



## Port Health & Environmental Services Committee

**Date:** TUESDAY, 21 JANUARY 2014  
**Time:** 11.00 am  
**Venue:** BASINGHALL SUITE - GUILDHALL, EC2

**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	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, MBE
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. **APOLOGIES FOR ABSENCE**
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 12 November 2013.  
**For Decision**  
(Pages 1 - 8)
4. **OUTSTANDING ACTIONS**  
**For Information**  
(Pages 9 - 10)
5. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2013-2016: PROGRESS REPORT (PERIOD 2)**  
Report of the Director of Markets and Consumer Protection.  
**For Information**  
(Pages 11 - 34)
6. **ANIMAL RECEPTION CENTRE - HEATHROW AIRPORT: ANNUAL REVIEW OF CHARGES**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 35 - 42)
7. **CITIZEN SCIENCE - AIR QUALITY MONITORING WITH CITY RESIDENTS**  
Report of the Director of Markets and Consumer Protection.  
**For Information**  
(Pages 43 - 46)
8. **41ST CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT 2013**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 47 - 50)
9. **THE WORK OF THE TRI-REGIONAL SCAMBUSTERS TEAM STAFF IN THE CITY OF LONDON**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 51 - 58)
10. **DEPARTMENT OF THE BUILT ENVIRONMENT BUSINESS PLAN (PERIOD 2)**  
Report of the Director of the Built Environment.  
**For Information**  
(Pages 59 - 68)

11. **SECOND YEAR PERFORMANCE REVIEW OF THE DOMESTIC WASTE COLLECTION AND STREET CLEANSING CONTRACT**  
Report of the Director of the Built Environment.  
**For Information**  
(Pages 69 - 74)
12. **CITY OF LONDON CEMETERY AND CREMATORIUM BUSINESS PLAN - PROGRESS REPORT**  
Report of the Director of Open Spaces.  
**For Information**  
(Pages 75 - 82)
13. **URGENT ITEMS**  
Any items of business that the Chairman may decide are urgent.
14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
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.

## **Part 2 - Non-public Agenda**

16. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 12 November 2013.  
**For Decision**  
(Pages 83 - 84)
17. **BUILT ENVIRONMENT ANNUAL FEES AND CHARGES**  
Report of the Director of the Built Environment.  
**For Information**  
(Pages 85 - 94)
18. **CEMETERY AND CREMATORIUM FEES, CHARGES AND MARKETING REPORT 2014/15**  
Report of the Director of Open Spaces.  
**For Decision**  
(Pages 95 - 104)
19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 12 November 2013

**Minutes of the meeting of the Port Health & Environmental Services Committee held at the Guildhall EC2 at 11.30am**

### **Present**

#### **Members:**

Deputy John Tomlinson (Chairman)  
Wendy Mead (Deputy Chairman)  
Deputy John Absalom  
Deputy John Bennett  
Nigel Challis  
Henry Colthurst  
Karina Dostalova  
Deputy Billy Dove  
Peter Dunphy  
George Gillon (Chief Commoner)  
Alderman John Garbutt

Wendy Hyde  
Professor John Lumley  
Andrew McMurtrie  
Brian Mooney  
Hugh Morris  
Barbara Newman  
Deputy Richard Regan  
Jeremy Simons  
Deputy James Thomson  
Mark Wheatley  
Alderman Sir David Wootton

#### **Officers:**

Jenny Pitcairn	- Chamberlain's Department
Simon Owen	- Chamberlain's Department
Doug Wilkinson	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Avers	- Markets & Consumer Protection Department
Gary Burks	- Superintendent & Registrar, City of London Cemetery & Crematorium
John Park	- Press Officer, Public Relations Office
Andrew Wild	- City Surveyor's Department
Tony Macklin	- Assistant Director, Environmental Health & Trading Standards
Tony Halmos	- Director of Public Relations
Greg Williams	- Assistant Director of Public Relations (Press)
Alistair MacLellan	- Committee and Member Services Officer

#### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Vivienne Littlechild, Alastair Moss, Deputy John Owen-Ward, Deputy Gerald Pulman, Deputy Michael Welbank and Philip Woodhouse.

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

There were no declarations.

#### **3. MINUTES**

RESOLVED – That the minutes of the meeting held on 9 September 2013 be approved as a correct record.

4. **OUTSTANDING ACTIONS**

The list of outstanding actions was received.

5. **TERMS OF REFERENCE**

The committee considered a report of the Town Clerk that invited members to review the committee's terms of reference ahead of these being submitted to the Court of Common Council on 1 May 2014.

Members agreed that no amendments were required, noting that the current terms of reference had been thoroughly reviewed the previous year.

RESOLVED –

- That the terms of reference of the committee be approved for submission to the Court of Common Council on 1 May 2014, and that any further changes required in the lead up to the Court's appointment of committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and
- No change was required to the frequency of the committee's meetings.

6. **PUBLIC RELATIONS UPDATE**

The Director of Public Relations introduced his written update on Port Health and Environmental Services public relations. He noted that the current update was the third annual report to come before the committee, and that he would welcome any comments and critique on members on its presentation and structure.

He proceeded to highlight some sections of the report:

**Media Coverage**

He noted that copies of the main media cuttings relevant to the committee were available for members to consider.

**Website**

He commented that the City of London Corporation website had been updated in the past year to make its structure more user friendly.

**Polling - Public Conveniences**

He noted that the only City of London service to receive a negative satisfaction rating was public conveniences and the community toilet scheme, and that this had been the subject of a summary report to the Policy & Resources Committee. He informed members that a presentation would take place on the topic at a date in mid-December. He pointed out that there was no historic data with which to compare the current results and therefore it was difficult to establish the reason for the low rates of satisfaction. Nevertheless he noted that more work would be done on raising awareness of the community toilet scheme for the time being.

The Chairman thanked the Director for his update to the committee, and said that the overall high rate of satisfaction with the City of London Corporation was a tribute to the hard work of officers and members of the committee.

In response to a question from a member over the disparity in satisfaction between residents and businesses regarding recycling (78% versus 35%), the Transportation and Public Realm Director replied that this was likely due to residential collection being

carried out by the City of London Corporation whereas business collection was carried out by independent commercial operators that were driving down prices via competition.

In response to a question from a member over whether the split between recycled and un-recycled waste could be monitored, the Transportation and Public Realm Director replied that two approaches were possible, namely by monitoring the waybridge at Walbrook Wharf in the first instance and personal visits by Recycling Officers in the second. There were issues with both approaches, in that the waste on the waybridge represented only a percentage of the total waste from across the City, and the fact that the Recycling Team was currently only composed of four officers. He further remarked that corporate social responsibility was acting as a driver for businesses to proactively increase the amount of recyclable material they produced.

The Assistant Director of Public Relations (Press) took the opportunity to inform the committee that two of the City of London's best performing media stories from the past 12 months had arisen from areas within its remit, namely grave reuse and air quality.

The Assistant Director of Street Scene and Strategy noted that a report on public conveniences had not been submitted to the committee due to their poor performance during polling, which had prompted officers to first investigate the reasons for the poor performance. He suggested that a working group of members be created in order to consider the issues involved and make recommendations for improvement.

A member added that a lack of provision in the Bishopsgate area had been an election issue, and that it was necessary to accept that the Night Time Economy had created demand for public conveniences. Furthermore she felt that it was important not to let the issue drift. She added that she felt the community toilet scheme was not a viable solution.

The Chairman agreed that the matter included the issue of appropriate provision but that consideration needed to be given to what was achievable given the resources available. He noted that, in order to gain momentum, 'quick wins' had to be identified and furthermore that a reliable evidence base had to be built up.

A member observed that the public conveniences at Bank were of a very high standard and that in possible these should be used as a model of best practice. He noted also that the City of London had the opportunity to enhance its reputation by providing high-standard, sensibly located and free public conveniences.

The Chairman therefore invited interested members to put their names forward to form a Public Conveniences Working Group. Wendy Hyde, Andrew McMurtrie, Jeremy Simons and Barbara Newman volunteered to be members.

In response to a question from a member over whether any action had been taken against public urination in Smithfield, the Assistant Director of Streetscene and Strategy replied that 22 street notices had been issued between July and November 2013.

In response to a question from a member over what advance notice had been given for the closure of Bank public conveniences, the Assistant Director of Streetscene and Strategy replied that the works involved were being carried out by London Underground Limited (LUL) and that he was not aware of any advance notice being given.

A member observed that low public satisfaction with City of London public conveniences was potentially due to pay-per-use.

**7. REVENUE AND CAPITAL BUDGETS 2014/15**

The Senior Accountant introduced a report of the Chamberlain on revenue and capital budgets for 2014/15, noting that its recommendations had been made in light of the City of London's wider review of its use of resources.

In response to a query from a member over the nature of staffing budgets, the Senior Accountant replied that these were necessary due to the need to cater for long-term staffing requirements.

RESOLVED, that –

- The committee reviewed the provisional 2014/15 revenue budget, noting that it met the committee's objectives and approved its submission to the Finance Committee;
- The draft capital budget be approved.
- The Chamberlain be authorised to revise these budgets to allow for further implications arising from the potential budget developments including PP2P reviews, developments in the Port Health service relating to changing trade, changes to the Additional Works Programme and changes in respect of recharges.

**8. PUBLIC CONVENIENCES**

The Chairman noted that the issue of public conveniences had been comprehensively discussed as part of Item 6.

**9. RECYCLING ACTION PLAN**

In response to a question from a member regarding the potential to raise awareness of recycling with young people, the Assistant Director of Street Scene and Strategy replied that the Recycling Action Plan included work being done to promote recycling in schools.

**10. BISHOPSGATE BIN TRIAL**

The Chairman introduced the report on the Bishopsgate Bin Trial, noting that it had come before the committee for information rather than for decision given that the committee's agreement had been given, in principle, on a previous occasion, and that ward members had been consulted throughout.

In response to congratulations from a member over the achievement of c.98% of Bishopsgate being rated category A-B, the Chairman concurred and noted that the trial appeared to have been successful.

In response to a query from a member over why City of London Police advice had stated that blast resistant bins were no longer required, the Assistant Cleansing Director replied that the use of litter bins for deployment of terrorist devices had been a historic IRA tactic and that this tactic did not reflect the current pattern of terrorist threat, hence the updated police advice.

The Assistant Cleansing Director went on to note that Keep Britain Tidy was keen to embark upon a national campaign entitled *Which Side of the Fence* during which



cleansing authorities would only cleanse one side of a given street at weekends. He added that a 200 yard stretch of Minories was being considered for part of the campaign.

In response to concerns from a member that the weekends were not a suitable time to carry out such a campaign due to reduced footfall and corresponding lack of scope to educate the public, and that a mid-week campaign along a busier stretch of public highway such as Bishopsgate would be more appropriate, the Assistant Cleansing Director replied that the timing of the proposal was in keeping with the wider Keep Britain Tidy campaign and that Minories had been chosen due to the Night Time Economy of the local area.

Members also observed that it would perhaps be best to focus the campaign on a narrow street so that members of the public could easily compare cleansed/uncleansed areas of the public highway, and that ward members and local businesses should be consulted before an area was decided upon.

**11. LOVE THE SQUARE MILE**

The Chairman introduced the report of the Director of the Built Environment on the progress made on the Love the Square Mile app since the last report in April 2013, noting that the app was progressing well and that it would be further reviewed in six months.

**12. MITIGATION OF ENVIRONMENTAL IMPACTS FROM STREET WORKS IN THE CITY**

The committee received a response to its resolution to the Planning and Transportation Committee.

**13. APPROVAL OF THE 2013 - 2014 FOOD SAFETY ENFORCEMENT PLAN FOR THE LONDON PORT HEALTH AUTHORITY**

The committee approved a report of the Director of Markets and Consumer Protection regarding the 2013/14 Food Safety Enforcement Plan for the London Port Health Authority.

RESOLVED, that –

- The London Port. Health Authority Food Service Enforcement Plan 2013-14 be approved.

**14. IMPLICATIONS OF THE CHANGES TO THE CONSUMER LANDSCAPE OF THE UK FOR THE FUTURE OF TRADING STANDARDS ENFORCEMENT IN THE CITY OF LONDON**

The committee approved a report of the Director of Markets and Consumer Protection.

RESOLVED, that –

- Members approve the continued working of the City Corporation's Trading Standards Service within the new national framework, utilising both in-house resources and whenever possible, securing external resources from the Tri-Regional Scambusters Team through the National Trading Standards Board for projects and investigations affecting the City and beyond.

**15. IMPLICATIONS OF THE NATIONAL LOCAL AUTHORITY ENFORCEMENT CODE - HEALTH AND SAFETY AT WORK - ENGLAND, SCOTLAND & WALES FOR THE FUTURE OF HEALTH & SAFETY ENFORCEMENT IN THE CITY OF LONDON**

The committee approved a report of the Director of Markets and Consumer Protection.

RESOLVED, that –

- The City Corporation should continue its risk based regulatory approach by supporting, encouraging, advising and where necessary taking enforcement action against businesses to ensure that;
- They effectively manage the occupational health & safety risks they create and;
- That this should be based upon a greater gathering and use of intelligence to inform service planning intervention and project selection in the future.

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

The Chairman informed the committee that the City of London had recently received awards from Keep Britain Tidy for its *No Ifs, No Butts* campaign and for the Animal Reception Centre at Heathrow, from the International Pet and Animal Transportation Association.

**17. URGENT ITEMS**

**Thames Estuary Partnership (TEP)**

The representative of the Town Clerk clarified the nature of a member of the committee's appointment to the Thames Estuary Partnership, noting that by virtue of his membership of the partnership, he qualified as a Director of the TEP.

A member noted that in future it would be important to be mindful of precisely what a member of the City of London was being required to do before they were appointed to outside bodies, and that appropriate insurance arrangements were in place. The Chairman agreed that this should form a report to come back to committee at a future date.

RESOLVED, that –

- A report be prepared on the appointment of members to outside bodies for consideration by the Committee at a future date.

**18. EXCLUSION OF THE PUBLIC**

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

**19. NON-PUBLIC MINUTES**

RESOLVED – that the non-public minutes of the meeting held on 9 September 2013 be approved as a correct record.

