



## Port Health & Environmental Services Committee

**Date:** TUESDAY, 16 JANUARY 2018  
**Time:** 11.30 am  
**Venue:** COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

**Members:**

Jeremy Simons (Chairman)	Deputy Tom Hoffman
Deputy Keith Bottomley (Deputy Chairman)	Deputy Wendy Hyde
Deputy John Absalom	Deputy Henry Jones
Caroline Addy	Vivienne Littlechild
Alderman Nick Anstee	Andrew McMurtrie
Alexander Barr	Andrien Meyers
Adrian Bastow	Deputy Brian Mooney
Peter Bennett	Ben Murphy
Tijs Broeke	Deputy Joyce Nash
Peter Dunphy	Henrika Priest
Mary Durcan	Deputy Richard Regan
Deputy Kevin Everett	Deputy Elizabeth Rogula
Anne Fairweather	John Scott
Alderman David Graves	Michael Welbank
Graeme Harrower	Mark Wheatley
Christopher Hill	Deputy Philip Woodhouse

**Enquiries:** Sacha Than  
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**Lunch will be served in Guildhall Club at 1PM**  
**NB: Part of this meeting could be the subject of audio video recording**

**John Barradell**  
**Town Clerk and Chief Executive**

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 21 November 2017  
  
**For Decision**  
(Pages 1 - 10)
4. **OUTSTANDING ACTIONS**  
Report of the Town Clerk  
  
**For Information**  
(Pages 11 - 12)
5. **TERMS OF REFERENCE REVIEW**  
Report of the Town Clerk  
  
**For Decision**  
(Pages 13 - 14)
6. **ANIMAL RECEPTION CENTRE - HEATHROW AIRPORT: ANNUAL REVIEW OF CHARGES**  
Report of Director of Markets & Consumer Protection  
  
**For Decision**  
(Pages 15 - 22)
7. **MAYOR OF LONDON CONSULTATION ON CHANGES TO THE ULTRA-LOW EMISSION ZONE AND LONDON LOW EMISSION ZONE**  
Report of the Director of Markets and Consumer Protection  
  
**For Decision**  
(Pages 23 - 34)
8. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2017-2020: PROGRESS REPORT (PERIOD 2)**  
Report of the Director of Markets and Consumer Protection  
  
**For Information**  
(Pages 35 - 70)

9. **PERIOD 2 (AUG-NOV) CEMETERY & CREMATORIUM BUSINESS PERFORMANCE UPDATE**  
Report of Director of Open Spaces
- For Information**  
(Pages 71 - 84)
10. **DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - PERIODIC REPORT**  
Report of Director of the Built Environment
- For Information**  
(Pages 85 - 100)
11. **PLASTIC FREE CITY**  
Report of the Director of the Built Environment
- For Decision**  
(Pages 101 - 104)
12. **UNITED FOR WILDLIFE**  
Report of the Director of Markets and Consumer Protection
- For Decision**  
(Pages 105 - 114)
13. **ANNUAL WAIVERS REPORT**  
Report of the Chamberlain
- For Information**  
(Pages 115 - 122)
14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
Any items of business that the Chairman may decide are urgent.
16. **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**

17. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 21 November 2017
- For Decision**  
(Pages 123 - 128)

18. **REFUSE AND RECYCLING COLLECTION, STREET CLEANSING AND  
ANCILLARY SERVICES TENDER**

Report of the Director of the Built Environment

**For Decision**  
(Pages 129 - 140)

19. **CEMETERY AND CREMATORIUM FEES, CHARGES AND MARKETING REPORT**

Report of Director of Open Spaces

**For Decision**  
(Pages 141 - 152)

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

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

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

**Tuesday, 21 November 2017**

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Tuesday, 21 November 2017 at 11.00 am

### **Present**

#### **Members:**

Jeremy Simons (Chairman)	Christopher Hill
Deputy Keith Bottomley (Deputy Chairman)	Deputy Tom Hoffman
Deputy John Absalom	Deputy Wendy Hyde
Alderman Nick Anstee	Vivienne Littlechild
Adrian Bastow	Andrew McMurtrie
Peter Bennett	Andrien Meyers
Peter Dunphy	Deputy Joyce Nash
Mary Durcan	Michael Welbank
Alderman David Graves	Mark Wheatley
Graeme Harrower	Deputy Philip Woodhouse

