

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 19 September 2017

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Tuesday, 19 September 2017 at 10.30 am

### Present

#### Members:

Jeremy Simons (Chairman)	Christopher Hill
Deputy Keith Bottomley (Deputy Chairman)	Deputy Tom Hoffman
Deputy John Absalom	Deputy Wendy Hyde
Caroline Addy	Deputy Henry Jones
Alexander Barr	Vivienne Littlechild
Adrian Bastow	Andrien Meyers
Peter Bennett	Deputy Joyce Nash
Tijs Broeke	Deputy Richard Regan
Mary Durcan	John Scott
Anne Fairweather	Michael Welbank
Alderman David Graves	Mark Wheatley
Graeme Harrower	Deputy Philip Woodhouse

### In Attendance

#### Officers:

Sacha Than	-	Town Clerk's Department
Carl Locsin	-	Town Clerk's Department
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller & City Solicitor's Department
Carolyn Dwyer	-	Director of Built Environment
Steve Presland	-	Department of Built Environment
Jim Graham	-	Department of Built Environment
Helen Kearney	-	Department of Built Environment
Richard Steele	-	Department of Built Environment
Samantha Tharme	-	Department of Built Environment
Jon Averbs	-	Markets & Consumer Protection
Ruth Calderwood	-	Markets & Consumer Protection
Ben Kennedy	-	Markets & Consumer Protection
Rachel Sambells	-	Markets & Consumer Protection
Gary Burks	-	Open Spaces Department
Esther Sumner	-	Open Spaces Department
Warren Back	-	City Surveyors
Farrah Hart	-	Community and Children's Services
Xenia Koumi	-	Community and Children's Services

Alderman Nicholas Anstee was in attendance.

1. **APOLOGIES** Apologies were received from Peter Dunphy, Andrew McMurtrie, Henrika Priest and Deputy Elizabeth Rogula.
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**  
Mark Wheatley declared an interest at item 5 due to Nomura being an elector in his Ward of Dowgate.
3. **MINUTES**  
**RESOLVED** - That the public minutes of the meeting held on 4 July 2017 be approved.

### **Matters Arising**

#### **Massage Parlours and Sex Establishments**

In response to a Member's request for an update, the Director of Markets and Consumer Protection explained that a full survey of the premises highlighted in the petition from residents had been carried out and no contraventions of the law were identified.

#### **Coffee Cup Recycling**

The Chairman noted that three signs encouraging Members to use the coffee cup recycling facilities had been placed in the Members' Room.

4. **OUTSTANDING ACTIONS**

The Committee received a current list of the outstanding actions.

#### **Noise Pollution from the London Underground**

A Member asked that the City of London Corporation continue to put pressure on TfL on this, noting that the reason given by TfL for not making the changes to resolve the noise pollution issues was due to their not having a sufficient budget. The Member explained that there were high levels of noise throughout the day commencing at 05.10am. The Chairman offered to write a letter on behalf of the Committee to TfL and asked Officers to provide an update at the January meeting of the Port Health and Environmental Services Committee.

#### **Provision of charging facilities for electric vehicles**

The Chairman noted this issue would be covered at item six of the agenda and confirmed this could be discharged from the list of outstanding actions.

#### **Garden Waste Recycling Bags for Barbican Residents**

The Assistant Cleansing Director explained that a pilot would be conducted providing garden waste bags to the Barbican to assess the cost versus benefit. The Chairman confirmed this item could be discharged from the list of outstanding actions.

**RESOLVED** – That the outstanding actions be noted.

5. **RESPONSE TO RESOLUTION ARISING FROM ANNUAL WARDMOTE: WARD OF DOWGATE**

The Committee received a report of the Director of Markets and Consumer Protection providing a response to the resolution passed at the Grand Court of Wardmote on the 9th of May 2017 regarding concerns on air quality in the Ward of Dowgate. The Chairman explained that the response had been sent to the Members of the Ward of Dowgate and it would be considered at the March 2018 Wardmote.

Nina Swallow, the Environmental Health and Safety Officer from Nomura provided the Committee with a presentation on the work their business has been doing to improve air quality within the City.