**20. PASQUALE FAVALE BEQUEST**

The Chairman introduced a report of the Town Clerk.

RESOLVED, that –

- A marriage portion of £150 be awarded to the recommended recipient.
- The Town Clerk to make suitable arrangements for the presentation of the award, in consultation with the Chairman.

**21. DEBT ARREARS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 30 SEPTEMBER 2013**

The Chairman introduced a joint report for information of the Director of the Built Environment, the Director of Markets and Consumer Protection, and the Director of Open Spaces, on debt arrears affecting Port Health and Environmental Services for the period ending 30 September 2013.

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

There were no questions.

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

There was no other business.

**The meeting closed at 12.54pm**

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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>
<b>8 January 2013</b>	<p><b>Public Conveniences</b> 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. 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. 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. Improved signage has been commissioned to direct people to the nearby Eastcheap facilities</p>	Director of the Built Environment	To be presented to the Committee in March 2014	<p>TfL liaison is on- going and likely to be long term.</p> <p>Following a satisfaction poll recently carried out for City of London services, the results of which have raise a lot of questions to which we need answers before we can sensibly decide how to allocate resources - especially in view of the current service review activity. We are urgently putting in hand work to answer them and will be reporting back to the committee with recommended actions early next year.</p> <p>The Strategy review scheduled for November Committee will now be pushed back to spring 2014 following the above outcomes.</p> <p><b>January 2014 update</b> A further detailed survey has been agreed corporately to try to establish the detail behind the public convenience survey results. To progress this, a working group was set up which includes Members of the PHES Committee and officers. The group along with the survey company are developing a set of questions which, it is hoped, will help inform where specific improvements may be needed. The survey is planned to take place in February with results being shared with the working group and reported back to this committee thereafter.</p>

Port Health and Environmental Services Committee  
Outstanding actions 2013/14

<b>2 July 2013</b>	<b>Materials Recovery Facility (MRF) in Kent</b> - It was agreed that a visit to this facility would be arranged.	Director of the Built Environment		Officers were awaiting a satisfactory risk register assessment. It was the intention that a visit would be organised before the new year. We have been unable to organise a full MRF visit before the New year but are in the final stages of agreeing a tour of the MRF in the first quarter of 2014, possible dates and numbers to be facilitated to follow. JG - 07.10.14
<b>30 April 2013</b>	<b>Public Consultation – Cemetery</b> <b>A report on the development of a Friends group and volunteering will be brought to a future meeting</b>	Director of Open Spaces	A progress report will be presented at March 2014 Committee.	We have contacted all of the visitors who expressed an interest in becoming a friend or Volunteer and now have an initial list of those who wish to become involved in work at the cemetery. Meetings have taken place and a small group of people wish to work with the cemetery to develop education and as a consultation group.

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health and Environmental Services	21 January 2014
<b>Subject:</b> <b>Markets and Consumer Protection Business Plan 2013-2016: Progress Report (Period 2)</b>	<b>Public</b>
<b>Report of:</b> The Director of Markets and Consumer Protection	<b>For Information</b>

## Summary

This report provides an update on progress against the Business Plan of the Port Health and Public Protection Division (PH&PP) of the Department of Markets and Consumer Protection (M&CP), for Period 2 (August-November) of 2013-14 against key performance indicators (KPIs) and objectives outlined in the M&CP Business Plan.

The report consists of:

- Performance against our key performance indicators (KPIs) – Appendix A
- Progress against our key objectives – Appendix B
- Enforcement activity – Appendix C
- Key risks – Appendix D
- Financial information – Appendix E

**Key points from the report are that:**

- At the end of the November 2013, the Department of Markets and Consumer Protection was £82k (4.5%) underspent against the local risk budget to date of £1.8m, over all the services now managed by the Director of Markets & Consumer Protection covering the Port Health and Environmental Services Committee. Appendix E sets out the detailed position for the individual services covered by this department.
- Overall the Director of Markets and Consumer Protection is currently forecasting a year end overspend position of £18k (0.6%) for his City Fund and City Cash services.
- A further Primary Authority partnership was agreed with the catering company Harbour & Jones Ltd, principally to provide food safety advice. Amongst other venues this company provides catering for St Paul's Cathedral; initial advice has been given on the company's food safety management systems and the degree to which these are likely to ensure compliance with their legal obligations.
- Improvement Notices were served by the Health and Safety Team at two City premises in order to rectify breaches of health and safety legal requirements relating to legionella control from cooling towers.

- The Trading Standards Team continues to carry out investigations into serious frauds relating to commodity scams in conjunction with the NTSB (National Trading Standards Board)/Scambusters.
- The Pollution Team has served four abatement notices under S80 of the Environmental Protection Act to control excessive noise. Three of the four were for licensed premises.
- The Animal Health team has been involved, in conjunction with the London Borough of Harrow, in the successful prosecution under the Animal Welfare Act 2006 and the Animal By Product Regulations.
- The new London Gateway Port opened in November. Members of Port Health staff have transferred to the new site and are familiarising themselves with the new working arrangements. Staff have worked closely with the Port Owner and operator, Dubai Ports (DP) World, to ensure that the new inspection facility, now operational, is the most modern and largest in Europe.

### **Recommendation(s)**

Members are asked to note the content of this report and its appendices.

## **Main Report**

### **Background**

1. In the 2013-16 Department of Markets and Consumer Protection (M&CP) Business Plan five Key Performance Indicators (KPIs) were identified to facilitate measurement of performance across the Port Health and Public Protection (PH&PP) Division. The KPIs were selected to be representative of the main elements of work carried out.
2. The Business Plan also sets out six key objectives for the PH&PP Division.

### **Current Position**

3. To ensure that your Committee is kept informed of progress against the current business plan, progress against KPIs (Appendix A) and key objectives (Appendix B) is reported on a periodic (four-monthly) basis, along with a financial summary (Appendix E). This approach allows Members to ask questions and have a timely input on areas of particular importance to them. Members are also encouraged to ask the Directors for information throughout the year.
4. Periodic progress is also discussed by Senior Management Groups to ensure any issues are resolved at an early stage.



5. In order to provide further information on the work carried out by the PH&PP Division, each periodic report includes a summary of the enforcement activity carried out (Appendix C) and the Division's key risks (Appendix D).

### Financial and Risk Implications

6. The end of November 2013 monitoring position for Department of Markets and Consumer Protection services covered by Port Health and Environmental Services Committee is provided at Appendix E. This reveals a net underspend to date for the Department of £82k (4.5%) against the overall local risk budget to date of £1.8m for 2013/14.
7. Overall the Director of Markets and Consumer Protection is currently forecasting a year end overspend position of £18k (0.6%) for his City Fund and City Cash services under his control. The table below details the summary position by Fund.

Local Risk Summary by Fund	Latest Approved Budget  £'000	Forecast Outturn  £'000	Variance from Budget +Deficit/(Surplus)	
			£'000	%
City Fund	2,418	2,436	18	0.7%
City Cash	360	360	0	0%
<b>Total M&amp;CP Services Local Risk</b>	<b>2,778</b>	<b>2,796</b>	<b>18</b>	<b>0.6%</b>

8. The reasons for the significant budget variations are detailed in Appendix E, which sets out a detailed financial analysis of each individual division of service relating to this Committee, for the services the Director of Markets & Consumer Protection supports.
9. The better than budget position at the end of November 2013 relates to additional income at the Heathrow Animal Reception Centre for additional throughput of work relating to passports for pets and expenditure underspends on repairs and maintenance works relating to budget carry forward sums from 2012/13, due to delays in sourcing suitable flooring products.
10. The Director of Markets and Consumer Protection anticipates the worse than budget forecast position at the end of the financial year will be minimal, subject to income activity achieving projected levels. This is principally due to the effect of downturns in CVED (Common Veterinary Entry Document) income at the Ports due to the closure of Thamesport; redundancy costs; and other projected London Gateway costs; which meant the full use of the POAO reserve of £399k was required to balance the revised estimates. However, slightly less of the reserve will now be required as it is currently projected that other underspends within Port Health and Environmental Services Committee will be achieved. The forecasts also do not currently include the full effects of

London Gateway due to the uncertainty of these and so the outturn is likely to change in the coming months.

### **Corporate & Strategic Implications**

11. The monitoring of performance indicators across the Division links to all three Corporate Plan Strategic Aims (To support and promote 'The City'; To provide modern, efficient and high quality local services for the Square Mile; and, To provide valued services to London and the nation).

### **Consultees**

12. The Town Clerk and the Chamberlain have been consulted in the preparation of this report.

### **Appendices**

- Appendix A – Performance Management Report Period 2 2013-14
- Appendix B – Progress against Key Objectives Period 2 2013-14
- Appendix C – Enforcement Activity Period 2 2013-14
- Appendix D – Key Risks
- Appendix E – Financial Statements: Department of Markets and Consumer Protection

### **Background Papers:**

Department of Markets & Consumer Protection Business Plan 2013-2016 and  
Appendix B: Port Health & Public Protection Business Plan 2013-2016  
(PH&ES Committee 30/04/2013)

### **Contact:**




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**Performance Management Report 2013-14**  
**Period Two: 1 August – 30 November 2013**

**Department of Markets and Consumer Protection**  
**Port Health and Public Protection Division**

**Progress against Business Plan Performance Indicators**

	This indicator is performing to or above the target
	This indicator is performing just under target
	The indicator is performing below the target

	Public Protection	Actual 2012-13		Target 2013-14	Actual 2013-14		Status
		Period 2	Period 3		Period 1	Period 2	
KPI 1 * <sub>1</sub>	Over the course of the year, secure a positive improvement in the overall Food Hygiene Ratings Scheme (FHRS) rating profile for City food establishments compared to the March 2013 profile.	N/A	N/A	TBC * <sub>3</sub>	* <sub>2</sub>	* <sub>2</sub>	N/A
KPI 2	Percentage of justifiable noise complaints investigated that result in a satisfactory outcome.	97%	96.5%	90%	95%	99.5%	😊
KPI 3 * <sub>1</sub>	Trading Standards team to inspect 100% of 'high risk' premises.	N/A	N/A	80%	* <sub>2</sub>	* <sub>2</sub>	N/A
<p>*<sub>1</sub> New indicator for 2013-14</p> <p>*<sub>2</sub> Annual indicator</p> <p>*<sub>3</sub> The purpose of this indicator is to show an overall improvement in the FHRS rating profile across all City food establishments by the end of the year. The target cannot be expressed as a specific percentage since any increase will indicate achievement, especially in this first year of measurement.</p>							

	Port Health and Animal Health	Actual 2012-13		Target 2013-14	Actual 2013-14		Status
		Period 2	Period 3		Period 1	Period 2	
KPI 4	Percentage of consignments of products of animal origin (POAO) that satisfy the checking requirements cleared within five days of presentation of documents/consignments.	95%	95%	95%	95.81%	94.03%*	😐
KPI 5	Less than 4% of missed flights for transit of animals caused by the Animal Reception Centre (ARC).	3.3%	0.1%	<4%	0%	0.1%	😊
<p>KPI 4 - i.e. time elapsed between receipt of documents/presentation of container to release, on electronic cargo handling system. This is an overall figure consisting of 95.25% for Tilbury; 82.17% for Thamesport; and 76.92% for London Gateway. The underperformance this period was due to a number of consignments being under query for long periods at Thamesport and delays on presenting consignments for checks for the first vessel at London Gateway.</p>							

## Progress against Port Health & Public Protection Key Objectives 2013-2014

Ref:	Objective	Progress to date
1	Balance the PH&PP Service budget for 2014-15 in the light of £250,000 unidentified savings/income.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>• The Port Health Service Review is underway and will identify most of these savings.</li> <li>• Fees and Charges levied by PH&amp;PP are being revised to increase income.</li> <li>• A service based review is also underway for Environmental Health and some posts are on a fixed term contract until this has been completed.</li> </ul> <p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>• A revised budget has been agreed for 2013/2014 and an original for 2014/15.</li> <li>• A review of the Port Health Service has been undertaken to ensure it provides the most effective use of resources. The loss of trade, particularly at Thamesport, and the opening of the London Gateway Port have been taken into account and the resulting changes will be implemented during the forthcoming year. The Service will be kept under continuous review as trade develops at London Gateway (including impact on other ports).</li> <li>• Service Based Review for City Fund completed and results sent to lead Chief Officer.</li> <li>• Service Based Reviews of City Cash services now being undertaken corporately.</li> </ul>
2	Introduce a focus group to ensure a consistent approach to enforcement throughout the Service.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>• Nominations from different teams have been sought for representation on the group.</li> <li>• The Terms of Reference have been drafted.</li> <li>• The first meeting is scheduled for September.</li> </ul> <p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>• First meeting has been held.</li> <li>• Enforcement protocols and procedures to be reviewed.</li> </ul>

3	Implement the review of the Port Health Service in preparation for the opening of the London Gateway Port and ensure the Service's operations continue in a safe, secure and uninterrupted manner.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>Proposals have been presented to the staff and individual consultations are underway.</li> <li>The impact of London Gateway opening is under constant review to ensure that sufficient resources are deployed to service the Port.</li> <li>The inspection facilities have been completed and the lease agreed for the office.</li> <li>Thamesport will no longer require a permanent presence, so some staff will transfer to London Gateway.</li> </ul> <p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>London Gateway Port opened on 7 November 2013.</li> <li>Thamesport staff have transferred to work either at the Tilbury office or London Gateway.</li> <li>Staff are familiarising themselves with new working arrangements introduced as a result of the opening of London Gateway.</li> </ul>
4	Continue to implement the Noise Strategy including deciding on options for Out of Hours (OOH) service delivery.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>Out of Hours Contract with Westminster CC extended to March 2014.</li> <li>CoL Code of Practice for Construction and Deconstruction Sites revised and agreed.</li> <li>Code of Practice for minimising noise from street works developed for Committee approval.</li> <li>Noise Service Delivery Policy developed and agreed.</li> <li>Broad input to integrate noise minimisation into draft Local Plan, Aldgate Gyratory Scheme and draft new Street Scene Manual.</li> <li>Development of M&amp;CP / Planning Enforcement Protocol.</li> </ul>

