maintain a joined up approach to tackling street urination anti-social behaviour with provision and enforcement.</p>
14. Outstanding actions	None

Review of Team Performance

15. Governance arrangements	<p>Director of Transportation and Public Realm</p> <p>Project delivery – Assistant Director for Street Scene and Strategy and Waste Planning and Amenities Manager.</p>
16. Key strengths	The project delivery maintained its focus and persevered through some difficult times of consultation to get the project completed.
17. Areas for improvement	This project was initiated before the corporate project management framework was established and so the formal reporting process through Project Vision took some time to be adopted. Future projects will follow the PV process and issues can be formally reported on better.
18. Special recognition	

Lessons Learnt

19. Key lessons and how they will be used and applied	The corporate project framework has improved the links between the key areas responsible for the delivery of this project i.e. corporate projects, finance and service/ project delivery. This has helped with all having a
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	<p>clearer understanding of progress, issues and costs associated with the delivery of the project.</p> <p>The introduction of charging was a new concept and required a significant amount of communications and dealing with queries/ concerns in providing reassurances of the need to do this. Whilst the service committee (PHES) were always kept informed, others may have been less so.</p> <p>Equally, the installation of four ‘pop up’ urinals (Urilifts) was extremely complex to deliver. This involved identifying four locations where there was a need, i.e. suffering from significant anti-social behaviour in the form of street urination as a result of the growing night-time economy, consulting with Ward Members and local stakeholders, and the technical difficulties in trying to find appropriate locations unobstructed by underground services.</p> <p>All of the above have had an impact on the time it has taken to complete the project together with some additional costs. Having a better understanding of the project governance process now will ensure that any issues encountered as a project is delivered will be reported back to the project subcommittee and thus any approval required for additional expenditure incurred can be approved in advance of the works taking place by the committee and so avoiding the need for retrospective approval.</p> <p>With hindsight, it proved to be extremely beneficial to undertake research across the industry where usage figures had already been modelled before and after the introduction of charging. By using an established model the project was able to make a realistic assumption as to what the likely income levels would be for budgeting purposes.</p>
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Committee:	Date:
Port Health and Environmental Services Committee	11 March 2014
Subject: Report on Port Health and Public Protection Out of Hours Noise Service	Public
Report of: Director of Markets and Consumer Protection	For Decision
<p>Summary</p> <p>The City Corporation currently provides a noise complaints enforcement service 24 hours a day, 7 days a week primarily to respond to noise complaints at night and weekends, but also to occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.</p> <p>For noise problems arising in the evening, at night and weekends there are two providers, Westminster City Council Noise Service and the Street Environment Officers of the Department of Built Environment.</p> <p>Prior to this arrangement the out-of-hours service provided was limited as there was not a 24/7 presence in the City, and it was also more expensive. The benefits and problems associated with both the providers have been evaluated and new arrangements are proposed to reduce response times.</p> <p>Further improvements are also suggested to respond to customer feedback and provide more efficient use of resources, including skills enhancement of the City's Street Enforcement Officers' Team to ensure that they are properly trained and competent to deliver the service.</p> <p>Recommendation</p> <p>Members are asked to consider and agree the proposals set out in paragraphs 27 to 32, taking account any points arising from the discussion of this report at your Committee meeting.</p>	

Main Report

Background

1. The Port Health and Public Protection Service (PH&PP) of Markets and Consumer Protection Department provides an Out of Hours service (OOH), primarily to respond to noise complaints at night and weekends, but also to

occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.

2. This report aims to give information on the current position and report on proposals to update and improve the service for the future.

Current Position

3. The City Corporation provides a noise enforcement service 24 hours a day, 7 days a week through two providers, Westminster City Council Noise Service (WNS) and the Street Environment Officers (SEOs) of the Department of Built Environment (DBE).
4. WNS provides the statutory nuisance element of the service on behalf of the City outside normal working hours, this being 1700 – 0800 weekdays, weekends and public holidays. A simple service level agreement (SLA) has been in place for this since inception in January 2013 until it finishes on 31 March 2014. The service responds to complaints about noise from licensed premises, domestic premises and other commercial premises.
5. The cost of this has been agreed at £20,000, consisting of a fixed fee of £5,000 per quarter although an additional contribution of £1,000 for the supply of an extra driver to help maintain response times in the busiest quarter (between July and September 2013) was agreed.
6. Some of the response is also provided through the SEOs from City Corporation's DBE primarily for issues of construction, demolition and street works noise as they are available to provide 24/7 cover. No formal SLA or similar has been put in place to date. The annual cost is £10,000. This part funding of the SEO Team has enabled their service to move to 24/7 cover on all weekend nights, previously not available on all Saturdays or at all on Sunday nights, for responding to noise problems and other cleansing matters that arise.