A discussion took place during which the following points were raised:

- Members noted the importance of demonstrating leadership and innovation in this area and asked whether there could be added monitoring sites, particularly in areas such as Ludgate Hill;
- Members further noted that evidence showed the rapid decrease in NO<sub>2</sub> levels away from road sides and asked whether more could be done to limit traffic within the City. Members asked whether a feedback report could be provided on the traffic management scheme at Bank Junction;
- Members also noted the high levels of pollution from building sites and asked whether the construction companies had signed up for the Air Quality Pledge.

Both the Director of Port Health and Public Protection and the Director of the Built Environment responded to the queries raised by Members and confirmed that:

- additional monitoring sites could be implemented and Members were asked to speak directly with Officers to suggest ideas;
- the Policy and Resources Committee have made decisions on how to tackle road congestion and Officers were in the process of working up action plans to deliver on this;
- the Air Quality team would require six months of data in order to comment on the outcome on pollutants from the Bank Junction scheme, a report could be provided in 2018;
- the equipment used on construction sites is regulated and this is controlled via the planning application, the construction companies are also scored on their compliance with the code of practice.

**RESOLVED** – That the Committee:

- a) note the report, and;
- b) note that the report had been sent to Members of the Ward of Dowgate, pursuant to the resolution submitted by that Ward to the Grand Court of Wardmote and referred on to this Committee for consideration by the Court of Common Council, whom the Grand Court of Wardmote had tasked with responding.

6. **EXTENDING BURIAL SPACE AT THE CITY OF LONDON CEMETERY (THE SHOOT)**

The Committee noted a report of the Director of Open Spaces on the status of the Extending Burial Space at the City of London Cemetery (The Shoot). The Chairman advised Members that a visit to the Cemetery and Crematorium would take place on 30 October.

**RESOLVED** – That the lessons learnt are noted and the project be closed.

## 7. **ELECTRIC VEHICLE CHARGING**

The Committee considered a report on the need for electric vehicle (EV) charging in the City of London. The report proposed an overarching policy on charging for electric vehicles, balancing the benefit of providing charging facilities within the Square Mile at appropriate locations whilst guarding against the generation of additional vehicle trips and minimising the impact on the public realm.

A discussion took place during which the following points were raised:

- Members noted that the report proposed placing rapid charging points for taxis in Baynard House car park and raised concerns on this location, noting that charging points at taxi ranks might be more useful. Members added that the location in a car park may attract additional vehicles to the City solely to use the charging points.
- Members raised their concerns on the low number of charging points proposed and noted that the City should be leading the way in this field. Members asked that there be an increased number of charging points and suggested that the plans should be more ambitious.
- Members considered that the City Corporation should be a leader in this area and that in addition to taxis, private cars should be able to use the rapid charging points
- Members asked whether the taxi drivers had been consulted on the proposals.

In response to the queries raised by Members, the Director of Transportation and Public Realm explained that:

- Officers had worked with both TfL and consulted taxi drivers in order to offer the appropriate number of charging points in locations that would be used by drivers. Officers believed that at this point, given the low number of zero emission taxis likely to be in service in 2018, that the new provision would be adequate. It was important to provide a service to the vehicles within the City, but a balance had to be struck in order to ensure the charging points were not an attraction for drivers who did not ordinarily travel into the City, as this would exacerbate the issues of congestion and pollution.
- Discussions had taken place with both the manufacturers of the taxis and the representative bodies of the drivers.
- It was important to bear in mind that the scheme was being funded by TfL. A review had been proposed to take place in December 2018 to assess the effectiveness of the charging points within the locations, but in light of Members' comments, this would be brought forward to July 2018.

- Members asked that the Planning and Transportation Committee be made aware of their concerns on the ambitions of this project, the low number of proposed rapid charging points, and whether TfL had committed enough funding.

It was agreed to send a resolution in response to the Planning and Transportation Committee to communicate the Port Health and Environmental Services Committee's comments and the importance they placed on this issue.

**RESOLVED** – That:

- a) the report be noted;
- b) a review of the project take place after six months; and
- c) a note of the discussion be sent to the next meeting of the Planning and Transportation Committee.

**8. MIDDLESEX STREET AREA ENHANCEMENT PHASE 2: PETTICOAT LANE MARKET IMPROVEMENTS AND PUBLIC REALM**

The Committee received a report of the Director of the Built Environment and Director of Markets and Consumer Protection on the project aiming to enhance Petticoat Lane Market and the central section of Middlesex Street between Sandys Row and St Botolph Street. The report outlined the project's aim to celebrate the character and history of the area whilst improving the visitor experience.