		<p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>• Review of Westminster City Council's performance as OOH provider underway.</li> <li>• Alternative delivery model using Street Environment Officers (SEO) is being developed.</li> <li>• Three SEOs undertook training towards the Certificate of Competence in Environmental Noise Measurement to build SEO noise competence.</li> <li>• Aldgate Gyratory Phasing meetings attended and discussion begun early on environmental controls.</li> <li>• Team has engaged with Bank Station Capacity Upgrade Project to support the development and minimise its impact on the City.</li> </ul>
5	Implement and comply with the requirements of the Health & Safety Executive's new National Local Authority Enforcement Code – Health and Safety at Work.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>• Compliance in line with the code as:               <ul style="list-style-type: none"> <li>a) inspections of cooling towers are included on the list of permitted enforcement activities and are therefore continuing in the City as normal; and</li> <li>b) activities at Smithfield also fall within the list of activities and can therefore be subject to pro-active inspection.</li> </ul> </li> <li>• Interventions at Smithfield focusing on uncontrolled risks and areas of evident concern in stakeholder areas.</li> <li>• The implications for the future of other health &amp; safety enforcement activities by the City Corporation will be subject to a detailed report to Members at November's PH&amp;ES Committee.</li> </ul> <p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>• Smithfield Enforcement Team continues to focus interventions where uncontrolled risks and areas of evident concern are identified.</li> <li>• Report approved by PHES Committee in November on the way forward with a greater emphasis on the gathering and use of health and safety intelligence to inform local projects in the City.</li> <li>• A London-wide approach to intelligence gathering and handling is being lobbied for by the CoL representatives on the London Boroughs Health and Safety Liaison Group and its Policy Board.</li> </ul>

6	Respond to any further legislative changes affecting the importation of animals at HARC to protect animal health and income streams.	<p><b>Period 1: April – July 2013</b></p> <ul style="list-style-type: none"> <li>• The recently enacted Regulation (EU) 576/2013 should result in no major changes to work at the Animal Reception Centre. Discussions regarding animals carried as baggage continue with Defra and the Home Office.</li> </ul> <p><b>Period 2: August – November 2013</b></p> <ul style="list-style-type: none"> <li>• The Assistant Director, Animal Health, continues to attend Defra workshops on implementation of the new Regulation.</li> <li>• Animals will be allowed to come into the UK as baggage from EU Member States some time in 2014 (commencement date is to be confirmed).</li> <li>• Lobbying of Government Agencies and Departments continues to protect income streams.</li> </ul>
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**Port Health & Public Protection Enforcement Activity  
Period 2 (August – November) 2013-14**

<b>Food Safety</b>	<b>2013-14 Target (where applicable)</b>	<b>Period 2 Total (Year to date totals are shown in brackets)</b>
Programmed inspections	<u><b>Food Hygiene:</b></u> <b>860</b>  <u><b>Food Standards:</b></u> <b>191</b>	<u>Food Hygiene:</u> 271 (568)  <u>Food Standards:</u> 57 (132)
Hygiene Emergency Closures	<b>N/A</b>	0 (0)
Voluntary closures	<b>N/A</b>	0 (1)
Complaints & service requests received	<b>N/A</b>	61 (158)
Notices served	<b>N/A</b>	0 (14)
Prosecutions	<b>N/A</b>	0 (0)

## Port Health & Public Protection Enforcement Activity Period 2 (August – November) 2013-14

### Food Hygiene Rating Scheme (FHRS) – profile of food businesses in the City of London

Food Hygiene Rating Scheme (FHRS) – profile of food businesses in the City of London			
Hygiene Rating	Number (percentage) of food businesses		
	March 2013	August 2013	29 November 2013
<b>5</b>	925 (58%)	908 (56%)	<b>903 (55%)</b>
<b>4</b>	345 (22%)	378 (23%)	<b>387 (23%)</b>
<b>3</b>	171 (11%)	168 (10%)	<b>172 (10%)</b>
<b>2</b>	69 (4%)	83 (5%)	<b>98 (6%)</b>
<b>1</b>	61 (4%)	67 (4%)	<b>70 (4%)</b>
<b>0</b>	12 (1%)	25 (2%)	<b>24 (2%)</b>
<b>Total no. food businesses in the City which are included in the FHRS</b>	<b>1583</b>	<b>1629</b>	<b>1654</b>

#### '0' rated food businesses in the City

These businesses were rated '0' at 29 November 2013; some have been since been re-inspected - further information is given in the 'Details' column.

Premises	Details
<b>Anokha</b> , 4 Burgon Street, London, EC4V 5DR	A further inspection has been completed and the premises has changed hands; it is now rated 3.
<b>Apt Bar</b> , Aldermay House, 15 Queen Street, London, EC4N 1TX	Very poor pest management including poor standards of cleaning. Improvements have been made but this remains a premises to watch.
<b>Caffé Concerto</b> , 15 Upper Cheapside Passage, London, EC2V 6AG	Pest infestation (cockroaches); poorly managed food safety procedures. Improvements have been made but confidence in management will need to be further tested on the next full inspection.
<b>Casella</b> , Retail Unit 8, Salisbury Court, London, EC4Y 8AA	Poor cleaning practices; pest activity; and lack of hot water. Improvement Notice served which was complied with in the time given.
<b>Chapters Deli</b> , Retail Unit 50, Bishopsgate, London, EC2N 4AJ	Failure to maintain appropriate temperature controls; poor cleaning; and an active mouse infestation.
<b>Enoteca</b> , 10 Basinghall Street, London, EC2V 5BQ	General failures to manage food safety including pre-requisite food hygiene systems. Improvements have now been made.
<b>Gerry's Café</b> , Retail Unit 39, Ludgate Hill, London, EC4M 7JN	Poor food safety management and practices. Some improvement has been made but confidence in management remains at low level.
<b>Gilt London</b> , 14 New London Street, London, EC3R 7NA	Rat infestation removed following closure; extensive work was required to remedy the problems and this was completed prior to re-opening.
<b>Grab</b> , 68 Queen Victoria Street, London, EC4N 4SJ	Pest control issues discovered are now resolved. Food safety practices a problem, business lacked sufficient oversight; poor level of competency amongst staff. Confidence remains low.

**Port Health & Public Protection Enforcement Activity  
Period 2 (August – November) 2013-14**

<b>Guildhall Members Club</b> , 5 Aldermanbury, London, EC2V 7HH	Re-inspected; alterations in management supervision and new processes have resulted in improvements; it is now rated 3.
<b>Jamie's Wine Bar and Restaurant</b> , 36 Tudor Street, London, EC4Y 0BH	No hot water at time of inspection (now remedied); other poor equipment and structure issues. Food safety risks evident (cross contamination); insufficient management practices to ensure improvements. Reactive improvements made; confidence to sustain these needs further testing (at next inspection).
<b>Konditor &amp; Cook Ltd</b> , Retail Unit 3, 30 St Mary Axe, London, EC3A 8BF	Revisits made with the company; improvements already underway. The company has responded very positively to our intervention and are reorganising their food safety management system across their branches.
<b>Kurumaya</b> , 76 Watling Street, London, EC4M 9BJ	Significant food safety issues. A Hygiene Improvement Notice was served and complied with and the SFBB (Safer Food Better Business) food safety management system was put in place - sustained compliance is to be gauged at the next inspection.
<b>La Bourse</b> , Unit 2&3, 60 Threadneedle Street, London, EC2R 8HP	A Hygiene Improvement Notice was served and new food safety management procedures have now been adopted; these were designed by a consultancy who also trained the staff. A follow up inspection will test whether these procedures have been properly adopted.
<b>Punch Tavern</b> , 99 Fleet Street, London, EC4Y 1DE	The food business has a poor record of compliance with improvements being purely reactive.
<b>Radford News</b> , Ground Floor, Retail Unit 61, Fleet Street, London, EC4Y 1JU	The premises serves only wrapped food but it had a serious pest infestation which resulted in closure; the premises reopened after the infestation was managed.
<b>Taberna Etrusca</b> , 9 Bow Churchyard, London, EC4M 9DQ	Re-inspected December 2013; the business has improved following extensive problems and now has a rating of 3 (Generally Satisfactory).
<b>Taylor Street Baristas Ltd</b> , 125 Old Broad Street, London, EC2N 1AR	Poor food safety management. A Hygiene Improvement Notice was served and complied with. The premises has since improved.
<b>The Cuban, Retail Unit 2b</b> , 1 Ropemaker Street, London, EC2Y 9AW	This business has been rated 'A' under the Food Law Code (i.e. inspected on a 6 monthly basis) on the last three inspections; it has been formally closed and had Hygiene Improvement Notices served. Their approach is reactive at best to our interventions and sustained improvements have not yet been made. It is shortly due another full inspection.
<b>The Duke and Duchess</b> , 2-3 Creed Lane, London, EC4V 5BR	Food safety management system did not cover critical cross contamination risks; poor cleaning. Urgent improvements made. The premises is rated 'A' under the Food Law Code (i.e. inspected on a 6 monthly basis) and is now due for full inspection.
<b>The India Restaurant</b> , Retail Unit 21, College Hill, London, EC4R 2RP	Poor structural layout (now improved); poor food handling practices (Hygiene Improvement Notice action taken); food safety management system (SFBB in place to comply). A recent visit suggests

## Port Health & Public Protection Enforcement Activity Period 2 (August – November) 2013-14

	practices remain poor; samples were taken. Further improvement still required.
<b>The Mercer Kitchen</b> , Retail Unit 3, St Andrew's Hill, London, EC4V 5BY	On inspection the premises was found to be under new management (but had not registered with us). A lot of work was required and a Hygiene Improvement Notice was served. The notice was complied with and other improvements have been made to their systems. The next inspection (January 2014) will ascertain whether these have been sustained.
<b>Treats, Booking Hall</b> , St Paul's Underground Station, Cheapside, London, EC2V 6AA	Business has a varied track record and food safety management systems are still not properly in place: discussion is taking place about who operates the location. Pest control activity noted with some stock damage. Food safety is poorly managed. The business' response is reactive.
<b>Tsuru</b> , Retail Unit, Aldermay House, 15 Queen Street, London, EC4N 1TX	Following a closure and two 'A' ratings under the Food Law Code (i.e. inspected on a 6 monthly basis) the business has sustained some improvement but it still remains a 1 under FHRS. Our confidence in management remains relatively low.

### Period 2 – Food Safety Team Highlights

- A food poisoning outbreak occurred in September 2013, one strand of which involved a function in a City venue; investigations involved environmental health officers in the City, the London Borough of Southwark and Westminster City Council as well as colleagues in three of the London Health Protection Teams and others in Public Health England. An investigation report is expected early in 2014.
- Five officers from the team completed their Advanced Professional Certificate in Investigative Practice in this period, attending courses in September and October and completing a range of coursework. The certificate is a nationally recognised post graduate qualification and, though not a prerequisite for investigators, it is a very useful adjunct.
- A further Primary Authority partnership was agreed with the catering company Harbour & Jones Ltd, principally to provide food safety advice. Amongst other venues this company provides catering for St Paul's Cathedral; initial advice has been given on the company's food safety management systems and the degree to which these are likely to ensure compliance with their legal obligations.
- Further work has been done with the Members' Kitchen; there have also been changes in the way this venue is overseen. As a result there have been improvements and the venue is now rated as a 3 under the FHRS scheme with further progress expected.
- Mandatory display of food hygiene ratings (FHRS) became law in Wales in November; effects will be closely watched.

## Port Health & Public Protection Enforcement Activity Period 2 (August – November) 2013-14

Health & Safety	2012-13 Annual Total	2013-14 Target (where applicable)	Period 2 Total (Year to date totals are shown in brackets)
Programmed Cooling Tower inspections	68	<b>80</b>	15 (47)
Other H&S Inspections	7 High Risk 25 MST* <sup>1</sup>	<b>High Risk 15 MST *<sup>1</sup></b>	2 (7)
H&S Project visits	25 Asbestos	<b>10 seasonal overstocking with London Fire Brigade</b>	4* <sup>2</sup> (4)
Accident notifications	286	<b>N/A</b>	86 (174)
Complaints & service requests received	241	<b>N/A</b>	60 (134)
Notices	3	<b>N/A</b>	2 (3)
Prosecutions	1	<b>N/A</b>	0 (0)

\*<sup>1</sup>MST – Massage and Special Treatment

\*<sup>2</sup>The target to carry out 10 H&S project visits on seasonal overstocking was not met as the London Fire Brigade were only available to carry out joint visits on 1 day rather than the 2 days the team had planned.

### **Period 2 – HEALTH & SAFETY TEAM HIGHLIGHTS**

- Team members provided safety management advice and support to the organisers of the Lord Mayor's Show.
- Income was generated from the provision of training sessions to health and safety enforcement staff from two other local authorities on the inspection of cooling towers (legionella risks).
- The team participated in a joint visit programme with officers from the London Fire Brigade to assess fire and safety risks associated with overstocking in retail premises during the Christmas period.
- Improvement Notices were served at two City premises in order to rectify breaches of health and safety legal requirements relating to legionella control from cooling towers.
- The team supported the Licensing Team's investigation into activities at The Red Lotus Spa, Middlesex Street.

**Port Health & Public Protection Enforcement Activity  
Period 2 (August – November) 2013-14**

Trading Standards	2013-14 Target (where applicable)	Period 2 Total  (Year to date totals are shown in brackets)
Inspections and visits	N/A	40 (47)
Complaints & service requests received	N/A	1069 (1905)
Home Authority referrals	N/A	380 (440)
Consumer credit investigations	N/A	53 (118)
Consumer safety notifications	N/A	3 (5)
Acting as a responsible authority for Licensing Applications	N/A	8 (58)
Prosecutions	N/A	0 (0)

**Period 2 – Trading Standards Highlights**

- The team continues to carry out investigations into serious frauds relating to commodity scams in conjunction with the NTSB (National Trading Standards Board)/Scambusters.
- Visits to licensed premises to check compliance with Challenge 25 recommendations showed a low level of compliance. The Challenge 25 scheme requires that every person buying an age restricted product such as alcohol, who looks under the age of 25, is challenged to produce a valid ID.