Standards agreed and achieved

7. The SLA with Westminster City Council requires WNS to respond to noise complaints communicated to them by the Walbrook Wharf Weighbridge (complainants contact the City using the Guildhall Security number – 020 7606 3030) within 45 minutes by:
 - a. Prioritising, investigating and assessing noise complaints including visits to site and complainants' properties in accordance with the City Corporation's prioritisation guidelines;
 - b. Where justified, the WNS will take the most appropriate enforcement action, including serving, and if necessary enforcing statutory notices, and, where appropriate, undertaking works in default;

- c. Liaising and communicating with the complainant and others as necessary in order to resolve complaints and keep parties informed of progress and outcomes 'on the night';
 - d. Providing written reports to the City Corporation of responses to complaints, including details of communications and response times, investigation, and any enforcement carried out, by 0930 the next working day.
8. The Key Performance Indicator's (KPI's) are:
- a. Response (by telephone, email or visit) to complaints received within 45 minutes in 90% of cases.
 - b. Provision of reports on responses to complaints to be sent to the Client by 0930 the next working day.
9. Subsequent to the SLA being drawn up an additional standard has been agreed:-
- Where a visit is necessary, the visit will be carried out within 75 minutes of the referral
10. Although DBE's SEOs were not working to a formal SLA, for the purposes of comparison the WNS KPIs have been used to monitor performance (see Table 1 below).

Table 1

Period	Total Complaints (Westminster)	KPI (response) %	KPI (visit) %	No required visit %	Additional SEO visits on complaint
Jan-June	65	100	83	0	95
July-Oct	103	93	82	11.6	98
Nov-Jan	47	94	80	25	44

SEO Statistics (data not collected prior to November 2013)

Period	Total Complaints (SEO)	SEO KPI (response) %	SEO KPI (visit) %	No visit required %
Nov-Jan	44	94	88	16

11. It can be seen that responses have been good although they have dropped from the initial 100% from WNS. Customer feedback surveys have been introduced for the service emailing a sample of the customers who had contacted the Out of Hours Number on a quarterly basis. This is now carried out monthly and will be extended to all customers each month to maximise the response rate asking for their rating on the service and general comments. Whilst the response from customer feedback is that for most recipients the service has been good there have been occasional problems with:-
 - a. Perceived speed of response
 - b. Delays in arriving on site
 - c. Communication and call handling

Benefits of WNS

12. The service was instigated as a pilot to ensure that there was a 24/7 response available out of (normal) working hours from a fully qualified Environmental Health Officer (EHO) within easy reach of the City in a position to take enforcement action if necessary and this has been achieved.
13. This is a significant improvement and much more effective than the previous out-of-hours arrangements where EHOs were on 'stand by' and responded from their home address with some attendance in the City on Friday and Saturday nights. SEOs provided observations and some evidence gathering at all other out of hours. The cost for this was approximately £50,000 p.a. This new arrangement also addressed a concern of the City Solicitor that an officer with a recognised qualification for serving legal notices or judging compliance, such as an EHO, should be providing evidence for nuisance legal action. The SEO's did not meet this criterion initially.
14. For the small number of legal notices served by Westminster (10) we have good evidence either to take legal action or pursue this in the future. Given the relative small numbers of complaints WNS has also carried out planned observations, particularly of licensed premises where we are aware of residents being disturbed. These were primarily related to the night time economy and were in support of the licensing objective 'Prevention of Public Nuisance'. Both notices and reports from WNS have been provided to a good professional standard.

Problems of WCC

15. Understandably, WNS does not have knowledge of the previous enforcement histories of premises they are responding to and for the purpose of the pilot it was too expensive to provide access to the City Database.
16. Despite the improved response times for getting an officer on site in the City complaints have been received by service users about response times by WCC, despite these being within the agreed SLA. Some service users perceive 75 minutes as an excessive response time to night time noise.

17. The WNS officers and their drivers do not have detailed geographical knowledge of the City and have, on occasion had problems locating complaint addresses.
18. In addition the contact number for the service remains the main City number 020 7606 3030. There has been no customer care training of either the security at Guildhall or the Weighbridge at Walbrook Wharf (who then contact either Westminster or our Street Environment Officers on receipt of complaints). Feedback has been received that some standards of customer care have fallen below customers' expectations via this system of treble handling.

Benefits and Problems of SEOs

19. The SEOs have proved much more effective in responding very quickly (on site within 30 minutes normally) to construction, demolition and street works noise complaints with their detailed knowledge of the City and working relationship with City Pollution Team.
20. The City Solicitor has expressed concern that the SEO Team does not meet the competency requirements for statutory nuisance work, particularly around assessing statutory nuisances and the professional judgement that is required for appeals against notices and any prosecution work. The officer is, in effect, the City's expert witness and would be pitted against a qualified noise pollution expert in the courtroom. This is explored further below.

SEO Competency

21. Legal opinion has been sought from the City Solicitor on the SEOs' suitability to conduct statutory nuisance assessments, a competency that is usually fulfilled by being a qualified and experienced EHO. The risk being the success of an appeal against a statutory notice or indeed a prosecution being successfully defended. Many defendants will employ an acoustic consultant to assist with appeals or defence cases and such instances it will be this expert witness evidence against the City's SEO evidence in any court proceedings. There is an obvious risk to the City in such circumstances. It is accepted that the first year of the service running will hold the most risks.
22. If all the safeguards are in place, as detailed below, then the City should be in a stronger position to defend any appeals or defended court proceedings. This will also need to be backed by careful case management, and in cases where legal proceedings are likely, the EHO may be required to work out of hours alongside the SEO when witnessing nuisance or the EHO will be required to judge likely recurrence based on SEO evidence.
23. The Department must ensure that officers deployed will be adequately qualified and experienced in investigating and assessing noise complaints, and taking appropriate enforcement action. The level of training will be aimed

at SEO's, in most instances being able to gather admissible evidence that can be effectively interpreted by EHOs who would be able to interpret such evidence and, if necessary, provide an expert opinion. It is expected that the staff will be qualified with a minimum level of achieving the Institute of Acoustics Certificate of Competence in Environmental Noise Measurement. Staff will also be expected to complete training to a level set out by the Better Regulation Delivery Office (BRDO) for persons involved with noise control. It is anticipated this will include:-