A Member asked that consideration be given to the types of stalls within the market, noting that stalls selling cooked food close to vendors selling perfumes could affect trade. A Member also noted the importance of ensuring that those selling cooked food did not dispose of their waste and oil via the drains. The Director of Markets and Consumer Protection confirmed that both points raised would be monitored and that it was illegal to dispose of food in this manner.

**RESOLVED** – That the report be noted.

**9. BUSINESS HEALTHY STRATEGY 2017-20**

The committee received a report from the Director of Community and Children's Services introducing the Business Healthy Strategy 2017- 20.

**RESOLVED** – That:

- a) the report be noted; and
- b) the Business Healthy Strategy 2017-20 be endorsed by the committee.

**10. IMPACT OF THE UK LEAVING THE EU (BREXIT) ON PORT HEALTH & PUBLIC PROTECTION**

The Committee considered a report by the Director of Markets and Consumer Protection on the key issues and implications for the Port Health and Public Protection Division. The report referred to an independent report that was commissioned to examine the impact of Brexit on the Division. The Director of Markets and Consumer Protection further advised that since the report had been commissioned, there had been further reports released by government.

Members thanked Officers for putting together such a comprehensive report in response to a request for further information earlier in the year.

During discussion the following points were raised:

- Members asked whether there were sufficient dedicated resources to monitor Brexit issues, as per the recommendation within the report.
- Whether the suggested date of March 2018 for the resilience plan was too late for some elements.
- There are seven Official Veterinarians employed by the Corporation and all are nationals of other EU Member States, a Member noted the increased number of EU nationals leaving the UK and raised concerns on the impact this would have should the Veterinarians choose to leave.
- Members noted that all stakeholders are preparing for Brexit, however HMRC has set regulations which would take time to implement should changes occur and it was important to ensure the resilience plan and other checks are in place in these uncertain times.
- Members noted that it would be helpful to receive a communications briefing from the Remembrancer on the party conferences and additional information in relation to Brexit.

In response to the queries raised by Members, the Director of Markets and Consumer Protection confirmed that:

- Cross-collaboration had taken place with other Departments across the City Corporation to ensure that Officers are prepared and further resources would be required.
- There are concerns on what will happen in terms of resilience planning and this area will be given further consideration. Following the progress report due in March 2018, the Department would look further at what will need to be done for the Port Health Authority.
- Officers have been consulting with trade and other associations to look at the implications of Brexit and these talks are ongoing. The Chairman of Policy and Resources has been kept updated with briefings from the Remembrancer's Department and the Director of Markets and Consumer Protection will liaise with the Remembrancer to provide a communications briefing for the Committee.

**RESOLVED** – That:

- a) the report commissioned by the City Corporation and listed in Appendix 3 should be pursued in more detail, and a progress report provided in March 2018; and
- b) the following key principles should form the basis of negotiations with government and relevant agencies with regard to the functions undertaken by Port Health and Public Protection:
  - i. the same, or an improved, level of consumer protection should be sought for public, animal and environmental health in terms of any proposed changes to regulatory controls after the UK leaves the EU; and

- ii. any changes to the current legislation should be commensurate with the risk posed by different activities and trades, as it is recognised that some enforcement requirements could be streamlined.
- c) the UK should continue to recognise EU controls in order to avoid resourcing implications at the UK border; and this would best be done as part of a reciprocal agreement with mutual recognition, as this would be more sustainable politically, promote regulatory alignment, and facilitate UKEU trade;
- d) full cost recovery for local authorities and port health authorities to enforce relevant legislation is essential, and this should be extended to include those areas not already covered, particularly if they have to undertake additional controls as a result of Brexit;
- e) the current checks at UK and EU borders on third country imports should be maintained to facilitate free movement of goods within the EU, and between the EU and the UK, and the UK should maintain access to existing IT and rapid alert arrangements; and
- f) a communications briefing on Brexit with input from the Remembrancer would be provided to the Committee.

**11. DRAFT CODE OF PRACTICE FOR DECONSTRUCTION AND CONSTRUCTION SITES EIGHT EDITION 2017**

The Committee considered a report on the Draft Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017. The report highlights the Code's aim to set out simply and clearly what constitutes acceptable site practice within the City, and to assist developers, architects, engineers and construction professionals to prepare Schemes of Protective Works required for the planning process, to plan, cost and manage the environmental issues which arise in the industry.