### **In Attendance**

#### **Officers:**

Neil Davies	-	Town Clerk's Department
Sacha Than	-	Town Clerk's Department
Carl Locsin	-	Town Clerk's Department
Julie Smith	-	Chamberlain's Department
Paul Chadha	-	Comptroller & City Solicitor's Department
Carolyn Dwyer	-	Director of Built Environment
Steve Presland	-	Department of Built Environment
David Smith	-	Director of Markets & Consumer Protection
Jon Averbs	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection Department
Tony Macklin	-	Markets & Consumer Protection Department
Colin Buttery	-	Director of Open Spaces
Gary Burks	-	Open Spaces Department
Warren Back	-	City Surveyors

### **1. APOLOGIES**

The Chairman welcomed Alderman Anstee to his first meeting of the Committee.

Apologies were received from Alexander Barr, Tijs Broeke, Henrika Priest, Deputy Elizabeth Rogula, and John Scott.

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

There were no declarations.

3. **MINUTES**

**RESOLVED** – That the public minutes of the meeting held on 19 September 2017 be approved.

**Matter Arising**

Award for Coffee Cups

The Director of Transportation and Public Realm explained that an award had been received for the Coffee Cup Recycling Campaign from the Chartered Institute of Waste Management for the most successful campaign. The Chairman congratulated all those who made this a success noting that half a million coffee cups had been recycled in a period of one month.

Electric Vehicle Charging

The Chairman explained that a meeting had been held with the General Secretary of the Licensed Taxi Drivers Association and officers had been provided with the opportunity to view a new low emission electric/hybrid taxi, 130-140 of which were expected to be rolled out in early 2018.

The Director of Transportation and Public Realm advised that there would be a delay in installing eight charging points at Baynard House car park, and officers were working with TfL on this. A charging point at Noble Street would be installed and ready to serve taxi drivers by March/April 2018.

Impact of BREXIT

The Port Health and Public Protection Director explained that a meeting with the Local Government Association had taken place and officers were seeking support from a number of organisations and trade association to raise the City Corporation's profile and a full report would be brought before the Committee in 2018.

Draft Code of Practice for Deconstruction and Construction Sites

The Port Health and Public Protection Director explained that counsel's opinion was being sought and an Officers' working party had been set up to progress the questionnaire which would be sent to all relevant parties in relation to Saturday working.

In response, a Member of the Committee raised the following points:

- that they were pleased at the introduction of the Working Party, and this should commence soon, however representation from Members and residents was needed;
- the Chairman of Planning and Transportation has been supportive of initiatives to find resolution in this area including measures such as the Polluter Pays;
- that weekend working was a huge imposition for those living in the City and queried whether other solutions could be sought such as using the

five hours allocated for Saturday working and sharing these across Monday-Friday instead; perhaps through commencing work earlier and finishing later.

In response to the points raised, the Chairman asked officers to clarify the purpose of the working group, whether it would be appropriate to extend the membership and if so, who should be invited to participate in the group.

The Port Health and Public Protection Director advised that following the last meeting of the Port Health and Environmental Services Committee where Members had asked for further evidence before amending the Code of Practice, the Comptroller and City Solicitor had drafted an instruction to counsel, and officers were looking to monitor and scrutinise Saturday working to provide evidence to the Committee.

The Port Health and Public Protection Director advised that the composition of the Working Party was a decision for the Committee and at present comprised of the Comptroller and City Solicitor, the Port Health and Public Protection Director and the Chief Planning Officer and Development Director.

The Comptroller and City Solicitor explained that in seeking advice from counsel, officers were seeking guidance on the consultation process for changing Saturday working, definitions of noisy working, how to approach the issue of exemptions to the restrictions, and how the needs of developers could continue to be met, whilst implementing a new policy.

Once the guidance was received, a questionnaire would be put together, circulated to relevant parties, and approval would be sought from the Committee. The Comptroller and City Solicitor advised waiting on appointing Members to the Working Party until the consultation period was finished and evidence could be presented.