- a. New Officers to achieve the Institute of Acoustics Certificate of Competence in Environmental Noise Measurement,
 - b. Completion of general courses on familiarity with statutory nuisance (including noise nuisance) as required by client and/or the competency standards indicated by BRDO,
 - c. Regular attendance and participation in peer review of cases handled with managers and the Pollution Team,
 - d. Shadowing work with Pollution Team officers to a committed minimum of two hours per month.
 - e. Training as necessary for familiarisation with practices and procedures.
24. Training of the SEOs to the above standards in basic noise competency has been started. Five SEOs have undertaken the Institute of Acoustics Certificate in Environmental Noise Measurement. The remaining officers will undertake this certificate in April / May 2014.
25. A two day statutory nuisance training course has been developed to meet the upcoming BRDO competency criteria for noise regulatory officers; this is bespoke to the City using our internal procedures and applicable case studies and was carried out with PH&PP Officers and the SEO Team on 18 and 19 February - 2014.
26. Each SEO has been designated a partner EHO who will assist with any technical queries and arrange site visits and mentoring.

Proposals

27. The PH&PP Service wish to vary the arrangements from March 2014. It is anticipated that a faster response can be achieved for less money by using the SEO's. Training and peer review is being carried out to ensure experience is acquired in dealing with common issues and protocols revised to deal with these. This will require on-going training outlined above between the Pollution Control Team and SEO's to make this effective and overcome the concerns of the City Solicitor regarding legal process.
28. The City Corporation's Out of Hours Noise Response Service is to be provided by the SEO's from City Corporation's DBE from 1st April 2014 with some initial support to continue from WNS to provide robust legal advice/call out experience and availability for support where required. The cost for this will be £20,000 p.a. and a response fee to be agreed with WNS (see paragraph 30).

29. It is expected that there will be the need for some initial back up for complex problems (e.g. raves/large parties, dealing with noise from fire alarms, service of notices) which Westminster may be willing to provide, particularly in the first year of using SEOs as primary responders.
30. This has been discussed with Westminster and they are considering what support they may offer and at what cost.
31. An internal SLA has been agreed with DBE for supply of this service and this will require response within ten minutes from receipt of complaint to the SEO and a visit within a maximum one hour. It is anticipated that these targets will be refined and improved through monthly monitoring with DBE as in practice these have been significantly improved upon in the majority of complaints handled so far.
32. The handling of calls through the main Guildhall number is to be reviewed as part of a larger project; PH&PP will liaise with City Police, our contact Centre, and other stakeholders about this matter.

Corporate & Strategic Implications

33. The proposed changes for the Out of Hours Noise Service fits with one of the City Corporation's three aims of the Corporate Plan 2013 – 2017 in that it seeks to evolve a service 'to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'. It also meets one of the five key policy priorities KPP2 in that it seeks to 'maintain the quality of our services whilst (reducing our expenditure and) improving our efficiency'.

Financial and Legal Implications

34. Financing of this change will remain within the local risk budget of the PH&PP Service. The changes are anticipated to be more resource efficient. The comments of the City Solicitor have been reflected in the text of this report.

Conclusion

35. The shared service with Westminster and DBE has been successful in improving the service available to users of the OOH Service. To provide further improvements in speeding up visit times to site, reflecting on comments made through feedback to the service, the balance of work between WNS and DBE SEOs is being changed. We anticipate retaining Westminster as a back up to calls if they are willing to do so but the use of City Corporation Officers based in the City should provide a faster response to those affected by noise problems.

Appendices

- None

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Committee: Port Heath & Environmental Services	Date: 11 th March 2014
Subject: The Trading Standards Enforcement of 'Closing Down' Sales in the City of London	Public
Report of: Director of Markets & Consumer Protection	For Information
Summary	
<p>This report is responding to a request by Members to update the Committee on the situation in the City of London regarding alleged "Closing Down Sales" and the misdescription of goods as being genuine 'sale' items.</p> <p>It references the previous work under taken in the area of consumer protection back in early 2012 by the City Corporation's Trading Standards team.</p> <p>Finally, advising on the current legal position with respect to such trading practices, it concludes that the problem is now very small in terms of consumer detriment in comparison to other matters being investigated by the City Corporation's Trading Standards team – e.g. investment and commodity fraud – but that the situation will still be periodically monitored</p>	
Recommendation	
That Members note the content of this report	

Main Report

Background

1. In times of economic pressure, many businesses are seeking to maximise the return on their stock by selling it off at lower than normal prices, often at barely more than they have paid for it through "sales" and other forms of promotion.
2. In order to attract customers to their supposed bargains, some traders have employed less than scrupulous, sharp practices and sometimes, even illegal means such as alleged "Closing Down" sales to win customers to their particular businesses, thinking that that they are getting a one-off bargain.
3. The City of London is no exception to this and we have received complaints about such practices in the past, often from fellow, legitimate businesses. However, the overall effect of such practices is relatively very small in comparison to the huge amount of consumer detriment suffered in other areas investigated by our Trading Standards team, such as investment and commodity fraud as highlighted in my report to this Committee this January.