## Port Health & Public Protection Enforcement Activity Period 2 (August – November) 2013-14

Pollution	2013-14 Target (where applicable)	Period 2 Total	% Noise Complaints Resolved	Notices Served	Prosecutions
		(Year to date totals are shown in brackets)			
Complaint investigations, noise	N/A	453 (833)	99.5%	4 (EPA) (8)	0 (0)
Complaint investigations, other	N/A	57 (126)	N/A	0 (0)	0 (0)
Licensing, Planning and Construction Works applications assessed	N/A	341 (742)	N/A	5 (CoPA) (11)	N/A
No. of variations (to construction working hours) notices issued	N/A	192 (426)	N/A	N/A	N/A

EPA: Environmental Protection Act 1990

CoPA: Control of Pollution Act 1974

### Period 2 – Pollution Team Highlights

- Crossrail: Phyllis, the tunnel boring machine, made its way to the East Ticket Hall under Smithfield Market where she is being 'laid to rest'. The operation was well planned and no complaints were received by the team.
- Crossrail: Some sites are working up to 24/7; all operations have been well planned, and liaison has been effective using established relationships with no justified complaints received.
- A Pollution Team Customer Service Survey was piloted with a 55% response rate. 70% of respondents agreed or strongly agreed that the officer handling the case was helpful and professional.
- 4 abatement notices have been served under S80 of the Environmental Protection Act to control excessive noise, 3/4 for licensed premises.
- Objections were made against proposed Temporary Event Notices (TEN) at Patch, Carter Lane. 3 out of 4 TENs were refused.
- The Schools Clean Air Zones Project saw 30 children and 6 Friends of City Gardens volunteers planting 40 air quality plants on the Sir John Cass school roof garden. The project aims to trap particulates and engage with the children on air pollution issues.
- The Team has launched a smartphone App in conjunction with Kings College London. Among other functions, the 'CityAir' App provides current levels of air pollution across London and was downloaded 2,500 times in its first week.

## Port Health & Public Protection Enforcement Activity Period 2 (August – November) 2013-14

Animal Health & Welfare	2013-14 Target (where applicable)	Period 2 Total	Warning Letters	Notices Served	Prosecutions
(Year to date totals are shown in brackets)					

<b>Animal Reception Centre</b>					
Throughput of animals (no. of consignments)	N/A	7355 (14770)	16 (35)	0 (33)	1 (5)
<b>Animal Health</b>					
Inspections carried out*	N/A	132 (289)	1 (1)	14 (25)	1 (1)
*Due to the legislation, most of the Animal Health licensing inspections are carried out at the end of the calendar year and figures will, therefore, fluctuate across quarters.					

### **Period 2 – Animal Health & Welfare Highlights**

- The Animal Health team has been involved, in conjunction with the London Borough of Harrow, in the successful prosecution under the Animal Welfare Act 2006 and the Animal By Product Regulations, of a defendant who was keeping Red Poll Cattle. The case was heard in the magistrates' court in November, with City of London officers providing evidence. A decision on 20 December found the defendant guilty on all the welfare related offences, although he was found not guilty on one offence of failure to remove a carcase. The defendant received 120 hours community service and the London Borough of Harrow were awarded half of the costs they had applied for.



**Port Health & Public Protection Enforcement Activity  
Period 2 (August – November) 2013-14**

Port Health	2013-14 Target (where applicable)	Period 2 Total	Cautions	Notices Served	Prosecutions
		(Year to date totals are shown in brackets)			
Food Safety inspections and revisits	N/A	90 (124)	0 (0)	0 (0)	0 (0)
Ship Sanitation Inspections and Routine Boarding of Vessels	N/A	45 (58)	0 (0)	0 (0)	0 (0)
Imported food Not of Animal Origin -document checks	N/A	5074 (9884)	0 (0)	70 (192)	0 (0)
Imported food Not of Animal Origin - physical checks	N/A	171 (634)	0 (0)	-	0 (0)
Number of samples taken	N/A	100 (276)	N/A	N/A	N/A
Products of Animal Origin Consignments – document checks	N/A	3541 (7239)	0 (0)	10 (33)	0 (0)
Products of Animal Origin Consignments – physical checks	N/A	1229 (2485)	0 (0)	3 (8)	0 (0)
Number of samples taken	N/A	109 (235)	N/A	20 (72)	N/A

**Period 2 – Port Health Highlights**

- The new London Gateway Port opened in November. Members of Port Health staff have transferred to the new site and are familiarising themselves with the new working arrangements. Staff have worked closely with the Port Owner and operator, Dubai Ports (DP) World, to ensure that the new inspection facility, now operational, is the most modern and largest in Europe.
- The 41st City of London Thames Fishery Research Experiment took place on 19 October at the Denton Port Health Office. The results of the experiment enable the City, Environment Agency, Thames Angling Preservation Society, and other members of the river community, to establish the environmental condition of the River Thames through the number and size of fish species caught.

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### Port Health and Public Protection Key Risks

The table below shows a selection of our key risks which form part of our Departmental Risk Tracker. These are reported to Committee as part of the periodic Business Plan Progress Reports.

Risk No.	Risk	Gross Risk		Risk Owner / Lead Officer	Existing Controls	Net Risk			Planned Action	Control Evaluation
		Likelihood	Impact			Likelihood	Impact	Risk Status & Direction		
M C P 4	Risk of serious injury to staff and service users due to constrained space for vehicle movement which, in the event of a serious accident/fatality could affect the operation and sustainability of the service.	4	4	Market Superintendent Port Health & Public Protection Director	The TOP X risk priority system and a near miss reporting system is in place.  Banksman employed at HARC.  All accidents fully investigated and any follow up actions implemented.	3	4	A ↔	Review of traffic management controls currently being undertaken.	G
M C P 5	Failure by enforcement officers to act within statutory requirements.	3	4	Port Health & Public Protection Director	Competent enforcement officers; clear policies, procedures and decision making; monitoring of enforcement officers	2	4	A ↔		G
M C P 6	Failure to meet Air Quality limit values in the City by the prescribed dates.	4	4	Port Health & Public Protection Director	The current systems in place allow the City to demonstrate that it is taking sufficient effective action to help the government and the GLA to meet air quality Limit Values	4	4	R ↔	To be raised at the next SRMG Core Group meeting as this may need to be dealt with as a strategic risk.	A
M C P 8	Loss of quarantine licensing due to breach of regulations or legislative change. This would result in the closure of the facility causing financial loss and negative publicity for the City.	3	4	Port Health & Public Protection Director	Current procedures reflect regulatory requirements and are actively managed.	2	1	G ↔		G
Ratings		Risk Status				Control Evaluation				
R - Red		High risk, requiring constant monitoring and deployment of robust control measures.				Existing controls are not satisfactory				
A - Amber		Medium risk, requiring at least quarterly monitoring, further mitigation should be considered.				Existing controls require improvement/Mitigating controls identified but not yet implemented fully				
G - Green		Low risk, less frequent monitoring, consideration may be given to applying less stringent control measures for efficiency gains.				Robust mitigating controls are in place with positive assurance as to their effectiveness				

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**Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 30th November 2013**  
**(Income and favourable variances are shown in brackets)**

**Appendix E**

	Latest Approved Budget 2013/14 £'000	Budget to Date (Apr-Nov)			Actual to Date (Apr-Nov)			Variance Apr-Nov £'000	Forecast for the Year 2013/14			Notes
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000		LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	
<b>Port Health &amp; Environmental Services (City Fund)</b>												
Coroner	39	25	0	25	31	0	31	6	39	39	0	
City Environmental Health	1,672	1,332	(217)	1,115	1,316	(214)	1,102	(13)	1,672	1,664	(8 )	
Pest Control	94	111	(62)	49	105	(60)	45	(4)	94	91	(3 )	
Animal Health Services	(543)	1,386	(1,748)	(362)	1,372	(1,793)	(421)	(59)	(543)	(558)	(15 )	1
Trading Standards	274	203	(20)	183	205	(22)	183	0	274	274	0	
Port Offices & Launches	882	1,933	(1,345)	588	1,931	(1,355)	576	(12)	882	926	44	2
Meat Inspector's Office (City Cash)	360	277	(37)	240	273	(33)	240	0	360	360	0	
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>2,778</b>	<b>5,267</b>	<b>(3,429)</b>	<b>1,838</b>	<b>5,233</b>	<b>(3,477)</b>	<b>1,756</b>	<b>(82)</b>	<b>2,778</b>	<b>2,796</b>	<b>18</b>	

**Notes:**

- 1. Animal Health Service** - the favourable variance to date is based on current throughput of work for additional passports for pets income and underspends on repairs & maintenance works relating to budget carry forwards from 2012/13 due to delays in sourcing suitable flooring products.
  - 2. Port Offices & Launches** - the projected year end overspend is due to the effect of downturns in CVED (Common Veterinary Entry Documents) income due to the closure of Thamesport; redundancy costs; and other projected London Gateway costs; which mean the full use of the POAO reserve of £399k has been made in the revised estimates. However, slightly less will now be used from the reserve as its currently projected other underspends within Port Health & Environmental Services Committee will be achieved.
- The forecasts do not currently include the full effects of London Gateway due to the uncertainty of these and so the outturn is likely to change in the coming months.

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# Agenda Item 6

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health & Environmental Services	21 January 2014
<b>Subject:</b> Animal Reception Centre - Heathrow Airport: Annual Review of Charges	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>The purpose of this report is to seek 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 2014/15.</p> <p>The continued increase in throughput following the changes to the legislation in 2012 and a moderate overall increase in fees for 2014/15 should mostly offset increased costs, with the service operating at a small deficit in 2014/15.</p> <p><b>Recommendations</b></p> <ul style="list-style-type: none"><li>• The charges included in the Appendices to this report be adopted and applied at the HARC, with effect from 1 April 2014 or as soon as it is practicable thereafter.</li><li>• in the event that your Committee agrees to the recommendation contained in paragraph (a) it is <u>further <b>RECOMMENDED</b></u> that the proposed Byelaws contained in Appendix A.1 to this report are approved and that 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.</li></ul>	

## **Main Report**

### **Background**

1. The charges for holding animals and provision of other services at the Heathrow Animal Reception Centre (HARC) are due to be reviewed towards the end of the financial year to enable an appropriate variation to be applied with effect from the following April. This advance consideration is necessary because the major proportion of the charges is in respect of quarantine animals and allied services and has to be introduced as an “additional byelaw” to the principal byelaws for the Centre. This takes somewhat longer than a more simplistic, discretionary fee increase. The second, smaller element of the charges is not byelaw controlled and relates to non-quarantine (export and boarding) charges but for practical and operational reasons the two are dealt with together.

2. The funding review in 2011 agreed that the facility should aim to achieve full cost recovery within five years, and this was achieved in 2011/12 (with the exception of one-off capital charges incurred in that year), with a small surplus in 2012/13. However, increased costs (particularly in relation to central recharges and the City Surveyor's Additional Works Programme of repairs and maintenance) mean that the projected outturn for 2013/14 is a deficit of £73,000.
3. The main source of income at HARC, the Pet Travel Scheme, is a non-statutory function and is thus open to competition from commercial enterprises. Following a period of substantial fee increases to ensure a move towards full cost recovery, the last two years' increases have been kept to around the rate of inflation (see point 12 to this report).

### **Current Position**

4. From 1 January 2012 the UK harmonised its rules with the rest of the European Union for the importation of dogs, cats and ferrets, as the previous derogation to the rules expired on 31 December 2011. The new arrangements make it extremely easy for people to bring their animals in from 'listed countries' (these are the countries that were in the Pet Travel Scheme prior to 1 January 2012 and are those deemed rabies free, or with good rabies controls in place) and allows the importation of animals from 'un-listed countries', (i.e. the rest of the world) without having to undergo six months quarantine on arrival. The process for the rest of the world is similar to the process for 'listed' countries' prior to 1 January 2012.
5. Thus, there is now a dual set of requirements. For 'listed countries', all that is required is a microchip, vaccination against rabies, a wait 21 days, and then the animal can travel. For un-listed countries, there is a requirement for a microchip, vaccination, a blood test 30 days after vaccination and then a three month wait before travel. This is similar to the former scheme, except that the wait has come down from six months to three months. This consolidates the old legislation and makes very few changes to the current regime.
6. Trade rose 8% during the course of the 2012/13 financial year. Expenditure budgets at the ARC have risen over the past two years to reflect the increased throughput, which has necessitated greater use of consumables (food, bedding etc.) and recruitment of additional staff. It is envisaged that staffing levels are now correct for the current throughput. The income for Animal Health during 2013/14 is originally projected as £2.5M.
7. Current projected income for Animal Health in 2014/15 taking into account the charges proposed in this report is £2.56M, and the overall deficit should be reduced to £10,000.
8. Dogs and cats travelling under the Pet Travel Scheme are currently only allowed to travel as manifested freight. This is a secure means of shipping goods and stops any animals from entering the U.K. without having the necessary checks. The City Corporation has been in negotiations with Defra, HMRC and Border Force, (BF), on trialling a system of allowing pets to be imported as passenger baggage. It is now envisaged that the scheme will start with EU movements some time in 2014. This may lead to an increase in trade.



## Proposals

9. Having regard to the continuing need to balance and maximise the HARC income against the danger of reducing the customer base at the Centre, I propose that the HARC Schedule of Charges is amended as shown in Appendix 1.
10. I have only recommended a moderate increase in some fees this year as there is a need to retain competitiveness, and the increase will move the service closer to its target break-even position during 2014/15. Annual inflation is currently circa 2.1% and the overall effect of the recommended increase in fees is circa 2.5%
11. The Comptroller and City Solicitor will prepare the necessary revised Byelaws that reflect the proposed charges as contained in Appendix 1.