The Chairman summarised that following consultation and a developed questionnaire, a decision would be made on the membership of the Working Party and it was important to consider the evidence for any proposals. The Port Health and Public Protection Director added that officers would continue to monitor Saturday working and any complaints arising.

#### 4. **OUTSTANDING ACTIONS REPORT**

The Committee received a report detailing the Outstanding Actions of Port Health & Environmental Services.

##### Noise Pollution from the London Underground

The Chairman advised that he had sent a letter to TfL on 7 November 2017 which had been copied to the Members of the Committee and Ward Members.

#### 5. **OPERATIONAL PROPERTY REVIEW - TILBURY DOCK OFFICE**

The Committee considered a report of the Director of Markets and Consumer Protection on the Port Health Service Office at the Port of Tilbury. The report explained that while the offices at Tilbury are currently surplus to requirements,

given that the port is expanding and the uncertainties of the UK exit from the European Union a short-term sub-letting arrangement be proposed.

In response to Members' queries, the City Surveyor confirmed:

- the current passing rent is approximately £19,000 pa and the asking rent is approximately £35,000 pa;
- in terms of repair prior to any letting, other than a small rent free period in lieu of redecorations, no monies are anticipated to be spent on this.

**RESOLVED** – That the Committee agree to declare the Tilbury Dock Office surplus to the Port Health Service requirements for the time being and that it be presented to the Corporate Asset Sub Committee.

**6. STREET TRADING POLICY 2017**

The Committee considered a report of the Director of Markets and Consumer Protection on the Street Trading Policy 2017. The report outlined how the City of London (Various Powers) Act 2013 had changed street trading within the City of London and recommended three specific exemptions to the Policy to reflect these changes.

**RESOLVED** – That Members agreed the proposed Street Trading Policy.

**7. ILLEGAL STREET TRADING UPDATE**

The Committee considered a report of the Director of Markets and Consumer Protection which updated Members on actions to combat illegal street trading and sought authorisation to enter a s.101 Agreement with the London Borough of Southwark.

The Director of Markets and Consumer Protection confirmed that an agreement was not in place with Tower Hamlets in relation to the north side of Tower Bridge.

Members welcomed the proposals and noted the underlying issues of people trafficking and organised crime associated with those committing illegal street trading.

Members noted that engagement with Southwark would be helpful and recommended if officers were to negotiate a successful agreement with the London Borough of Tower Hamlets, they had the Committee's permission to enter into a S.101 Agreement with the Borough.

**RESOLVED** – That the Committee:

- authorise the City of London Corporation to enter into an agreement under the provisions of S.101 Local Government Act 1972 with the London Borough of Southwark; and
- authorise in principle for the City of London Corporation to enter into an agreement under the provisions of S.101 Local Government Act 1972 with the London Borough of Tower of Hamlets once a suitable arrangement has been reached.

**8. 45TH CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT 2017**

The Committee received a report of the Port Health and Public Protection Director which informed the Committee of the outcome of the 45<sup>th</sup> City of London Thames Fishery Experiment.

In response to a Member's question, the Port Health and Public Protection Director explained that whilst the City of London School had not attended in an official capacity, interested pupils were invited to attend and officers would welcome a full team from the City of London School in future years.

**RESOLVED** – That the Committee:

- note the content of the report;
- review and approve the grant from City's Cash to partially fund the 2018 event; and
- approve the 46<sup>th</sup> City of London Thames Fishery Research Experiment to take place in 2018.

**9. INTRODUCTION OF EMISSION BASED TARIFFS FOR ON-STREET PARKING & CASHLESS PARKING**

The Committee received a report of the Director of the Built Environment which recommended the introduction of a new tariff for on-street parking charges based on variable charging according to their emissions.

**RESOLVED** – That the Committee agree to:  
Emission Based Tariff-

- Commence the statutory process for the introduction of a new tariff structure for on-street parking charges based on vehicle type and emissions as outlined paragraph 11 of the report before Members.

Cashless Parking –

- Remove most of the Pay & Display machines for on-street parking payments in the City with the exception of those locations that continue to receive a relatively high level of cash payments, and commence the statutory process to remove the convenience fee of 20p currently applied to each mobile phone parking transaction.
- Delegate to the Director of the Built Environment authority to consider all consultation responses and representations in response to the proposal to introduce a new tariff structure and to determine whether or not to make the necessary Order (subject to being satisfied that no major new issues or significant public concern has arisen during the consultation process). If major new issues or significant public concern have arisen the decision whether or not to introduce the new tariff structure and remove the convenience fee will be brought back to Planning & Transportation Committee.