4. Nevertheless, in response to problems brought to our attention, the City Corporation's Trading Standards team investigated and advised businesses about the law regarding such "sales". The advisory leaflet "*Guidance on Closing Down Sales*" has recently been up-dated it and a revised version is attached as Appendix A.
5. Our interventions were previously reported to this Committee in January 2012 ("***Closing Down Sales in the City of London***") and I subsequently gave a follow-up oral report our progress in May 2012; of the fourteen shops originally identified as having some form of on-going "sale" in January 2012 and who were advised of their legal responsibilities by the Trading Standards team, the majority were now compliant and the remainder had closed down.

Current Position

6. The law relating to sales and other price comparisons is governed by the Consumer Protection Regulations 2008 (CPRs) and the ***Pricing Practices Guidance*** (November 2010) which offers clear advice on compliance.
7. Where a trader is making a price comparison, this should be with the trader's own previous price and not with a 'Recommended Retail Price' (RRP) which is not genuine, or differs significantly from the price at which the product is normally sold, or for goods supplied.
8. The previous price must be a genuine reference price, i.e. a price at which it would reasonably be expected to sell a significant number of items and a significant number of "sale" items were offered for sale at that previous price, for a significant period of time.
9. The previous price, the "sale" price and any intervening prices must all be shown and unless the basis for comparison is set out explicitly in any advertising material:-
 - a) the previous price should have been offered for at least 28 consecutive days in the last six months;
 - b) the period for which the lower price is offered should not be longer than the period for which goods were offered at the previous higher price; and
 - c) comparisons should not be made with prices last offered more than 6 months ago.
10. With respect to "Closing Down" sales:-

"Claiming that the trader is about to cease trading or move premises when he is not"

is a Banned Practice under Schedule 1 of the CPRs and hence a commercial practice which is considered unfair in all circumstances.
11. However there is no definition of "closing down" in the legislation so one must rely upon the dictionary definitions of:-

“About to” is defined in the as “soon to perform the action as indicated by the infinitive” - ie “soon to cease trading”(Oxford English Dictionary)

“About to” is “on the point of doing” (Chambers Dictionary)

so consequently, the act of ceasing to trade must be one that is already underway and in the process of taking place, so a “Closing Down” sale must be very close to the moment of closure taking into account obvious evidence such as the lease expiring, notice to quit being served on the business, imminent closure due to planned refurbishment works, etc.

12. Most recently, the Trading Standards team have had to deal with one case of “sale” related signage. This case was brought to our attention by another trader in the City and it related to the use of a large “Closing Down” sign relating to part of the business that was ceasing to trade. It was not sufficiently clear that it was only the women’s wear department that was closing so the trader was advised accordingly and made the necessary changes to their signage and is now legally compliant.

Corporate & Strategic Implications

13. Should such traders be allowed to flourish in the City of London, there is a minor reputational risk and in order to ensure they do not flourish, TS officers will periodically monitor the situation.

Financial Implications

14. None

Conclusion

15. Closing down sales are now well controlled in the City of London and are no longer causing the same problems that they were some years ago but the situation will be periodically monitored.
16. Future complaints from business or consumers relating to these matters will be assessed and prioritised in accordance with national guidance produced by the National Trading Standards Board where the level of consumer detriment and the scope of those affected, local, regional or national, are key factors as I reported to your committee in November 2013.

Recommendation

17. That Members note the content of this report.

Appendices

- Appendix A - City of London Trading Standards **Guidance on Closing Down Sales** (published 2012, revised 2014)

Background Papers:

“Closing Down Sales in the City of London” - Report to PHES Committee, January 2012

“Implications of the changes to the consumer landscape of the UK for the future of trading standards enforcement in the City of London” - Report to PHES Committee, November 2013

“The work of the Tri-Regional Scambusters team staff in the City of London” - Report to PHES Committee, January 2014

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Sales

The law relating to sales and other price comparisons is governed by the CPR's and the Pricing Practices Guidance (November 2010) and offers clear advice on compliance with the Regulations.

In summary, where a trader is making a price comparison:

- the comparison should be with the trader's own previous price (you should not use a Recommended Retail Price which is not genuine, or differs significantly from the price at which the product is normally sold, or for goods that only you supply)
- the previous price must be a genuine reference price, i.e. that you could reasonably be expected to sell a significant number of items at that price and a significant number of items were offered for sale at that price, for a significant period of time
- you should show both your previous price and the "sale" price and any intervening prices.
- unless the basis for the comparison is set out explicitly:
 - the previous price should have been offered for at least 28 consecutive days in the last six months
 - the period for which the lower price is offered should not be longer than the period for which goods were offered at the previous higher price
 - comparisons should not be made with prices last offered more than 6 months ago

Promotions

These are subject to the same rules as Sales, but also bear in mind that;

- if a trader advertises "Up to 50% off" then at least 10% of the products on offer should be 50% off.