## Implications

12. The Comptroller and City Solicitor has been consulted and comments:

“The statutory provision under which these charges are now made is Section 30 of the City of London (Various Powers) Act 1987 (which was an enactment removing the need for Ministerial approval of the HARC Byelaws), which provides ... “the charges imposed by such Byelaws shall be such as to secure so far as is possible, that taking one year with another, the aggregate amount raised by such charges is equivalent to the reasonable costs incurred by the Corporation in operating the Animal Reception Centre”. The need for increases to be reasonable is especially important here, since, unusually, the Byelaws machinery which implements the new charges is not subject to any public notification procedure or to confirmation by the appropriate Minister”.
13. There is the potential for competition at Heathrow for the Pet Travel Scheme (PETS) part of our operation as this is not a statutory function. The legislation makes the carriers (in our case airlines), responsible for checking PETS. At Heathrow Airport, the City Corporation has negotiated Service Level Agreements with all the airlines that are currently in PETS, but this does not mean that a private organisation could not enter this ‘market’ by undercutting HARC fees. There is therefore a need to keep charges competitive.

## Conclusion

14. Changes to fees in previous years have resulted in the Animal Health Service increasing its income, and the fees that are proposed for 2014/15 should offset some of the increase in costs that have led to the service operating at a small deficit.

**Appendices:** Appendix 1, Additional Byelaws relating to Heathrow Animal Reception Centre, to incorporate revised charges for 2013/14

**Contact:** *jon.averns@cityoflondon.gov.uk | telephone number: 020 7332 1603*

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## ADDITIONAL BYELAWS RELATING TO THE HEATHROW ANIMAL RECEPTION CENTRE

BYELAWS made by the Mayor and Commonalty and Citizens of the City of London acting by the Mayor, Alderman and Commons of the said City in Common Council assembled in pursuance of Sections 42 and 43 of the Markets and Fairs Clauses Act 1847 as applied by Section 54 of the Animal Health Act 1981 with respect to the Heathrow Animal Reception Centre, London.

In these Byelaws unless the context otherwise requires “the Principal Byelaws” means the byelaws made by the Mayor and Commonalty and Citizens of the City of London acting by the Mayor, Alderman and Commons of the said City in Common Council assembled on 1 July 1976 and confirmed by the Minister of Agriculture, Fisheries and Food on 12 November 1976.

From the date of coming into operation of the Byelaws the Additional Byelaws made by the Mayor and Commonalty and Citizens of the City of London acting by the Mayor, Aldermen and Commons of the said City in Common Council assembled on 19 April 2012 (and sealed on 2X April 2012) shall be repealed and the following Schedule shall be substituted for the Schedule to the Principal Byelaws.

### SCHEDULE

#### PART I

*(2013 charges quoted in bracket where changes are proposed)*

**Minimum charge for any one consignment £160 (£155)**

#### ANIMALS CHARGE PER CONSIGNMENT

<b>1. Mammals</b>	£160 (£155) for up to 24 hours	£51 (£50) per day or part thereof after 24 hours
<b>2. Reptiles</b>	£160 (£155) for up to 24 hours	£185 (£180) per day or part thereof after 24 hours

**Transit commercial reptile consignments should be booked through to have a maximum stay at Heathrow of 24 hours. Any transit commercial reptile consignments that stay more than 24 hours and require transferring from their containers will incur the additional special handling charge detailed below.**

Additional special handling for any consignment	£185 (£180) minimum per consignment	£56 per day or part thereof after 24 hours
-------------------------------------------------	-------------------------------------	--------------------------------------------

**3. Birds** £56 (£50) per box per day £160 minimum charge

**Transit commercial bird consignments should be booked through to have a maximum stay at Heathrow of 36 hours. Any transit commercial bird consignments that stay more than 36 hours will be charged at £35 (£33) per box per day, or part thereof.**

Bird Quarantine £360 - £1135 (£350-£1100) incl. of Local Veterinary Inspector fees, depending on size of consignment and housing requirements.

Faecal Sampling and Bird Autopsy costs as per current DEFRA rates. Larger consignments to be negotiated see Part 2, Section 6

**4. Fish/Aquatic** £1.70 (£1.65) per box £30 (£25) minimum charge  
**Invertebrates/Semen/  
Fish and Bird Eggs**

### **5. Cats and Dogs under the Pet Travel Scheme**

PETS originating in the E.U. will be charged a 'checking fee' of £39 (£38) per animal in addition to the collection charge of £70 (see Part 2 section 5).

PETS originating outside the E.U. will be charged normal rates as in 1 above for the first animal, i.e. £160 (£155) and, where the consignment consists of more than one animal, a checking fee of £39 (£38) per animal thereafter.

PETS checked at aircraft (Assistance Dogs) £200 (£195) plus 1 hour collection charge £140 = £340 (£335). Where the consignment consists of more than one animal, a checking fee of £39 (£38) per animal thereafter.

***A surcharge of £600 will be added to the above for any transit consignment that has landed without an "OK to forward" from the on-going airline.***

### **6. Security**

A charge of £16 (£14) will be made in respect of any consignment which requires security screening prior to leaving the ARC.

### **7. Not on Board**

Requests for collection of animals from aircraft which are subsequently not found on board will be charged at normal collection charge (see Part 2, Section 5).

## PART 2

1. Destruction including disposal of livestock or goods - £36 (£35) per kilogram.
2. Cleansing and disinfecting aircraft, animal holding facilities, vehicles, loose boxes etc - £310 (£300) per hour (including disposal of special waste).
3. Identification of species for DEFRA/HM Revenue and Customs/Border Agency - £140 per hour. Assisting on off airport operations - £70 per hour/£400 per day
4. Re-crating or repair to crates - £134 plus cost of materials.
5. Collection and delivery of animals and birds to and from the Animal Reception Centre by an Animal Reception Centre member of staff - £140 per hour or £70 per consignment if no extra waiting time.
6. Long term rates for government agencies and non-government agencies i.e. RSPCA, to be negotiated.
7. Modification of containers to I.A.T.A standards:-
  - Space Bars/Battens - £45 (£44) per box
  - Air Holes - £18 (£18) per box
  - Water Pots - £18 (£18) per box

(If these services are carried out on the airport an additional fee of £70 applies for 'delivery' of the service).
8. Use of Large Animal Facility (per consignment) £320 (£310)

Dated                                      day of                                      2013

THE COMMON SEAL OF THE MAYOR  
AND COMMONALTY AND CITIZENS  
OF THE CITY OF LONDON was  
hereunto affixed in the  
presence of:

### **Hillingdon London Borough Agency**

To carry out all animal welfare inspections at export accommodation within Heathrow Airport - £10,600 per annum.

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health and Environmental Services Committee	21 Jan 2014
<b>Subject:</b> Citizen Science – Air quality monitoring with City residents	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<p style="text-align: center;"><b>Summary</b></p> <p>The City of London Corporation has a statutory responsibility to assess air quality and fulfils this duty, in part, by monitoring air pollution at ten locations across the Square Mile. As part of an obligation to improve air quality, local authorities are encouraged to work with communities to improve their understanding of air pollution. External funding has been obtained to work with residents of the Barbican and Mansell Street estates to monitor air quality in their locality and encourage residents to take action to reduce their exposure.</p> <p>The City Corporation has appointed Mapping for Change, a social enterprise based at University College London, to organise and coordinate the monitoring. The Barbican residents have been monitoring air quality since October 2013, and will continue to do so for 12 months. Monitoring with Mansell Street residents will commence in spring 2014. A workshop will also be held for participants to improve their understanding of air pollution in urban environments. Further monitoring may be undertaken with additional residents in the City subject to funding.</p> <p><b>Recommendation</b></p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>• Note the report</li> </ul>	

## Main Report

### Background

1. The City of London Corporation has a statutory duty to assess air quality, and compare the levels of pollution to health-based standards. These standards are set by both the European Union and UK government for a range of pollutants. The City Corporation has an air quality monitoring network, which has been designed with these standards in mind.

2. Air quality in the City does not meet the standards for two pollutants: nitrogen dioxide and small particles (PM<sub>10</sub>). 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.
3. As part of an obligation to improve air quality, local authorities are encouraged by the Department of the Environment and Rural Affairs (Defra) to work with residential communities to increase the understanding of air pollution.
4. External funding has been obtained from Defra and the Mayor of London Air Quality Fund to work with residential communities in the City to monitor local air quality.
5. Mapping for Change, a social enterprise based at University College London, have been appointed to organise and coordinate the monitoring.

### **Current Position**

6. Fifty three households are currently monitoring nitrogen dioxide outside their properties in the Barbican estate. Monitoring commenced in October 2013 and will continue for a year. Nitrogen dioxide is also being monitored at street and podium level for comparison.
7. Barbican residents will also be measuring small particles (PM<sub>2.5</sub>) with hand held devices on routes around the City. Ozone will be monitored during the spring and summer of 2014.
8. A similar monitoring programme with Mansell Street residents will commence in spring 2014. Further monitoring with City residents may be undertaken subject to funding.
9. An event will be held for participants during 2014 to feedback the results of the air quality assessment, and for residents to increase their understanding of air quality in the City.

### **Corporate & Strategic Implications**

10. Air quality monitoring with residents 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’.



The work supports the following action within the Port Health and Public Protection Business Plan 2013 – 2016:

- Continue to apply for funding to support air quality improvement work.

## **Conclusion**

11. Monitoring air quality with City residents will help to improve their understanding of how air pollution varies from day to day and in different locations in an urban environment. This will enable residents to reduce their exposure to higher levels of pollution leading to an improvement in health and wellbeing over time.
12. An increased understanding of air pollution and its sources should also lead to greater support for local action to improve air quality in the City.

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<b>Committee(s):</b>	<b>Date(s):</b>
Port Health and Environmental Services	21 January 2014
<b>Subject:</b> 41st City of London Thames Fishery Research Experiment 2013	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>The purpose of this report is to inform your Committee of the outcome of the 41st City of London Thames Fishery Research Experiment held along the foreshore at the Port Health Lower Thames Office, Denton, Gravesend on Saturday 19 October 2013.</p> <p><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>Your Committee notes the report and supports the 42nd City of London Thames Fishery Research Experiment on 25 October 2014</li> </ul>	

## **Main Report**

### **Background**

1. The Thames Fishery Research Experiment, which was first held in 1973, is an annual angling event held along the foreshore of the River Thames, one and a half miles downriver from the Port Health Lower Thames Office, Denton, Gravesend.
2. Your Committee has a long association with this event which is organised in collaboration with the Thames Angling Preservation Society and the Environment Agency. Financial contributions are received from the Fishmongers' Company and the Port of London Authority (PLA) which supports the Schools' Trophy. The Water Conservators' Company also donates a prize for the Bio-diversity Award.
3. The objective of the experiment is to establish the environmental condition of the Thames through the number and size of fish species caught as well as providing data to the Environment Agency, Thames Angling Preservation Society and members of the river community.
4. Judging is based on the greatest variety of fish caught and a scoring system originally devised by Dr Wheeler of the Natural History Museum which rates fish according to scarcity and significance in the context of a cleaner river.

### **The Event**

5. 64 adult anglers representing eight teams competed for the Lady Howard Trophy which is awarded to the team with the highest score. Additionally, school teams consisting of four pupils each from the City of London Girls School, City of London School and Gravesend Grammar competed for the School's Trophy. Details of all the competing teams are contained in the summary of results at Appendix A

6. There are also prizes for the largest/ best fish, best individual catch by an adult and member of a school team and a bio-diversity award for the overall catch which most demonstrates the continuing healthiness and improvement of the River Thames.
7. Fishing began at 9.30am and finished at 1.30pm. Upon completion of the fishing the judging of the largest/ best fish by the Thames Angling Preservation Society took place. This was followed by lunch in the marquee and the presentation of awards by esteemed guests and commemorative badges by your Chairman.
8. The event was attended by Councillor Derek Sales, Deputy Mayor for Gravesham and his wife Pam Sales; Deputy Wendy Mead; Sheriff Adrian Robert Waddingham CBE; Sheriff Sir Paul Judge; Alderman Sir David & Lady Howard; and Members of your Committee. Other guests included Dr Chris McQueen (PLA Harbour Master Lower) and Barry Dennis (Previous Master of Water Conservators) as well as other members of the river community.

## Results

9. There were 99 fish consisting of 5 species caught this year which was lower than previous year's figure of 550 fish and 5 species. This may have been due to the warmer weather conditions experienced during September and early October last year and the poor water quality.
10. Details of the fish caught are recorded by stewards and points are awarded based on the recognised scoring system.
11. The catch consisted of:-

Number Caught	Species	Minimum Size		Maximum Size	
		cm	inches	cm	inches
1	Sole	-	-	24	9.4
2	Bass	-	-	44	17.3
3	Eel	-	-	50	19.7
21	Flounder	-	-	32	12.6
72	Whiting	-	-	31	12.2

## Environmental Conditions

12. The Water quality in the Tidal Thames, during 2013 has been stable, with no major incidents resulting in fish mortalities. There have however, been events in some of the river's tributaries. After a cold start to the year, a very mild spring suggested water temperature may rise earlier than in previous years. This levelled out after May and summer highs were fractionally lower than 2012. Prolonged and high volumes of rainfall have meant a much higher proportion of freshwater in the river, increasing its buffering capacity
13. This has meant that during the Environment Agency's fish surveys, we captured freshwater species of fish lower in the estuary than we would normally expect as the salinity of the water has been diluted by these increased freshwater flows.
14. This year's fishing experiment saw 5 species taken and the majority of fish caught were whiting, this mirrors previous years and reflects that these fish move into the middle estuary during the autumn months. The size of which was noticeably small

with a clear build-up of action at the close of the match as the tide rose fully, which is consistent with angling reports from many of the south east marks. This presents a good opportunity for larger predatory fish, such as Mick Sharp's wining Sea Bass, to take advantage of.

15. As in 2012, the lack of Eels caught was apparent; however the current populations within the Thames are at what we believe a sustainable level, and this year Environment Agency Tidal Thames fish surveys have shown numbers of juvenile Eels migrating along the intertidal foreshore. Notably this was seen at Kew, Battersea and Greenwich.
16. The Data collected by the Fishing Experiment is very much a snapshot of the rivers fish populations. The number and size of fish caught were lesser than previous years, but does show the potential of the river as an important nursery and on-growing habitat for small fish.
17. **Financial Implications**
18. Funding is provided through a grant of up to £4,600 from City's Cash, a contribution of £750 from the Fishmonger's company and £200 from the Port of London Authority.
19. The total cost of this year's event was £8,859.04 and the cost to my local risk budget was therefore £3,309.04. These figures do not include staff costs nor use of in-house resources.