**10. UPDATE TO SCHEME OF DELEGATIONS**

The Committee received a report of the Director of the Built Environment which set out minor modifications to the Scheme of Delegations.

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

**11. REVENUE AND CAPITAL BUDGETS - 2018/19**

The Committee received a joint report of the Chamberlain, the Director of the Built Environment, the Director of Markets and Consumer Protection, and the Director of Open Spaces which set out the revenue budgets overseen by the Committee.

In response to Members' queries, the Chamberlain confirmed that the reversing of brackets within the accounts was at the request of the Finance Committee and would be applied to all accounts presented to Committee to reflect private sector accounting. However, to comply with local government conventions, the brackets would be inversed when reporting to government.

Members queried the implications of the reduction in costs of the City Surveyor's Additional Works Programme noting it was important that this not lead to future maintenance costs. The City Surveyor agreed to provide the Committee with further information in relation to this, including a year by year analysis and details of the work to be carried forward.

The Port Health and Public Protection Director highlighted the increased funds required for the Coroner's office and a report would be brought before the Committee at a later date for decision.

**RESOLVED** – That the Committee:

- note the latest 2017/18 revenue budget;
- review the provisional 2018/19 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- review and approve the draft capital budget;
- note the Building Repairs and Maintenance asset verification exercise being undertaken by the City Surveyor and agree that any minor changes for 2017/18 latest and 2018/19 original budgets arising from this exercise be delegated to the Chamberlain;
- authorise the Chamberlain to revise these budgets for changes to the Additional Works Programme, and in respect of recharges.

**12. DRAFT DEPARTMENTAL BUSINESS PLANS 2018/19 - DEPARTMENTS OF: OPEN SPACES, MARKETS AND CONSUMER PROTECTION, BUILT ENVIRONMENT**

The Committee received a joint report of the Directors of Open Spaces, Markets and Consumer Protection, and the Built Environment which set out the draft high-level business plans for 2018/19.

**RESOLVED** – That the Committee note the draft high-level business plans for 2018/19 for the Departments of Open Spaces, Markets and Consumer Protection, and the Built Environment.

13. **DEPARTMENT OF THE BUILT ENVIRONMENT (CLEANSING SERVICES) BUSINESS PLAN PROGRESS REPORT FOR PERIOD 1 (APRIL - JULY), 2017/18**

The Committee received a report of the Director of the Built Environment which set out the progress made during Period One against the 2015-18 DBE Business Plan.

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

14. **PUBLIC SECTOR EQUALITY DUTY PRESENTATION**

The Committee received a report of the Director of Community and Children which provided Members with a brief overview of the City of London Corporation's requirements under the Public Sector Equality Duty, which falls under Section 149 of the Equality Act 2010, and how this applies to the City Corporation's local authority and port health functions.

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

15. **RESOLUTION TO PLANNING AND TRANSPORTATION COMMITTEE**

The Committee received a note of the discussion of the 3 October meeting of the Planning and Transportation Committee which was in response to a resolution submitted from the September 2017 Port Health and Environmental Services Committee in relation to electric vehicle charging.

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

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

A Member asked if an update could be provided on the number of upside down drinking water fountains in the City, both working and in the planning stage.

The Director of Transportation and Public Realm advised that there were seven drinking water taps in total, five of which were in operation and two undergoing repairs. As part of the City Corporation's initiative to reduce plastic, officers had been looking at opportunities to introduce further water points as part of the public realm programme and had been working with local traders to introduce refillable points in stores.

In response to the Chairman's question, the Director of Transportation and Public Realm confirmed that the pipes were turned off in cold weather.

A Member explained that complaints had been received from residents in the Ward of Aldersgate who had been bitten by mosquitoes and asked officers;

“whether environmental services could investigate this”. The Deputy for the Ward added that this was a serious matter for those in Tudor Rose Court and other areas of the Barbican and queried “whether the water from the ponds was causing this issue?”.