This Advice and Guidance leaflet is intended to assist traders who are contemplating having a Closing Down Sale to stay within the law. It deals with the most common situations, but does not set out to deal with all possible permutations. If you feel that your particular circumstances are not covered by this Advice and Guidance leaflet, please contact us.

Should you require this information in a larger font please contact us

Disclaimer

The contents of this Advice and Guidance leaflet have been prepared with care and integrity, however, only a Court can decide whether any particular set of facts constitute offences under the CPR's. You should seek advice from your own solicitor if you need more detailed advice or if you have a contrary view to our interpretation of the legislation.

CLOSING DOWN SALES

ADVICE AND GUIDANCE FOR TRADERS IN THE CITY OF LONDON



Legislation

When considering whether to hold a Closing Down Sale, a trader needs to satisfy the legal requirements relating to "Closing Down" and "Sale".

These requirements will be found in the Consumer Protection from Unfair Trading Regulations 2008 (CPR's), a copy can be downloaded at www.legislation.gov.uk and then typing "consumer protection from unfair trading" in the search box for "all legislation".

Guidance on the CPR's has been issued by OFT/BIS under the titles "Consumer Protection from Unfair Trading" (May 2008) and BIS "A Basic Guide for Business". Both these publications can be downloaded from www.of.gov.uk/business-advice/trading-customers-fairly/protection.

Useful guidance has been issued by BIS on "Sales" and can be found in the Pricing Practices Guide downloadable at www.bis.gov.uk/publications enter "pricing practices" into the search box.

Closing Down

The most important thing to note is that:

"Claiming that the trader is about to cease trading or move premises when he is not"

is a Banned Practice under Schedule 1 of the CPR's and hence a commercial

practice which is considered unfair in all circumstances and a criminal offence which is punishable upon conviction in the Magistrates' Court by way of a fine up to £5,000.00 or upon conviction in the Crown Court by way of a prison sentence of up to 2 years and/or an unlimited fine:

It is, therefore, essential only to claim to be having a Closing Down Sale, when you fulfil the criteria. If you are unsure, then please contact City of London Trading Standards Dept for further advice.

"About to cease trading or move premises"

A Closing Down Sale is a claim made by the trader that they are about to cease trading.

To avoid committing offences under the CPR's, the trader must ensure that they are truly "about to cease trading".

So what does the phrase "about to cease trading mean"?

"About to" is defined in the Oxford English Dictionary (OED) as "soon to perform the action indicated by the infinitive" ie "soon to cease trading".

Chambers Dictionary defines "about to" as "on the point of doing".

From these definitions, it can be seen that the cessation of trading or moving premises must be an event that is in the process of taking place, and that the

closure/moving is on the point of happening.

Therefore, a Closing Down Sale can only lawfully be advertised at a time that is very close to the actual date of closure.

The following points would be more likely to be indicative of a **lawful** Closing Down Sale:

1. A date has been set for actual closure and the trader will not be trading after this date.
2. The date for closure is "soon" in relation to the date that the Closing Down Sale is advertised.

The following points would be indicative of an **unlawful** Closing Down Sale

1. The actual date of closure is not known.
2. The trader has a genuine intention to sell, but no contract to sell is in place.
3. The landlord or trader has the right to give notice of termination of the lease, but has not done so.
4. The lease is about to come to an end, but negotiations are taking place for a new lease.
5. You have taken a short term lease while the Landlord looks for a more permanent tenant.
6. New stock is arriving.
7. The trader's store is closing for a short time to allow refurbishment works to be carried out.

Committee:	Date:
Port Health and Environmental Services Committee	11 March 2014
Subject: Report on Port Health and Public Protection Out of Hours Noise Service	Public
Report of: Director of Markets and Consumer Protection	For Decision
<p>Summary</p> <p>The City Corporation currently provides a noise complaints enforcement service 24 hours a day, 7 days a week primarily to respond to noise complaints at night and weekends, but also to occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.</p> <p>For noise problems arising in the evening, at night and weekends there are two providers, Westminster City Council Noise Service and the Street Environment Officers of the Department of Built Environment.</p> <p>Prior to this arrangement the out-of-hours service provided was limited as there was not a 24/7 presence in the City, and it was also more expensive. The benefits and problems associated with both the providers have been evaluated and new arrangements are proposed to reduce response times.</p> <p>Further improvements are also suggested to respond to customer feedback and provide more efficient use of resources, including skills enhancement of the City's Street Enforcement Officers' Team to ensure that they are properly trained and competent to deliver the service.</p> <p>Recommendation</p> <p>Members are asked to consider and agree the proposals set out in paragraphs 27 to 32, taking account any points arising from the discussion of this report at your Committee meeting.</p>	

Main Report

Background

1. The Port Health and Public Protection Service (PH&PP) of Markets and Consumer Protection Department provides an Out of Hours service (OOH), primarily to respond to noise complaints at night and weekends, but also to

occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.

2. This report aims to give information on the current position and report on proposals to update and improve the service for the future.