### **Strategic Implications**

20. The City of London Thames Fishery Research Experiment encourages sustainability and conservation through the rules of the competition which require young and undersize fish to be returned immediately to the river once recorded. Eels are no longer to be taken away from the riverside due to the low numbers in the Thames.
21. The continued support of your committee has demonstrated the City's commitment to supporting communities as well as promoting and enhancing our environment which are key themes of our City Together Strategy.

### **Consultation**

22. The Environment Agency has been consulted and their comments are contained within the 'Environmental Conditions' section of this report.
23. The Chamberlain has been consulted on this report and his comments have been incorporated.

### **Conclusion**

The 2013 annual fishing experiment was a successful event which was well supported by Members and guests.

### **Contact:**

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## Appendix A

### 41st City of London Thames Fishery Research Experiment Summary of Results

#### Lady Howard Trophy

Place	Team	Fish Caught	Points
1	Essex County Anglers	23	145
2	Charles Stanley Angling Team	17	85
	Thamesiders Angling Team	16	80
4	Public Services Angling Team	13	65
5	PLA Angling Team	12	60
6	City of London Invitation Team	5	40
7	Port Health and Environmental Services Committee	3	15
8	Kent Angling Team	1	5

#### School's Trophy

Place	Team	Fish Caught	Points
1	City of London School for Girls	5	25
2	City of London School	2	10
2	Gravesend Grammar School	2	10

#### Adult Individual Competition

Place	Name	Team	Fish Caught	Points
1	Mick Sharp	Essex County Anglers	13	75
2	Alan Yeates	Charles Stanley	8	40
3	Chris Northover	Thamesiders Angling	7	35
	Vernan Allen	Public Services Angling Team	5	25
	Barry Graves	Essex County Anglers	3	20

#### Students Individual Competition

Place	Name	Team	Fish Caught	Points
1	Ailish Maroof	City of London School for Girls	3	15
2	Aidan Ng	City of London School	1	5
3	George Bruce	Gravesend Grammar School	1	5
	Holly Bancroft	City of London School for Girls	1	5
	Matthew Perty	Gravesend Grammar School	1	5

#### Bio-diversity Tankard

The catch, which in the judges opinion, best demonstrated the conservation of the water was awarded to Mick Sharp of Essex County Anglers.

#### The Fishmongers' Cup

The best single fish was judged to have been a 44cm Bass caught by Mick Sharp from Essex County Anglers

<b>Committee:</b> Port Heath & Environmental Services	<b>Date:</b> 21 January 2014
<b>Subject:</b> The work of the Tri-Regional Scambusters team staff in the City of London	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<p style="text-align: center;"><b>Summary</b></p> <p>This report sets out details concerning four ongoing Trading Standards operations:–</p> <ul style="list-style-type: none"> <li>a) <b><i>Operations Wade, Addams and Curie</i></b> - investigations into alternative commodity investment frauds such as diamonds, gold, wine and carbon credits; and</li> <li>b) <b><i>Operation Rosa</i></b> - a London-wide project targeting Mail Forwarding Businesses who often act as professional enablers of such crimes</li> </ul> <p>all of which are being undertaken utilising additional resources provided by the National Trading Standards Board and the Tri-Region Scambusters team in the form of experienced fraud investigators.</p> <p>The details of some of the victims of the worst cases of fraud are set out in the attached appendices, suitably anonymised as these are part of on-going investigations as well as examples of the effect that the work on Mail Forwarding Businesses is having in the businesses' own words.</p> <p><b>Recommendation</b></p> <p>That Members approve the continued working of the City Corporation's Trading Standards Team using external resources secured from the National Trading Standards Board and the Tri-Regional Scambusters Team for these investigations affecting the City and beyond.</p>	

## Main Report

### **Background**

1. The City of London Trading Standards Service as with all Trading Standards Services across the UK was originally set up to meet the needs of business, residents and visitors, physically based within the Square Mile.
2. With the advent of new trading practices, many businesses now have only a virtual presence in the area – e.g. a PO Box or City office address - but the burden of enforcement still falls to the City Corporation's Trading Standards Service even though the company may not have a physical presence here.

3. This situation has been recognised by Government and funds have been made available for both regional and national work via the National Trading Standards Board (NTSB) and the Tri-Region Scambusters (TRS) team for the London, South East and East of England regions.

### **Current Position**

4. The Trading Standards Service now uses a system of intelligence gathering and risk/threat assessment to identify those businesses that pose the greatest risk of harm to consumers' economic, health and social interests and the greatest potential for consumer detriment.
5. This tasking process identified that virtual businesses, using mail forwarding businesses based within the City of London, presented the highest potential for such consumer detriment.
6. Bids were made to TRS for support for four operations:-
  - a) **Operations Wade, Addams and Curie** - are large investigations relating to commodity frauds variously involving the selling of alternative investment commodities such as diamonds, gold, wine and carbon credits; and
  - b) **Operation Rosa** - is a London-wide project targeting Mail Forwarding Businesses who often act as professional enablers of such crimes.

### **Operations Wade, Addams and Curie**

7. These three operations are supported by two additional TRS staff, at no cost to the City Corporation who come from police and HM Revenue & Customs backgrounds, and whose experience of complex investigations usefully complements the existing skills of our Trading Standards Officers.
8. Although these 'rogue trader' businesses are based in the City of London, the victims are UK-wide and we are supporting the victims by referring them to appropriate local sources of help and support. Many of them have lost thousands, even tens of thousands of pounds, and it is estimated that the total of consumer detriment could run into millions of pounds as to date; for example Trading Standards are currently aware of:-
  - a) **Operation Addams** - 45 victims, £1½ million of consumer detriment;
  - b) **Operation Wade** - 15 victims, £360,000 of consumer detriment; and
  - c) **Operation Curie** – 30 victims, £160,000 of consumer detriment

and the details of a number of individual victims' cases are set out in **APPENDIX A**.

9. Finally much of the work on all these operations is done with the help and support of the City of London Police, the National Fraud Intelligence Bureau and The Insolvency Service.



## **Operation Rosa**

10. Operation Rosa originally started as an inner London Project, as in order to meet NTSB and TRS funding criteria, these types of projects must be at least regional, if not national in scope.
11. Hosted by the City Corporation's Trading Standards Team, this project is supported by a TRS member of staff who has visited Mail Forwarding Businesses across inner London.
12. They have advised these businesses about the type of 'rogue traders' who hide behind their legitimate operations and how they may unwittingly be asked to provide office services to such fraudsters, finally providing the Mail Forwarding Businesses with information on how to spot such 'rogue traders' and details and quotes about the operation are set out in **APPENDIX B**.
13. This project has received a great deal of positive feedback from businesses as well as fellow Trading Standards departments throughout inner London, and we have just successfully made another bid to expand the project across the whole of Greater London, as most outer London Boroughs asked to be included in this next phase.
14. When this project is completed, we hope to make a further bid, to enable us to share the good practice established with the trading standards community throughout the UK, as well as expanding this project so as to disrupt the activities of 'rogue traders' by taking down their websites, etc.

## **Corporate & Strategic Implications**

15. The greatest implication for the City Corporation in not continuing with this work is that we would be failing to support all three of the Strategic Aims of our Corporate Plan 2012-2016:-
  - *To support and promote 'The City' as the world leader in international finance and business services.*
  - *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.*
16. Our reputation could be at stake for:-
  - a) allowing illegal trading to go unchecked, disadvantaging those legitimate City financial services businesses who trade legally and fairly;
  - b) failing to provide "*high quality local services....within the Square Mile*"; and
  - c) failing to provide "*valued services for London and the nation*", as although many of these businesses trade from within the City, their victims come from across the south-east region and the UK in general.

## **Financial Implications**

17. Whilst there are no direct financial implications for the City Corporation, should external funding and the additional resources not be obtained or no longer be made available by NTSB and TRS, then the operations detailed above would have to be greatly scaled down, if not dropped completely, and no new major investigations could be started.

## **Conclusion**

18. The City of London Trading Standards Service is undertaking innovative work on behalf of the UK-wide trading standards community, supported by the national mechanisms of the NTSB and Tri-Region Scambusters team.
19. Without all of these specialist resources, the City Corporation's Trading Standards Team would not have been able to pursue these investigations and the City's reputation as a financial centre would suffer and on an individual level, if this work was not being done, UK-wide, victims would continue to lose their life savings and could face life changing consequences.

## **Recommendation**

20. I recommend that: Members approve the continued working of the City Corporation's Trading Standards Team using external resources secured from the National Trading Standards Board and the Tri-Regional Scambusters Team for these investigations affecting the City and beyond.

## **Appendices**

- Appendix A - Operations Wade, Addams and Curie – Victims' stories
- Appendix B - Operation Rosa - Mail Forwarding Businesses

## **Background Papers:**

***“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

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## **APPENDIX A - Operations Wade, Addams and Curie – Victims Stories**

The following are illustrative of the type and size of consumer detriment involved in these cases. There are also a number where the families do not know of these “investments”, where the secrecy and fear of being found out is extraordinarily stressful for the victims.

1. Mr P, 87 years old, made a number of investments in carbon credits to provide a better future for his grandchildren. After the first couple of companies went into liquidation, he was approached by other companies promising to help recover and sell the previous credits he’d bought. Mr P had spent £45,000 on carbon credits and continued to be contacted by other companies who convinced him to also invest in coloured diamonds. Mr P invested another £31,000 by the time he came to the notice of Trading Standards. Our intervention prevented Mr P sending the last £6,000 of his savings. Mr P felt that he could not inform his family what had happened; he had also recently become widowed and did not have anyone to turn to. Due to his vulnerability, the appropriate support has been put in place with his local Adult Safeguarding Team, while his complaint is investigated.
2. Mr S, 70 years old had previously invested £22,000 in carbon credits, each time being told that they could offer an “exit date” to sell them but only to discover later down the line they were practically worthless. He was then contacted by a company alleging they traded in the City of London and would be able to convert his voluntary carbon credits to certified credits and sell them. Mr S paid the company £6,500 but heard nothing from them after this. Mr S is gladly assisting us with our investigation.
3. Mr E, 88 years old, invested approximately £30,000 in fine wine with two companies. Following the liquidation of these companies Mr E was approached by a company who stated that for a fee they would be able to locate the wines he thought were previously lost. Mr E paid a further £11,000 for various costs. The company are still contacting Mr E demanding further money for services with no sight of any wine. Due to the intervention of Trading Standards, Mr E has not paid them any more money and is assisting with our investigation.
4. Mr X, a pensioner, invested a substantial part of his life savings in a wine investment scam. He then fell victim to further fraudsters who promised that they could recover and sell his original investment at a profit, but first he would have to become a client of theirs and then lost his remaining funds. He is being treated for depression and no longer knows who to trust.
5. Mr Y, had worked as a caretaker all his life and saved a pot of £10,000 for his retirement. He was persuaded to invest this in carbon credits and lost his entire life savings. Even though this was one of the smaller losses in terms of money it is probably has had the biggest financial impact – he is now reliant solely on his state pension with no financial cushion for household maintenance, breakdowns, etc.

6. Mr Z has been a long term victim of fraud and has seen over a £million disappear into the pockets of the fraudsters. He continues to be the victim of recovery room frauds as he simply cannot believe that every single person who rings him about investments is a conman. He is still trying to recoup, at least some of, his losses having invested in everything from land, wine, rare earth metals to, most recently, diamonds.
7. Ms A had been in what she felt was a controlling marriage. Her divorce settlement included a lump sum which she invested in rare earth metals. She lost the entire investment sum. She was devastated, it reinforced all the negative comments her ex-husband had made about her not being able to cope on her own.
8. Ms B received an inheritance from her mother and lost it all to a rare earth metal fraudster. She felt an enormous burden of guilt and was unable to work for a period of time. She felt that she had squandered all the money that her mother had worked so hard to accumulate.
9. Mr & Mrs C lost over £50,000 to a carbon credit scam. They are very worried about the loss of the money. However, what they are finding even harder to cope with is the plague of phone calls they are receiving from conmen promising to be able to sell the credits for them, as long as a further investment is made. Mrs C realises that they are indeed all fraudsters, but Mr C believes that someone will be able to get the money back and is keen to talk to the fraudsters. This is leading to marital disharmony.

## **APPENDIX B - Operation Rosa – Mail Forwarding Businesses**

Over 100 Mail Forwarding Businesses (MFB) have been visited by an officer from the Tri-Regional Scambusters Team (TRS) based at the City Corporation to-date.

Each one has been given suitable advice regarding due diligence and compliance with both the London Local Authorities Act (LLAA) and the Money Laundering Regulations (MLR). Without exception there has not been a single office that has been totally compliant but all have benefitted from the intervention in some way.

One person spoken to had previously been prosecuted under the LLAA. They were extremely 'anti' initially to the TRS officer but once they had explain what they were doing and why, the person changed their attitude. They stated all their shops would be willing to assist and we could even quote this case as a warning to other MFBs.

Two premises had previously refused to register under the LLAA having been requested to do so numerous times. As a direct result of TRS officer visits, both premises have now registered and now endeavouring to make themselves compliant with the legislation.

As a direct result of a visit, one company has employed an additional member of staff in the role of a compliance officer. They are hoping that in the near future a further four independent MFBs will also employ this individual to ensure they all comply with the legislation.

One company in Kensington & Chelsea had shown to be extremely hostile to visits by the local Trading Standards Officers (TSOs) and would refuse to provide information when requested. They were visited as part of Operation Rosa, after which the feedback from the local TSOs was that there was a total change of stance by the business and that they are now totally compliant.