A detailed discussion took place during which the following comments were made:

- Members noted the volume of papers as part of this report and asked whether such a high number of documents was necessary.
- Members noted that the report sought approval for a dedicated resource at construction sites for monitoring purposes and commented that this would be helpful, it was noted that the final approval on this would sit with the Planning and Transportation Committee.
- Members who are residents of the Barbican and Golden Lane Estates commented that there had been increased Saturday and Sunday working from construction sites which was extremely noisy for residents, and asked that the City Corporation's position on Saturday Morning Working be reconsidered.
- Members noted that the report stated 13 comments had been received by residents and this report did not take into account the views expressed by the Barbican Association, which represented all residents.
- Members raised their concerns on the factual evidence within Appendix Three and the validity of the legal advice, which had been provided on the basis of this evidence, it was further noted that a second external legal opinion could be helpful in this situation.

- A Member suggested that a working group could be set up to examine how the issue of Saturday Morning Working could be taken forward.
- Members noted that the London Boroughs of Westminster, and Kensington and Chelsea were most comparable with the City with regard to works being carried out in proximity to residents, explaining that both of these Boroughs had banned noisy working on Saturdays.
- A Member noted that whilst there had been an impact on residents, the City Corporation also had a responsibility to the developers and it was important to listen to both sides.

In response to the comments raised by Members, both the Director of the Built Environment and the Director of Port Health and Public Protection explained that:

- The Boroughs of Westminster and Kensington and Chelsea are not directly comparable as their rules focus mainly on residential properties, and the Barbican have more quiet hours than residents in Westminster.
- That there are some works which can only take place on a Saturday due to various reasons such as the safety implications if crane works were to be carried out during the week.
- There is a need for balance and the City is a place with constant development.

A Member proposed that a decision should not be taken at the meeting, but moved that a further evidence based study be undertaken on Saturday Morning Working and the impact this has on both Barbican residents and those in the other residential wards, and the effects on the developers along with the legal implications. It was suggested that consideration be given on whether standard hours should exclude Saturday Morning Working. It was noted and agreed this would take at least six months.

The Comptroller and City Solicitor explained that if the City Corporation were to ban Saturday Morning Working, it would be vulnerable to a legal challenge if a consultation were not to have taken place. The Comptroller and City Solicitor further agreed that a second legal opinion could be sought if necessary.

**RESOLVED** – That the recommendations be agreed subject to undertaking a consultation and an evidence based study:

- a) the Code be approved and published on 3 October 2017;
- b) the introduction of the proposed monitoring contribution fees set out in Appendix L of the Code be approved with effect from 3 October 2017;
- c) although the final authority lies with the Planning and Transportation Committee, the Port Health and Environmental Services Committee endorse the amendments to the Standard Panning Conditions as shown in Appendix Four; and
- d) a further evidence based study on Saturday Morning Working and the impact this has on both Barbican residents and those in residential wards, and the effects on developments along with the legal implications. It was noted and agreed the study would take at least six months.



12. **LOW EMISSION NEIGHBOURHOOD ANNUAL UPDATE**

In accordance with Standing Order 40, Members agreed to extend the duration of the meeting.

The Committee received a report of the Director of Markets and Consumer Protection updating members on the Low Emission Neighbourhood Project which commenced in September 2016.

In response to a Member's request for a report on proposals for Beech Street, the Director of Transportation and Public Realm explained that a gateway proposal was being worked up on traffic modeling work and this could be submitted to the Committee at a later date to show how the work stream was progressing.

**RESOLVED** – that:

- a) Members note the contents of the report and continue to support the activities of the LEN project; and
- b) a gateway report on traffic modeling be provided at a later date for information.

13. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2017-2020: PROGRESS REPORT (PERIOD 1)**

The Committee received a report from the Director of Markets and Consumer Protection which provided an update on progress against the operational performance indicators and improvement objectives outlined in the Business Plan of the Port Health and Public Protection Division of the Department of Markets and Consumer Protection, for Period 1 (April-July) of 2017-18.