Current Position

3. The City Corporation provides a noise enforcement service 24 hours a day, 7 days a week through two providers, Westminster City Council Noise Service (WNS) and the Street Environment Officers (SEOs) of the Department of Built Environment (DBE).
4. WNS provides the statutory nuisance element of the service on behalf of the City outside normal working hours, this being 1700 – 0800 weekdays, weekends and public holidays. A simple service level agreement (SLA) has been in place for this since inception in January 2013 until it finishes on 31 March 2014. The service responds to complaints about noise from licensed premises, domestic premises and other commercial premises.
5. The cost of this has been agreed at £20,000, consisting of a fixed fee of £5,000 per quarter although an additional contribution of £1,000 for the supply of an extra driver to help maintain response times in the busiest quarter (between July and September 2013) was agreed.
6. Some of the response is also provided through the SEOs from City Corporation's DBE primarily for issues of construction, demolition and street works noise as they are available to provide 24/7 cover. No formal SLA or similar has been put in place to date. The annual cost is £10,000. This part funding of the SEO Team has enabled their service to move to 24/7 cover on all weekend nights, previously not available on all Saturdays or at all on Sunday nights, for responding to noise problems and other cleansing matters that arise.

Standards agreed and achieved

7. The SLA with Westminster City Council requires WNS to respond to noise complaints communicated to them by the Walbrook Wharf Weighbridge (complainants contact the City using the Guildhall Security number – 020 7606 3030) within 45 minutes by:
 - a. Prioritising, investigating and assessing noise complaints including visits to site and complainants' properties in accordance with the City Corporation's prioritisation guidelines;
 - b. Where justified, the WNS will take the most appropriate enforcement action, including serving, and if necessary enforcing statutory notices, and, where appropriate, undertaking works in default;

- c. Liaising and communicating with the complainant and others as necessary in order to resolve complaints and keep parties informed of progress and outcomes 'on the night';
 - d. Providing written reports to the City Corporation of responses to complaints, including details of communications and response times, investigation, and any enforcement carried out, by 0930 the next working day.
8. The Key Performance Indicator's (KPI's) are:
 - a. Response (by telephone, email or visit) to complaints received within 45 minutes in 90% of cases.
 - b. Provision of reports on responses to complaints to be sent to the Client by 0930 the next working day.
9. Subsequent to the SLA being drawn up an additional standard has been agreed:-
 - Where a visit is necessary, the visit will be carried out within 75 minutes of the referral
10. Although DBE's SEOs were not working to a formal SLA, for the purposes of comparison the WNS KPIs have been used to monitor performance (see Table 1 below).

Table 1

Period	Total Complaints (Westminster)	KPI (response) %	KPI (visit) %	No required visit %	Additional SEO visits on complaint
Jan-June	65	100	83	0	95
July-Oct	103	93	82	11.6	98
Nov-Jan	47	94	80	25	44

SEO Statistics (data not collected prior to November 2013)

Period	Total Complaints (SEO)	SEO KPI (response) %	SEO KPI (visit) %	No visit required %
Nov-Jan	44	94	88	16

11. It can be seen that responses have been good although they have dropped from the initial 100% from WNS. Customer feedback surveys have been introduced for the service emailing a sample of the customers who had contacted the Out of Hours Number on a quarterly basis. This is now carried out monthly and will be extended to all customers each month to maximise the response rate asking for their rating on the service and general comments. Whilst the response from customer feedback is that for most recipients the service has been good there have been occasional problems with:-
 - a. Perceived speed of response
 - b. Delays in arriving on site
 - c. Communication and call handling

Benefits of WNS

12. The service was instigated as a pilot to ensure that there was a 24/7 response available out of (normal) working hours from a fully qualified Environmental Health Officer (EHO) within easy reach of the City in a position to take enforcement action if necessary and this has been achieved.
13. This is a significant improvement and much more effective than the previous out-of-hours arrangements where EHOs were on 'stand by' and responded from their home address with some attendance in the City on Friday and Saturday nights. SEOs provided observations and some evidence gathering at all other out of hours. The cost for this was approximately £50,000 p.a. This new arrangement also addressed a concern of the City Solicitor that an officer with a recognised qualification for serving legal notices or judging compliance, such as an EHO, should be providing evidence for nuisance legal action. The SEO's did not meet this criterion initially.
14. For the small number of legal notices served by Westminster (10) we have good evidence either to take legal action or pursue this in the future. Given the relative small numbers of complaints WNS has also carried out planned observations, particularly of licensed premises where we are aware of residents being disturbed. These were primarily related to the night time economy and were in support of the licensing objective 'Prevention of Public Nuisance'. Both notices and reports from WNS have been provided to a good professional standard.

Problems of WCC

15. Understandably, WNS does not have knowledge of the previous enforcement histories of premises they are responding to and for the purpose of the pilot it was too expensive to provide access to the City Database.
16. Despite the improved response times for getting an officer on site in the City complaints have been received by service users about response times by WCC, despite these being within the agreed SLA. Some service users perceive 75 minutes as an excessive response time to night time noise.

17. The WNS officers and their drivers do not have detailed geographical knowledge of the City and have, on occasion had problems locating complaint addresses.
18. In addition the contact number for the service remains the main City number 020 7606 3030. There has been no customer care training of either the security at Guildhall or the Weighbridge at Walbrook Wharf (who then contact either Westminster or our Street Environment Officers on receipt of complaints). Feedback has been received that some standards of customer care have fallen below customers' expectations via this system of treble handling.