In response the Port Health and Public Protection Director confirmed officers would look into this and report back to Members. The Director of Open Spaces added that officers had tested water bodies in the Wildlife Garden and the mosquitoes had been tested for analysis. It was thought that the mosquitoes may have arrived via the London Underground. The Chairman suggested that officers liaise with TfL on this matter.

A Member queried the extent to which resources should be spent on this, in response the Chairman advised that a report should not be brought back before Committee, but an update on the investigation would be helpful.

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

The Director of Port Health and Public Protection explained that a gold standard award had been received from the RSPCA for work in conjunction with animal licensing establishments.

The Chairman advised that further to the ties advertised at the last meeting of the Committee, there were also broaches available for purchase from the Director of Port Health and Public Protection.

**18. 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.

19, 23, 24,26	3
20	1
21, 22	1,3
25	3,5,7

**19. NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 19 September 2017 be approved.

**20. SIGNOR FAVALE'S MARRIAGE PORTION CHARITY (206949) - A DOWRY REQUEST**

The Committee considered a joint report of the Comptroller and City Solicitor and the Town Clerk which sought approval of the award of a marriage portion from the Signor Pasquale Favale Bequest.

**21. WRITE-OFF OF BAD DEBT**

The Committee considered a report of the Director of Markets and Consumer Protection which sought approval for the write-off of bad debt.

**22. WRITE OFF OF BAD DEBT**

The Committee considered a report of the Director of Markets and Consumer Protection which sought approval for the write-off of bad debt.

**23. PLANNING & REGULATORY SERVICES CASEWORK MANAGEMENT SYSTEM (PRSCMS) PROJECT GATEWAY 1 / 2 COVERING REPORT**

The Committee considered a joint report of the Director of Markets and Consumer Protection and the Director of the Built Environment which sought approval for a project to proceed to Gateway Three.

**24. WASTE COLLECTION, STREET CLEANSING AND ANCILLARY SERVICES DELIVERY OPTIONS APPRAISAL**

The Committee received a report of the Director of the Built Environment which sought approval in relation to Waste Collection, Street Cleaning and Ancillary Services options.

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

The Committee received a joint report of the Director of the Built Environment, the Director of Markets and Consumer Protection, and the Director of Open Spaces which informed Members of debt arrears.

**26. WALBROOK WHARF - MEDIUM TERM STRATEGY**

The Committee received a report of the City Surveyor which set out the recommendations that were approved by the Corporate Asset Sub Committee on 5 October 2017 in relation to Walbrook Wharf.

**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 12.41 pm**

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Chairman

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## Port Health & Environmental Services Committee – Outstanding Actions

Item	Date	Action	Officer(s) responsible	To be completed/ progressed to next stage	Progress Update
1.	23 May 2016	<b>Noise Pollution from the London Underground</b>	Director of Port Health and Public Protection	Ongoing	In response to a Member's request for continued pressure on TfL, the Chairman of the Port Health & Environmental Services sent a letter to TfL on behalf of the Committee. Officers to provide an update in January 2018.
2.	4 July 2017	<b>Impact of Brexit</b>	Director of Port Health and Public Protection	March 2018	A report would be provided to the Committee in March 2018.
3.	19 September 2017	<b>Electric Vehicle Charging</b>	Director of Transportation and Public Realm	July 2018	Members asked that a review of the Project assessing the effectiveness of the charging points within the locations, be brought forward to July 2018.
4.	21 November 2017	<b>Additional Works Programme</b>	City Surveyor	TBC	Members queried the implications of the reduction in costs of the City Surveyor's Additional Works Programme noting it was important that this not lead to future maintenance costs. The City Surveyor agreed to provide the Committee with further information in relation to this, including a year by year analysis and details of the work to be carried forward.
5.	21 November 2017	<b>Mosquitoes</b>	Director of Port Health and Public Protection	Ongoing	Officers were asked to investigate the issue of mosquitoes in the Ward of Aldersgate and for officers to liaise with TfL to investigate whether the mosquitoes were coming via the London Underground. An update on the investigation to be

					provided to Members in 2018.
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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee	16 January 2018
<b>Subject:</b> Terms of Reference Review	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report author:</b> Sacha Than, Town Clerk's Department	

## Summary

As part of the post-implementation review of the changes made to the governance arrangements in 2011 it was agreed that all Committees should review their terms of reference annually. This will enable any proposed changes to be considered in time for the reappointment of Committees by the Court of Common Council.