**RESOLVED** – That the report be noted.

14. **PORT HEALTH & PUBLIC PROTECTION RISKS**

The Committee received a report from the Director of Markets and Consumer Protection which assured that risk management procedures in place within the Department of Markets and Consumer Protection are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

**RESOLVED** – That the report and the actions taken in the Department of Markets and Consumer Protection to monitor and manage effectively risks arising from our operations be noted.

15. **PERIOD 1 (APRIL-JULY) CEMETERY & CREMATORIUM BUSINESS PERFORMANCE UPDATE**

The committee received a report updating Members on the performance of the Cemetery & Crematorium April-July 2017.

**RESOLVED-** that

- a) The report be noted; and
- b) the adjustment of Cemetery budget to include an increase in expenditure of £43,500 and a corresponding increase in income to fund a

replacement charging bier, review of the Conservation Management Plan and customer survey be approved.

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

The Committee received a report of the Director of Built Environment produced to provide assurance that risk management procedures in place within the Department of the Built Environment are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

**RESOLVED** – That the report and the actions taken in the Department of the Built Environment to monitor and manage effectively risks arising from the department's operations be noted.

**17. RESOLUTION OF THE POLICE COMMITTEE**

The Committee considered a Resolution of the Police Committee.

**RESOLVED** – That the resolution be noted.

**18. ILLEGAL STREET TRADING**

The Director of Port Health and Public Protection provided an oral update on illegal street trading.

The Director of Port Health and Public Protection explained that there had been an increase in the police tackling illegal street trading with resources having been dedicated to this area. There were eight prosecutions pending, the confiscation of three ice cream vans and one nut trolley would be going for forfeiture. Officers would press for injunctions where necessary. There were no proposals at present to put up signage.

A Member noted that there was a chain of activity on Millennium Bridge not limited to the nut sellers such as illegal traders and beggars. The Member added that it was important to continue pursuing this, as there was a crime element to this anti-social behaviour. The Director of Port Health and Public Protection explained that whilst the situation could not be monitored 24/7, Officers were doing everything they could to monitor the situation. A report on illegal street trading would be brought before the next Committee meeting with an update on this.

**RESOLVED** – That the Committee note the update.

**19. RESOLUTION OF THE ECONOMIC CRIME BOARD**

The Committee considered a Resolution of the Economic Crime Board.

**RESOLVED** – That the resolution be noted.

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

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

The Director of Transportation and Public Realm explained that two art works by Banksy had appeared in the Beech Street covered roadway area and consideration would need to be given on how to maintain the works.

The Chairman introduced Jonathan Poyner, the Operations Director of the Barbican and Guildhall School, to explain the way forward on this. The Operations Director explained that there were two art works by Banksy plus a third art work by another well-known graffiti artist.

The Operations Director proposed the following plan:

- The Barbican Centre team will have a hi-vis security presence near the art works up to and including Friday 22 September and this is currently in place. The official aim is to keep people off the road and the additional aim is to ensure no one damages it. The team who normally remove graffiti have been informed not to remove the art works;
- following the Basquiat Private View/Press Night, the three art works will be covered in a suitable clear material, e.g. Perspex. This will protect the three art works until after the Basquiat exhibition run, and is a solution used by at least one other Authority;
- after the Basquiat exhibition finishes the City would need to decide a way forward for the medium to long term.

**RESOLVED** – That the Committee agree to the plan proposed by the Operations Director.

22. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) 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 1 of Schedule 12A of the Local Government Act.

23. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 4 July 2017 be approved.

24. **WASTE COLLECTION, STREET CLEANSING AND ANCILLARY SERVICES CONTRACT EXTENSION DECISION**

The Committee considered a report of the Director of the Built Environment which sought approval on endorsing the proposal set out within the report.

**RESOLVED** – That the Committee endorse the proposal set out within the report.

25. **DEBT ARREARS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 30 JUNE 2017**

The Committee received a report of Director of the Built Environment, Director of Markets and Consumer Protection and the Director of Open Spaces on Debt Arrears for the period ending 30th of June.

**RESOLVED** – That the report be noted.

**26. REPORT OF ACTION TAKEN**

The Committee noted a report which advised Members of action taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman, since the last meeting of the Committee, in accordance with Standing Order No. 41(A).

**RESOLVED** – That members note the report.

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

There were no questions.

**28. 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 ended at 12.55 pm**

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Chairman

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