Benefits and Problems of SEOs

19. The SEOs have proved much more effective in responding very quickly (on site within 30 minutes normally) to construction, demolition and street works noise complaints with their detailed knowledge of the City and working relationship with City Pollution Team.
20. The City Solicitor has expressed concern that the SEO Team does not meet the competency requirements for statutory nuisance work, particularly around assessing statutory nuisances and the professional judgement that is required for appeals against notices and any prosecution work. The officer is, in effect, the City's expert witness and would be pitted against a qualified noise pollution expert in the courtroom. This is explored further below.

SEO Competency

21. Legal opinion has been sought from the City Solicitor on the SEOs' suitability to conduct statutory nuisance assessments, a competency that is usually fulfilled by being a qualified and experienced EHO. The risk being the success of an appeal against a statutory notice or indeed a prosecution being successfully defended. Many defendants will employ an acoustic consultant to assist with appeals or defence cases and such instances it will be this expert witness evidence against the City's SEO evidence in any court proceedings. There is an obvious risk to the City in such circumstances. It is accepted that the first year of the service running will hold the most risks.
22. If all the safeguards are in place, as detailed below, then the City should be in a stronger position to defend any appeals or defended court proceedings. This will also need to be backed by careful case management, and in cases where legal proceedings are likely, the EHO may be required to work out of hours alongside the SEO when witnessing nuisance or the EHO will be required to judge likely recurrence based on SEO evidence.
23. The Department must ensure that officers deployed will be adequately qualified and experienced in investigating and assessing noise complaints, and taking appropriate enforcement action. The level of training will be aimed

at SEO's, in most instances being able to gather admissible evidence that can be effectively interpreted by EHOs who would be able to interpret such evidence and, if necessary, provide an expert opinion. It is expected that the staff will be qualified with a minimum level of achieving the Institute of Acoustics Certificate of Competence in Environmental Noise Measurement. Staff will also be expected to complete training to a level set out by the Better Regulation Delivery Office (BRDO) for persons involved with noise control. It is anticipated this will include:-

- a. New Officers to achieve the Institute of Acoustics Certificate of Competence in Environmental Noise Measurement,
 - b. Completion of general courses on familiarity with statutory nuisance (including noise nuisance) as required by client and/or the competency standards indicated by BRDO,
 - c. Regular attendance and participation in peer review of cases handled with managers and the Pollution Team,
 - d. Shadowing work with Pollution Team officers to a committed minimum of two hours per month.
 - e. Training as necessary for familiarisation with practices and procedures.
24. Training of the SEOs to the above standards in basic noise competency has been started. Five SEOs have undertaken the Institute of Acoustics Certificate in Environmental Noise Measurement. The remaining officers will undertake this certificate in April / May 2014.
25. A two day statutory nuisance training course has been developed to meet the upcoming BRDO competency criteria for noise regulatory officers; this is bespoke to the City using our internal procedures and applicable case studies and was carried out with PH&PP Officers and the SEO Team on 18 and 19 February - 2014.
26. Each SEO has been designated a partner EHO who will assist with any technical queries and arrange site visits and mentoring.

Proposals

27. The PH&PP Service wish to vary the arrangements from March 2014. It is anticipated that a faster response can be achieved for less money by using the SEO's. Training and peer review is being carried out to ensure experience is acquired in dealing with common issues and protocols revised to deal with these. This will require on-going training outlined above between the Pollution Control Team and SEO's to make this effective and overcome the concerns of the City Solicitor regarding legal process.
28. The City Corporation's Out of Hours Noise Response Service is to be provided by the SEO's from City Corporation's DBE from 1st April 2014 with some initial support to continue from WNS to provide robust legal advice/call out experience and availability for support where required. The cost for this will be £20,000 p.a. and a response fee to be agreed with WNS (see paragraph 30).

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32. The handling of calls through the main Guildhall number is to be reviewed as part of a larger project; PH&PP will liaise with City Police, our contact Centre, and other stakeholders about this matter.

Corporate & Strategic Implications

33. The proposed changes for the Out of Hours Noise Service fits with one of the City Corporation's three aims of the Corporate Plan 2013 – 2017 in that it seeks to evolve a service 'to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'. It also meets one of the five key policy priorities KPP2 in that it seeks to 'maintain the quality of our services whilst (reducing our expenditure and) improving our efficiency'.

Financial and Legal Implications

34. Financing of this change will remain within the local risk budget of the PH&PP Service. The changes are anticipated to be more resource efficient. The comments of the City Solicitor have been reflected in the text of this report.

Conclusion

35. The shared service with Westminster and DBE has been successful in improving the service available to users of the OOH Service. To provide further improvements in speeding up visit times to site, reflecting on comments made through feedback to the service, the balance of work between WNS and DBE SEOs is being changed. We anticipate retaining Westminster as a back up to calls if they are willing to do so but the use of City Corporation Officers based in the City should provide a faster response to those affected by noise problems.