The terms of reference of the Port Health and Environmental Services Committee are attached at Appendix A to this report for your consideration. If approved, it is proposed that any subsequent changes to the Committee's terms of reference required in the lead up to the Court's appointment of Committees in April 2017 be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

The Committee is also required to review the frequency of its Committee meetings. The Committee currently meets six times per year in January, March, May, July, September, and November.

## Recommendations

It is recommended that:

- the terms of reference of the Committee, subject to any comments, be approved for submission to the Court in April 2017;
- Any subsequent 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
- Members consider whether any change is required to the frequency of the Committee's meetings.

## Appendices

- Appendix A – Terms of Reference

### Sacha Than

Committee and Member Services Officer

Town Clerk's Department

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**Port Health and Environmental Services Committee Terms of Reference**

To be responsible for:-

- (a) all the City of London Corporation's environmental health, port health, animal health, consumer protection, licensing (with the exception of those which are in the province of another Committee), public conveniences, street cleansing, refuse collection and disposal, and cemetery and crematorium functions;
- (b) the implementation of those sections of any Acts of Parliament and/or European legislation which direct that the local authority take action in respect of those duties listed at (a) above;
- (c) the appointment of the Director of the Built Environment (in consultation with the Planning & Transportation Committee);
- (d) the appointment of the Director of the Markets and Consumer Protection acting jointly with the Markets and Licensing Committees;
- (e) the appointment of the Director of Open Spaces (in consultation with the Open Spaces & City Gardens Committee);
- (f) determining any appeals against a decision not to grant City premises a licence under the provisions of the Marriage Act 1994 and the City of London (Approved Premises for Marriage) Act 1996 to conduct civil marriage ceremonies;
- (g) the appointment of the City of London Coroner;
- (h) the Signor Pasquale Favale Bequest (registered charity no. 206949);
- (i) making recommendations to the Court of Common Council in respect of the making and sealing of byelaws for the variance of charges at the Animal Reception Centre.

<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Health Services – For decision	16 January 2018
<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>
<b>Report author:</b> Jon Averbs, Port Health & Public Protection Director	

## Summary

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 2018/19.

Overall I propose that fees are increased by 2%, but to promote more efficient collection I do not propose to increase charges for all those customers that pay via Direct Debit,. This method will minimise administration and should also have a positive impact on aged debt, as experienced by the Port Health Service.

The continued increase in throughput following the changes to the legislation in 2012, and a modest overall increase in fees for 2017/18 for those who do not pay by Direct Debit should offset increased costs, and it is anticipated that the service will operate at a surplus in 2018/19.

## Recommendations

Members are asked to:

- Approve the charges included in the Appendix to this report with effect from 1 April 2018, or as soon as practicable thereafter.
- Approve the proposed Byelaws contained in the Appendix to this report and recommend 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.

## **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 continuing surpluses until 2016/17. The budgeted outturn for 2017/18 is a surplus of £116,000.
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 (see paragraph 14 below). Following a period of substantial fee increases to ensure a move towards full cost recovery, annual increases from 2013 - 2016 were in line with inflation, but in 2015/16 the overall increase was 1% above inflation, returning to an inflationary increase for 2107/18.

### **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 of 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. The changes made since the introduction of the Pet Travel Scheme in 2003 have now been

consolidated into new EU regulations which have been enacted by an amendment to the UK legislation, which came into force on December 2014.

6. The income for Animal Health during 2017/18 was originally projected as £3,165M with the revised estimate being £3.310M. Expenditure budgets at the HARC 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.
7. Following a detailed review of the staffing structure a Staffing levels are now considered correct for the current throughput, but an independent review has recently been undertaken to support and secure cost-effective regulatory compliance, whilst also giving the potential to look at new opportunities, should they arise. The recommendations of this review are now being implemented, and a centrally funded consultant is to be engaged, to develop income generation proposals further.
8. Current budgeted income for Animal Health in 2018/19, taking into account the proposed increases in charges in this report, is £3.340m, and the overall projected net outturn for 2018/19 is a surplus of £212,000. This will contribute to funding any expenditure on buildings, equipment etc. as part of set-up costs for new services.