Several businesses and individuals have expressed a positive reaction to the project and have willingly been quoted below:-

*"This has been really useful. I am a witness at court soon. Finding out about scammers has really helped."*

*"Your recent visit was really helpful. I had some issues with a client and asked my boss if we could get rid of them. He asked if they paid OK and when I said they did he said we would keep them. I then told him of your visit and how he could be prosecuted and face up to 14 years in prison at which he just said, get rid of them, I'm not going to prison for them".*

*"It's funny you mention wine, we have a company called 'XXXXI' that have just approached us about offices here. They are involved in the wine industry. They have said they are growing really fast and need more office space. They are hoping to move in here soon. They are currently in offices in XXXX".*

*"I have heard about your visits, it is Officer X isn't it? I wanted to meet you personally. I think this is an excellent idea. We all need a reminder every now and then".*

*"I was so impressed by the way you (Officer X) dealt with the visit last week and to make it personal to everyone by talking about our grand-parents pensions. And the advice about what to look for was really useful. I told all my staff about what you had said. The very next day we had a woman phone up asking for mail. Because of what you had said the previous day, she would not deal with her because she was not on our records. A man then phoned up requesting the same post and was again sent away. The owner then phoned and I spoke to him. I said I would gladly hand the post over when these people had produced proof of ID and address at which he told me to f-off and he would take his business elsewhere. We opened his post and it was all to do with carbon credits."*

*"That was really helpful. Why has this not been done before?"*

*"Thank you for your valuable information and for taking the time and patience to explain everything to us. You are always welcome in our office."*

There had been real problems at a MFB in Throgmorton Street who were clearly being difficult and evasive and withholding information. A City of London TSO asked the TRS officer to visit them and after that, they had a total change of heart, the TSO observing:-

*"I had to go to them for another job and they could not have been more helpful. They even asked for me to pass on their regards to the TRS officer!"*

And finally, following an inspection of a MFB after issues were found during the TRS officer's first visit, a local Trading Standards Officer commented:-

*"I don't know what you said to them last time, but it obviously worked!"*

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health & Environmental Services	21 <sup>st</sup> January 2014
<b>Subject:</b> Department of the Built Environment, Business Plan Progress Report for Period 2 (1 <sup>st</sup> August – 30 <sup>th</sup> November)	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Information</b>
<p>This report sets out the progress made during P2 (August - November) against the 2013/16 Business Plan. It shows what has been achieved, and the progress made against our departmental objectives and key performance indicators.</p> <p>At the end of November 2013 the Department was £65k (1.4%) underspent against the local risk budget to date of £4.6m, over all the services covering the Port Health &amp; Environmental Services Committee. Appendix B sets out the detailed position for the individual services.</p> <p>Overall I forecast a year end underspend position of £9k (0.1%) for City Fund services.</p> <p><b>Recommendation(s)</b></p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>• note the content of this report and the appendices</li> <li>• receive the report</li> </ul>	

## **Main Report**

### **Background**

1. The 2013-16 Business Plan of the Department of the Built Environment was approved by this committee on 30<sup>th</sup> April 2013. As agreed, regular progress reports have been provided.

### **Key Performance Indicators and Departmental Objectives**

2. During the period July – November, of this Business Plan, my departmental management team have been monitoring four KPIs, relevant to the work of this Committee. We are achieving on three KPIs, and in relation to NI192 (recycling) our percentage continues to increase and we are confident we will meet our higher target of 41% by year end.
3. In addition we measure seven Corporate KPIs, of which we are achieving on five. Details of all KPIs can be found in Appendix A.
4. On the Departmental Objectives, all are proceeding as expected.

### **Financial and Risk Implications**

5. The end of November 2013 monitoring position for Department of Built Environment services covered by Port Health & Environmental Services Committee is provided at Appendix B. This reveals a net underspend to date for the Department of £65k (1.4%) against the overall local risk budget to date of £4.6m for 2013/14.
6. The table below details the summary position by Fund.

<b>Local Risk Summary by Fund</b>	<b>Latest Approved Budget</b>	<b>Forecast Outturn</b>	<b>Variance from Budget</b>	
			<b>+Deficit/(Surplus)</b>	
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>%</b>
<b>City Fund</b>	6,905	6,896	(9)	0.1%
<b>Total Built Environment Services Local Risk</b>	<b>6,905</b>	<b>6,896</b>	<b>(9)</b>	<b>0.1%</b>

7. The reasons for the significant budget variations are detailed in Appendix B, which sets out a detailed financial analysis of each individual division of service relating to this Committee.



8. The better than budget position at the end of November 2013 relates to savings on the Waste Collection Service due to reduced salary costs for staff vacancies, general underspends on equipment budgets that will be utilised by year end and additional income for waste collection at Open Spaces sites; and further savings for the Waste Disposal Service in relation to additional handling fee income for co-mingled waste service continuing longer than originally anticipated and additional income from commission/royalty payments due to the volume of throughput increasing on the main contract. These underspends to date have been partly offset by overspends on the refurbishment costs of the public conveniences.
9. I anticipate this current better than budget position will continue to provide a projected year end underspend, subject to income activity achieving projected levels.

## **Achievements**

10. At the recent Corporate Learning & Development awards we were pleased to have had the following recognition:
  - The award for 'individual performance' was won by Ben Mossop, Building Control Officer.
  - Certificates of achievements were awarded to Vince Dignam and Sonia Beatty – for 'going the extra mile', and
  - Gideon Stothard, Dave Davis and Andreas Holden - for 'putting learning into practice to improve organisational performance'
11. The Cleansing Service recently won Keep Britain Tidy's "Innovation Award" for its "No ifs, No butts" campaign. The award was won for the holistic approach taken in the campaign to reduce the c.123,000 cigarette butts dropped in the City every day. A number of methods were used to reach as many smokers as possible, including issuing "red cards" to smokers caught dropping litter, installing 780 City of London smart bins across the Square Mile, engaging business in anti-litter activities and working with Boots and the NHS to provide advice on quitting smoking. This campaign also received a Best Practice Certificate in the European Public Sector Awards from the European Institute of Public Administration.
12. To promote Recycling in the City and to celebrate 20 years of the Clean City Awards Scheme, the Cleansing Service entered a float in the Lord Mayors Show parade, complete with a 5m tall robot made from wheelie bins, various recycling mascots and costumes, 2 bin 'trains' and 30 drummers who featured in the London Olympic ceremony, dressed as street sweepers (and with bins for drums of course).
13. The cleansing and highway teams contributed to the successful Lord Mayor's Show.

## **Business Risk Management**

14. There have been no changes to the risks linked to the work of this committee which can be found in Appendix C. Risks have been reviewed in accordance with corporate policy.

## **Appendices**

- Appendix A – Q2 KPI results
- Appendix B – Finance Report

## **Background Papers:**

DBE Business Plan 2013 - 2016

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## Departmental Key Performance Indicators

		Target 2013-14	P1	P2	
	<b>Transportation &amp; Public Realm</b>				
NI 191	To reduce the residual annual household waste per household.	508.5kg	122.71kg	126.21kg	😊
NI 192	Percentage of household waste recycled.	41%	39.73%	39.13%	😐
NI 195	Percentage of relevant land and highways from which unacceptable levels of litter, detritus, graffiti and fly-posting are visible.	2%	1.04% (March)	0.25% (October)	😊
TPR1	No more than 3 failing KPI's, per month on new Refuse and Street Cleansing contract	<9 per quarter	5	4 (Prov)	😊
<b>Comments</b>					
	<b>Service Response Standards (based on financial quarter results)</b>	<b>Target</b>	<b>Q1</b>	<b>Q2</b>	
PM7	To manage responses to requests under the Freedom of Information act within 20 working days. (Statutory target of 85%)	85%	98%	100%	😊
SRS A	All external visitors to be pre-notification via the visitor management system.	100%	66.3%	64.6%	😞
SRS B	Where an appointment is pre-arranged, visitors should be met within 10 minutes of the specified time where Visitors arrive at Guildhall receptions.	100%	95.2%	90.9%	😐
SRS C	Emails to all published (external-facing) email addresses to be responded to within 1 day.	100%	100%	100%	😊
SRS D	A full response to requests for specific information or services requested via email within 10 days.	100%	100%	100%	😊
SRS E	Telephone calls to be picked up and	90%	92.1%	92.3%	😊

		Target 2013-14	P1	P2	
	answered within 5 rings/20 seconds				
SRS F	Voicemail element only target 10%	10%	11.1%	10.7%	☹
<b>Comments</b>	<p>The results for Service Response Standard KPIs are based on the financial quarter 2 (July – September).</p> <p><b>SRS A</b> - due to the nature of the work of the department, we get a high volume of visitors, often unexpected. The department are looking at ways to improve the system.</p>				

**Department of Built Environment Local Risk Revenue Budget - 1st April to 30th November 2013**  
**(Income and favourable variances are shown in brackets)**

**Appendix B**

	Latest Approved Budget 2013/14 £'000	Budget to Date (Apr-Nov)			Actual to Date (Apr-Nov)			Variance Apr-Nov £'000
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	
<b>Port Health &amp; Environmental Services (City Fund)</b>								
Public Conveniences	897	853	(255)	598	990	(239)	751	153
Waste Collection	136	652	(561)	91	605	(597)	8	(83)
Street Cleansing	3,925	2,942	(325)	2,617	2,906	(329)	2,577	(40)
Waste Disposal	714	894	(418)	476	868	(454)	414	(62)
Transport Organisation	130	194	(107)	87	185	(115)	70	(17)
Cleansing Management	356	237	0	237	245	0	245	8
Built Environment Directorate	747	506	(8)	498	482	(8)	474	(24)
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>6,905</b>	<b>6,278</b>	<b>(1,674)</b>	<b>4,604</b>	<b>6,281</b>	<b>(1,742)</b>	<b>4,539</b>	<b>(65)</b>

Forecast for the Year 2013/14			Notes
LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	
897	958	61	1
136	131	(5 )	2
3,925	3,897	(28 )	3
714	671	(43 )	
130	130	0	
356	365	9	
747	744	(3 )	
<b>6,905</b>	<b>6,896</b>	<b>(9 )</b>	

**Notes:**

- Public Conveniences** - the unfavourable variance to date forecast overspend is mostly due to additional refurbishment costs of the public conveniences.
- Waste Collection** - the favourable variance to date is largely due to salary underspends resulting from staff vacancies, general underspends on equipment budgets that will be utilised by year end and additional income for waste collection at Open Spaces sites.
- Waste Disposal** - the favourable variance to date and forecast underspend is mainly due to additional handling fee income for co-mingled waste service continuing longer than originally anticipated and additional income from commission/royalty payments due to the volume of throughput increasing on the main contract.

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**PART 1**DBE/TPHW/1 - *Department of the Built Environment / Transportation & Public Realm / Highways***Failure to comply with our Network Management****Control Effectiveness G**

Under S16 of Traffic Management Act 2004 we are required to manage our road network so that (a) we secure the expeditious movement of traffic on the City's road network; and (b) facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority (e.g. TfL and neighbouring authorities).

In so complying with S16 of the Act, the City is required to take account of other relevant policies.

This Risk also relates to the activities of the Local Transportation team.

Unmitigated ... Impact 3      Likelihood 4      Risk **16**

**Detailed Risk(s)**

<b>Specific Risk</b>	<b>Mitigation</b>
Failure to identify & implement ways to facilitate traffic movement on the City's road network & those of other authorities and agencies	Monitor network performance, engage with stakeholders to identify needs and seek funding to make appropriate network change
Negative synergy of impact of multiple concurrent works by TfL or other traffic authority	Information exchange protocols regarding works which are liable to impact the City
Negative synergy of impact of multiple concurrent works within the City	12 month rolling programme to de-conflict works
Streetworks disrupt the network	Effective streetworks management process to minimise disruption
Adversely disrupting the network by making inappropriate highway changes	Anticipate effects of change across all user groups, consult with stakeholders on proposed changes, monitor effects of change

Mitigated ... Impact 3      Likelihood 1      Risk **6**

**Further Action**

## PART 2

Reference DBE/TPLC/3 **Owner** Department of the Built Environment /Transportation & Public Realm/  
Cleansing **Control Effectiveness** A

**Risk Title:** A fatal road accident **Impact 4 Likelihood 2 Risk 17**

<b>Risk Description</b>	An accident involving a Member/employee/contractor on City of London business leading to a fatality. Possibility of a corporate manslaughter charge being brought against the City of London.
<b>Further Actions</b>	Complete implementation of driving licence checking procedure following adoption of new Corporate Transport Policy.
<b>Changes since last review</b>	Revised Corporate Transport Policy agreed by Summit Group. Implementation pending approval of Chief Officers' Group in Spring 2013. DBE piloting the new driver registration software on iTrent.

Reference DBE/TPLC/5 **Owner** Department of the Built Environment /Transportation & Public Realm/  
Cleansing **Control Effectiveness** A

**Risk Title:** A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot **Impact 2 Likelihood 2 Risk 5**

<b>Risk Description</b>	This could have several causes such as natural disaster, accident or terrorism/riot
<b>Further Actions</b>	Continuity plans (including the waste and cleansing contractor plans) to be reviewed and updated. Cost benefit of insuring this risk to be explored.
<b>Changes since last review</b>	Continuity plans (including the waste and cleansing contractor plans) have been reviewed and are current until June 2013. Alternative arrangements are being negotiated with Ealing Council.



Committee(s): Port Health and Environmental Services Committee	Date(s): 21 <sup>st</sup> January 2014
Subject: Second Year Performance Review of the Domestic Waste Collection and Street Cleansing Contract	Public
Report of: Director of the Built Environment	For Information
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>This report outlines the performance of the Domestic Waste Collection and Street Cleansing Contractor for the second full year of the contract (October 2012 to September 2013). During the second year of the contract we did not have the extraordinary pressures placed upon the service which were seen in year one, such as the Olympics and Diamond Jubilee, which has allowed us to consolidate and build upon our performance and service delivery. Also this year has seen the purchase of Enterprise Managed Services (EMS) by Amey plc. This transition took place with minimal disruption to services.</p> <p>This year's costs have remained static and therefore the contract continues to provide a revenue saving of £884,000 against the cost of the previous contract. Standards remain high with independent audits by Keep Britain Tidy showing yet another year of improvement in performance in comparison to last year.</p> <p>Standards continue to be regularly monitored by officers against a suite of twelve KPIs which are kept under review to ensure their relevance to new working practices and that they continue to drive the desired performance from the contract. Some changes are proposed in the light of experience.</p> <p><b>Recommendations</b></p> <p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> <li>• Note the contents of this report.</li> </ul>	

## **Main Report**

### **Background**

1. On 1 October 2011 the City Corporation's new Domestic Waste Collection and Street Cleansing Contract with Enterprise Managed Services Limited (EMS) commenced.
2. Following EU regulatory approval it was announced on 9 April 2013 that EMS had been acquired by Ferrovial S.A. and that their immediate parent company will become Amey (UK) plc. At a local level there was minimal change excepting a rebranding of uniforms and vehicles.
3. The contract is for eight years with an option to extend for another eight years. At the same time the contract for Police and Corporate Fleet Maintenance was also let to Amey (formerly EMS) but that contract is not considered within this report.
4. The contract specification saw a shift in focus from 'input' measures (e.g. the number of staff being specified) towards 'output' performance measures (e.g. the standard of cleanliness achieved). The intention was to avoid over staffing the contract and to drive efficiencies through measures such as the provision of two sub-depots (Middlesex Street and Smithfield Market) and better utilisation of mechanical sweeping. The contract also included the transfer of the City's loss making commercial waste business to Amey for the term of the contract where after it will be returned to the City for a peppercorn payment.