Appendices

- None

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Agenda Item 15

Committee(s):	Date(s):
Port Health and Environmental Services Committee	11 th March 2014
Subject: Cemetery and Crematorium Public Consultation review	Public
Report of: Director of Open Spaces	For Information
Summary	
<p>In April 2013 your committee received a report summarising the findings of a public consultation exercise carried out by a company called Marketing Assistance Ltd.</p> <p>This report updates your Committee on the progress made and future plans regarding the areas highlighted in that report, including developing the cemetery as an education resource, the cemetery newsletter, the development of a volunteer/ friends group, guided tours, the catering and florist kiosk and the general perceptions by the public of the facilities and staff at the cemetery and crematorium.</p>	
Recommendation(s)	
It is recommended that:	
<ul style="list-style-type: none">• You receive this report	

Main Report

Background

1. The City of London Cemetery and Crematorium is the largest municipal cemetery and crematorium in the country and is 200 acres in size. The site is open every day of the year and last year carried out 2539 cremations and 1079 burials.
2. Excluding those attending funerals, the cemetery grounds and memorial garden receives approximately 250,000 visitors each year; some of those visitors only attend on special occasions and others more regularly. Our Christmas Carol services are always popular and were fully booked with over 100 people attending each of the two services last year.
3. In April last year a report was presented to your Committee regarding a consultation exercise that was carried out by a company called Marketing Assistance Ltd and this report seeks to inform your Committee of the current position and future plans regarding the main points highlighted by the consultation.
4. The main points highlighted by the Marketing Assistance public consultation were as follows;
 - The cemetery's potential as an educational resource
 - The cemetery newsletter

- Developing a friends/ volunteers group for the service
- Guided tours
- The quality of the catering facilities and florist shop
- The general perception of the facilities and staff at the cemetery and crematorium

Current Position and Future Plans

5. The cemetery management team have been working to develop the cemetery as an educational resource by offering the site as a venue for visits and training days for groups such as cemetery managers, police family liaison officers, hospice staff, trainee ministers, trainee funeral celebrants, schools, universities, delegations from Australia and China as well as a team from English Heritage. The Cemetery Management Team will continue to promote best practice within the industry and encourage visits from interested parties.
6. All previous feedback supports the need for a paper newsletter and we receive many compliments regarding the content. However the brochure is also provided in e-form as a PDF download from our website. Each year we receive requests from people to be added to our mailing lists and the document is a useful way of advising our visitors of forthcoming events and important issues relating to the site. The service will continue to monitor people's preferences through regular communication and will continue to make an electronic version available.
7. The early promise of a large volunteer group soon faded as many of those who originally intimated that they would like to become part of the group were not so keen when formally approached about the idea. Unfortunately many of those who had expressed an interest in becoming involved with the cemetery and crematorium service did so as a platform to voice a personal issue with the site, and once this was resolved their interest faded. This reinforced what had been highlighted in previous surveys and attempts to gain visitor feedback, that cemetery visitors have a rather focused view/interest in the site based around the dedication or grave that they visit. However, we have a small group of people who are in the process of learning more about the site and who will be assisting with the cemetery guided tours this year and will continue to advertise for friends/volunteers in our newsletter and website.
8. The Cemetery Guided tours have become more and more popular with families braving all weathers to attend and many positive comments received. Monthly tours were offered throughout the warmer months last year (May to September) and all were fully booked. Special arrangements were also made for several other groups and extra dates added to accommodate them. This year it is likely that interest will again outstrip provision and this is why a small group of volunteers are being trained to assist in the delivery of guided walks and hopefully expand the provision once they become capable of providing them without assistance.
9. The Marketing Assistance consultation exercise highlighted that the cemetery café and florist kiosk (The Gatehouse Pantry and Gatehouse Flowers) were very popular with visitors who felt that they offer good food and value for money. The services offered complement the cemetery and crematorium business and often families will contact the café to agree availability before making a funeral booking. This is something that the cemetery and crematorium wish to develop through promotion of funeral receptions, the maintenance of the pantry garden and the cemetery function room. The lease for the café and florist kiosk is due for renewal in March 2015 and

the cemetery Superintendent will be working with the City Surveyor to ensure that an assessment is made of the business and an appropriate lease is renegotiated as their ability to offer a good offering has a financial and reputational benefit to the cemetery and crematorium service.

10. The Marketing Assistance consultation exercise demonstrated the high regard in which the service is held by users and stakeholders (such as funeral Directors and Officiants) and the cemetery management team wish to develop this where possible through improved customer care and high quality service provision and to review our success through further visitor surveys in years to come, reporting back to this committee as part of the Fees, Charges and Marketing report.

Corporate & Strategic Implications

11. The effective and efficient management of the City of London Cemetery and Crematorium supports the local community and protects, promotes and enhances the local environment in accordance with the City Corporation's Community Strategy.

Legal Implications

12. There are no legal implications associated with this report.

HR Implications

13. There are no HR implications associated with this report.

Property Implications

14. The Superintendent will work with the City Surveyor to ensure that the facilities required to continue to deliver the services highlighted in the Marketing Assistance consultation are well maintained and that they are suitable and fit for the purposes outlined as well as service delivery needs. This supports the Corporate Property Asset Management Strategy in particular ensuring that opportunities to maximise income generation are explored and promoted where feasible.

Conclusion

15. In conclusion, the Cemetery and crematorium service is recognised within the industry as an exemplar service due to its landscape, leadership, quality service and innovation. The management team aim to develop the service further in the coming year and measure success through public consultation. The development and use of volunteers will help the service to improve public understanding the history and unique nature of the site.

Appendices

- None

Background Papers:

Port Health and Environmental Services Committee - Vehicle Access and Public Consultation Report 30th April 2013

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Agenda Item 19

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Agenda Item 20

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Agenda Item 21

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