## **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 and that this is introduced from 1 April 2018, or as soon as practicable thereafter.
10. It had been intended to introduce direct debit system during 2107/18, but due to technical reasons this did not happen, although this should now be possible. Fee increases in recent years have, overall, been above the level of inflation, so whilst I propose to raise charges for 2108/19 by 2%, all those customers that elect to pay by direct debit will continue to be charged at 2017/18 rates. This method of payment will minimise administration and should also have a positive impact on aged debt, as experienced by the Port Health Service. There is the potential to recover up to 60% of fees via direct debit.
11. Those carriers that do not enter into direct debit arrangements will be charged in accordance with the revised charges shown in Appendix 1.
12. The Comptroller and City Solicitor will prepare the necessary revised Byelaws that reflect the proposed charges as contained in Appendix 1 for approval by the Court of Common Council, and sealed subsequently.

## **Implications**

13. The Comptroller and City Solicitor and the Chamberlain have been consulted and have agreed with the proposal to have dual charges. The Comptroller and City Solicitor also 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”.

14. There is the potential for competition at Heathrow for the Pet Travel Scheme (PETS) as this part of the this 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**

15. Changes to fees in previous years have resulted in the Animal Health Service increasing its income, and the fees that are proposed for 2018/19 should offset recent and future increases in costs, and maintain the service at an operating surplus.

**Appendices:** Appendix 1, Additional Byelaws relating to Heathrow Animal Reception Centre, to incorporate revised charges for 2018/19.

## **Jon Averbs**

Port Health & Public Protection Director

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## **ADDITIONAL BYELAWS RELATING TO THE HEATHROW ANIMAL RECEPTION CENTRE**

**1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

*(2017/18 rates shown in brackets)*

**Minimum charge for any one consignment £175 (£173)**

### **ANIMALS CHARGE PER CONSIGNMENT**

**1. Mammals** £177 (£173) for up to 24 hours £55 (£54) per day or part thereof after 24 hours

**2. Reptiles** £177 (£173) for up to 24 hours £210 (£206) 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 £210 (£206) minimum per consignment £62 (£61) per day or part thereof handling for any consignment after 24 hours

**3. Birds** £62 (£61) per box per day £175 (£173) 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 £40 (£38) per box per day, or part thereof.**

Pet birds £42 (£41) per bird for up to 24 hours.

Bird Quarantine £350 - £1200 (£340-£1170) plus laboratory testing fees.

Fees are dependent on size of consignment and housing requirements.

Faecal Sampling and Bird Autopsy costs as per current Animal & Plant Health Agency rates. Larger consignments to be negotiated see Part 2, Section 6

**4. Fish/Aquatic** £1.90 (£1.85) per box £32 (£31) minimum charge

**Invertebrates/Semen/**

**Fish and Bird Eggs**

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

PETS originating in the E.U. (including those countries listed in Annex 2 of part 1 to Commission Implementing Regulation (EU) 577/2013) will be charged a handling fee of £42 (£41) per animal in addition to the collection charge of £83 (£80) (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. £175 (£173) and, where the consignment consists of more than one animal, a handling fee of £42 (£41) per animal thereafter.

PETS checked at aircraft (Assistance Dogs) £210 (£206) plus 1 hour collection charge £166 (£160) = £376 (£366) and, where the consignment consists of more than one animal, a checking fee of £42 (£41) per animal thereafter.

**A surcharge of £630 (£618) 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 £19 (£18.50) 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**

### **CHARGES FOR ANCILLIARY SERVICES**

1. Destruction including disposal of livestock or goods - £38 (£37) per kilogram.  
Travelling containers are the owner's property and should be collected with the animal. If they are no longer required we can dispose of them for a fee of £15
2. Cleansing and disinfecting aircraft, animal holding facilities, vehicles, loose boxes etc. - £340 (£320) per hour (including disposal of special waste).
3. Identification of species for DEFRA/HM Revenue and Customs/Border Agency - £166 (£154) per hour. Assisting on off airport operations - £83 (£80) per hour/£530 (£515) per day.
4. Re-crating or repair to crates - quotations on request.
5. Collection and delivery of animals and birds to and from the Animal Reception Centre by an Animal Reception Centre member of staff - £166 (£160) per hour or £83 (£80) 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 International Air Travel Association (IATA) standards:-  
  