5. The efficiency and other measures outlined above resulted in an award of contract at an annual revenue saving of £884,000 with the new annual contract value being £3.222 million.
6. This report reviews the performance of the Street Cleansing and Waste Collection elements of the contract for the period from 1 October 2012 to 30 September 2013.

## **Current Position**

### **Performance Standards**

7. The second year of this contract has seen a further improvement in performance and standards in the street cleansing and waste operations. After the extraordinary first year of the contract the service has been consolidated and Amey have worked closely with City Officers to identify opportunities for more efficient working practices and improvements in the City's street environment standards.
8. Throughout the year the cleanliness of the City has also been independently monitored through sample inspection of our streets by Keep Britain Tidy (KBT). Every four months KBT conduct a series of random inspections based on upon the methodology of what used to be a nationally reported performance indicator for street cleanliness (NI 195). The Department of the Built Environment has set a target of no more than two per cent of streets inspected by KBT falling below the satisfactory standard of cleanliness. The data for the last four inspections is shown below and indicates the best in class across London (the London benchmark figure is 6.09%, the national benchmark is 10.41%) with the best ever performance standard for the City of London achieved in October 2013.

	October 2012	March 2013	July 2013	October 2013
City Score	0.86%	1.04%	1.21%	0.25%

9. In addition to the external performance monitoring set out above, the contract contains a performance mechanism based upon the achievement of a set of twelve Key Performance Indicators (KPIs). These, along with the performance delivered against each for the second year, are shown in Appendix A.
10. The Performance Payment Mechanism (PPM) requires Amey to meet at least ten (nine for the last two months of 2012) of the KPI performance targets each month to avoid any payment reduction. The number of KPI targets that have to be met to avoid deduction, and the targets themselves, increase throughout the life of the contract to help drive a culture of continuous improvement.
11. It can be seen from Appendix A that Amey have met or exceeded the minimum requirements of the PPM in every month other than January 2013.
12. It is important to note that the performance mechanism is in place to drive the contractor performance. However, it is not intended to use the mechanism to penalise the contractor. It is intended as a mechanism to help the contractor's own management, and CoL officers always review the reasons for KPI failures and will take into account any mitigating circumstances for underperformance if a KPI is not met.
13. In analysing the Amey performance in January officers gave consideration to the amount of resource Amey had to divert (at no extra cost to the Corporation) to clear snow for winter maintenance operations. Given the circumstances during this month the decision was taken not to immediately enforce the performance payment deduction, on the proviso that they achieved their KPI target for the following three months.

14. Apart from January, it can be seen that in accordance with the PPM the required number of KPI targets have been met or exceeded each month, with March receiving no failures at all. Performance targets have been met fairly consistently across ten of the twelve KPIs. The two KPIs with less satisfactory performance are KPIs 1 and 9. Officers are therefore working with Amey to drive performance improvements in the two KPIs requiring improvement and these are commented on below.
15. KPI 1 aims to capture the quality of individual sweepers or sweeper team's performance. This is not a measure of overall street cleanliness as that is covered by the independent KBT four monthly inspection programme. Instead the intention of this KPI is to closely monitor the individual or team to ensure they are sweeping and maintaining their beat effectively.
16. To improve their performance of KPI 1 Amey identified individual poor performance within their teams, providing training for their Environmental Managers to set and ensure consistent standards across all areas, addressing any staff weaknesses using increased direct supervision (including disciplinary action where required) and training, reviewing and adjusting sweeper beats whilst analysing management information systems to identify trends.
17. KPI 9 is an important indicator. Any failure to complete scheduled work will have a negative impact upon some or all of the City. Failure to meet this target has been frequent (as it was in the first year of the contract), performance against this KPI needs further improvement and therefore Amey's 2014 – 2015 Improvement Plan recognises the need improve this KPI. Their analysis of the incidents leading to the failure of this KPI showed no obvious trend, rather individual cases of mistake, omission or poor communication. They have amended their processes and the allocation of administrative resource has been reviewed to ensure that reporting to and communicating with Cleansing Service Officers is consistent. Regular review meetings have been instigated to ensure that the agreed processes are adhered to and improved where necessary. The integration of the City's CRM system with Amey's WorkManager system (programmed to be complete by March 2014) will automate a considerable amount of work status reporting.

### **Key Performance Indicator (KPI) Review**

18. Achievement against KPIs over the last 12 months is discussed above. However, officers have also reviewed how well each KPI is serving as an indicator of service quality and performance. As a result it is proposed two of the KPIs are changed.
19. Firstly it is considered that there is a high degree of duplication within KPIs 4 and 11 and it is proposed these are brought together into one KPI, to be implemented from January 2014. This provides the opportunity for a replacement KPI and it is proposed that this focuses on Amey's response to alerts from the newly installed Solar Compactor Bins (which produce an email alert when they reach 80% full). Amey will be required to attend to these bins within a fixed period (i.e. before they overflow). This will ensure that they are being used in the most efficient way possible, freeing up resources to focus on other duties and making the unsightly appearance of overflowing bins in the City a thing of the past.
20. Secondly it has been confirmed by the manufacturers that mechanical street cleaning vehicles used in our contract are fitted with speed limiting devices which prevent them operating outside acceptable speed limits and safe working parameters. Therefore it is proposed that KPI 7 be amended but still focus upon the use of mechanical sweepers. Officers are concerned to ensure that the mechanical sweepers provide value for money therefore the proposed KPI is to measure the amount of time and distance that the mechanical sweeper brushes are down and in use. Trials to find reliable equipment that can be fitted to the vehicles to provide this information have been undertaken and are in the final stages of user testing.

## Conclusion

21. In summary Amey have continued to deliver well in terms of the condition of the street environment. The KPI system is performing well in maintaining standards, and is proving to be demanding of high performance, as it was designed to be. Furthermore, it enables the contractor to see where performance needs to be improved, and this is in relation to KPIs 1 and 9. The measures to be taken to improve performance are set out in the Amey's Annual Report and Improvement Plan. The next stage in the delivery of the contract is to realise the benefits of more automated reporting, and this will be a major element for development in 2014.
22. The current suite of KPIs used to monitor contract delivery needs amendment slight to ensure each KPI remains an effective driver of service performance.

## Appendices

Appendix A                      Summary of KPI results for 2012-2013

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## Appendix A

## Summary of KPI results for 2011-2012

		Target		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
		'12	'13												
1	Percentage of streets meeting the enhanced Grade A Standard, including removal of all accessible minor graffiti, when inspected within 15 minutes of the nominated daily clean.	95%	96%	97.5	90.9	94.4	97.0	98.7	99	98.6	97.1	94.0	94.2	97.0	99.3
2	Number of random inspections recorded per week, within agreed limits for services/days/shifts and a total of at least 800 per month.	800	800	939	817	817	745*	807	824	850	822	828	818	815	873
3	Percentage of independent verification inspections (initially 80 per month) that confirm the results of contractor inspections.	90%	90%	85.9	81.1	91.8	86.4	90.3	96.7	95.9	95.9	94.7	97.9	100	97.7
4	Percentage of urgent service requests that are attended with the required time limit.	95%	96%	100	100	100	100	100	100	100	100	100	100	100	100
5	Percentage of complaints that are second or subsequent complaints (defined to exclude both duplicate complaints and at the other extreme those more than six months apart).	20%	15%	0	17	0	0	0	0	14	25	11	0	0	0
6	Percentage of shifts from which an accurate feedback report is obtained.	90%	95%	90.1	93.0	93.6	96.2	95.6	96.4	97.2	96.1	95.6	96.3	95.6	96.4
7	Number of occasions per month when refuse collection street cleansing vehicles are tracked operating above the optimum speed for cleansing.	5	4	0	0	0	0	0	0	0	0	0	0	0	0
8	Number of defaults issued in the month.	0	0	0	0	0	2	0	0	0	0	0	1	0	0

		Target		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
		'12	'13												
9	Number of failures to complete scheduled work, allowing if necessary for agreed contingency arrangements contained within the method statements.	0	0	4	1	0	1	2	0	2	0	1	0	0	2
10	Number of changes to working methods implemented without prior agreement or in an emergency, agreed within two hours.	0	0	1	0	0	0	0	0	0	0	0	0	1	0
11	Number of occasions of failing to respond to the urgent client requests for information (highlighted for immediate attention).	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Number of pavement collection points found to have bags not collected when the embargo starts.	12	9	4	2	3	4	4	0	1	2	3	1	1	0
	Total passed	9	10	10	10	11	9	11	12	11	11	10	10	11	11

\* It was agreed that a fewer number of inspections than usually required was acceptable due to the diversion of services to winter maintenance in January.

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health and Environmental Services Committee	21 January 2014
<b>Subject:</b> City of London Cemetery and Crematorium Business Plan – progress report	<b>Public</b>
<b>Report of:</b> Director of Open Spaces	<b>For Information</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>The parts of the Open Spaces Departmental Business Plan for 2013-16 which related to the City of London Cemetery and Crematorium were presented to this Committee on the 30<sup>th</sup> April 2013. This report presents a review of progress on the plan and a summary of financial performance for the eight month period between the 1<sup>st</sup> of April 2013 and the 30<sup>th</sup> November 2013.</p> <p><b>Recommendation</b></p> <p>Members note the progress made in implementing the Business Plan and receive the report.</p>	

## **Main Report**

### **Background**

1. The Open Spaces Department Business Plan 2013-16 was approved by the Open Spaces and City Garden Committee on the 15<sup>th</sup> April 2013. The Committee agreed targets and a set of performance indicators. The parts of the plan relating to the Cemetery and Crematorium were reported to the Port Health and Environmental Services Committee on the 30<sup>th</sup> April 2013.

### **Current Position**

2. Good progress has been made in delivering the Business Plan at the Cemetery and Crematorium.

3. Three key performance indicators have been developed. Data is available to measure performance until the end of November 2013. This data is presented in Annex 1. The Cemetery and Crematorium has achieved its performance target for all three indicators: market share of burials, market share of cremations and percentage of cremations using the new cremator. Performance in all three areas is higher than in previous years. An income generation target of £4.1 million was set for this financial year. At the end of the third quarter 75.40% of the target had been achieved.
4. Good progress can also be reported on delivery of the projects outlined in the Business Plan. Progress continues with the medium term lawn grave burial space plan. Detailed hydrological and geological surveying work is being carried out as the design of the Shoot Project is developed.
5. The project to install photovoltaic cells on the modern crematorium roof was successfully completed in October.

### **Financial implications**

6. Appendix B shows a comparison of revenue budget with actual income and expenditure for the Cemetery and Crematorium for the first eight months of 2013/14. Commitments as well as actual spend have been considered, where appropriate, and the Cemetery is expected to meet its local risk budget at the end of the year. The ability to come in on budget depends on income generation through the final months of the financial year.

### **Corporate and Strategic Implications**

7. The Business Plan details how the Open Spaces Department supports the City Together Strategy and the City's Corporate Plan through its activities and key projects.

### **Conclusions**

8. This report outlines the good progress that has been achieved in the first eight months of the financial year in meeting the



objectives and delivering the key projects in the new Open Space Business Plan which relate to the Cemetery and Crematorium. The final four months of the reporting year will be very important in terms of meeting income goals for the year and progressing the Shoot Project. Progress will continue to be monitored in monthly management meetings. Monthly financial reports are produced and regular budget review meetings are held by the Director of Open Spaces with the Superintendent of the Cemetery and Crematorium.

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**Open Spaces Department Business Plan 2013-16**  
**Progress Report to Port Health & Environmental Services Committee**  
**As at 30<sup>th</sup> November 2013**  
**Key Performance Indicators**

Ref.	Measure name	Linked to Departmental Objective	Target 2013-2014	Performance April-November 2013
OS18	Maintain our market share of burials	Quality	Achieve 8% market share of burials	8.6%
OS19	Maintain our market share of cremations	Quality	Achieve 23% market share of cremations	24.08%
OS20	Increase the target income for the Cemetery & Crematorium	Quality	Achieve an income target of £4.1m	75.40% of income target achieved by end of third quarter
OS21	Increase the number of cremations using the new fully abated cremator	Quality	Carry out 60% of cremations using the new cremator	62.5%

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Period 9	Latest Approved Budget for full year 2013/14	Budget to Date (Apr-Dec)			Actual to Date (Apr-Dec)				Forecast for the Year 2013/14		
		Gross Expenditure	Gross Income	Net Expenditure	Gross Expenditure	Gross Income	Net Expenditure		LAB	Forecast Outturn	Over(Under)
	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	Net £'000	Variance Apr - Dec  Net £'000	Net £'000	Net £'000	Net £'000
<b>CITY FUND</b>											
City of London Cemetery & Crematorium	(1,500)	1,950	(3,075)	(1,125)	1,952	(3,077)	(1,125)	0	(1,500)	(1,500)	0
<b>Local Risk</b>	(1,500)	1,950	(3,075)	(1,125)	1,952	(3,077)	(1,125)	0	(1,500)	(1,500)	0
<b>Central Risk</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Total Local and Central Risk</b>	(1,500)	1,950	(3,075)	(1,125)	1,952	(3,077)	(1,125)	0	(1,500)	(1,500)	0

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# Agenda Item 16

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