Space Bars/Battens - £47 (£46) per box  
Air Holes - £20 (£18) per box  
Water Pots - £20 (£18) per box  
  
(If these services are carried out on the airport an additional fee of £83 (£70) applies for 'delivery' of the service).
8. Use of Large Animal Facility (per pallet) £340 (£330)
9. Special handling i.e. re-oxygenation of fish/re-packaging reptiles £83 (£80) per hour plus cost of materials

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<b>Committee</b>	<b>Dated:</b>
Port Health and Environmental Services	16 <sup>th</sup> January 2018
<b>Subject:</b> Mayor of London consultation on changes to the Ultra-Low Emission Zone and London Low Emission Zone	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Ruth Calderwood, Air Quality Manager	

## Summary

The Mayor of London has launched a consultation on proposed changes to the Ultra-Low Emission Zone and London Low Emission Zone. The consultation closes on 28<sup>th</sup> February 2018.

The consultation is the latest in a series of measures to improve air quality by reducing emissions of air pollutants from vehicles in London. The proposal is to:

- tighten the emission limits of the existing London-wide Low Emission Zone for heavy vehicles from 2020
- expand the Ultra-Low Emission Zone to cover inner London up to, but not including, the North and South Circular roads in 2021

Given that the City of London will already be within the ULEZ in 2019, the predicted impact of these latest proposals on air quality within the City boundary is minimal.

## Recommendation

Given the tight timescales for a response, Members are asked to:

- delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, and subject to comments received, to respond to the Mayor of London's latest consultation on proposals to improve air quality

## Main Report

### Background

1. The Mayor of London has launched a consultation on proposed changes to the Ultra-Low Emission Zone and London Low Emission Zone. The consultation closes on 28<sup>th</sup> February 2018.
2. The consultation is the latest in a series of proposals to improve air quality by reducing emissions of air pollutants from vehicles in London. Details of the

consultation can be found at <https://consultations.tfl.gov.uk/environment/air-quality-consultation-phase-3b/>

3. The City Corporation has responded to three previous consultations published by the Mayor of London to control emissions from road vehicles. Copies of all three responses are appended to this report.

## **The Consultation**

4. London currently has a London-wide Low Emission Zone (LEZ). The LEZ requires all heavy vehicles to meet a Euro IV Particulate Matter (PM) standard, or pay a daily charge of £200. Within the LEZ, all vans and minibuses must also meet a Euro 3 PM standard, or pay a daily charge of £100. Euro Standards set limits for emissions of pollutants from vehicle exhausts. The limits get tighter over time. The higher the number, the tighter the standard.
5. The Mayor of London has confirmed that an Ultra-Low Emission Zone (ULEZ) will be introduced in central London from 8 April 2019. This will cover the Congestion Charge Zone. The ULEZ will apply 24 hours a day, 7 days a week. All vehicles that do not meet the required emission standards will be liable to pay a daily charge to drive within the zone.
6. The ULEZ will replace the current T-Charge, which was introduced in October 2017. The T Charge, officially known as the Emissions Surcharge, applies in the Congestion Charge Zone 7:00-18:00 Monday to Friday. Vehicles that do not meet Euro 4/IV Standard are required to pay £10, in addition to the £11.50 Congestion Charge.
7. The latest consultation proposes to:
  - Tighten the emission limits of the London-wide Low Emission Zone for heavy vehicles from 2020. All heavy vehicles (HGV's, Coaches, Buses) would be required to meet Euro VI emission standard
  - Expand the Ultra-Low Emission Zone to cover inner London up to, but not including, the North and South Circular roads. It would apply to light vehicles (cars, small vans, minibuses) from 2021. The standard would be the same as the ULEZ, Euro 4 for petrol vehicles and Euro 6 for diesel
8. Given that the City of London will already be within the ULEZ in 2019, the predicted impact of these latest proposals on air quality within the City boundary is minimal.
9. As the consultation period ends on 28 February 2018. it is recommended that delegation should be granted to the Town Clerk to respond, following consultation with the Chairman and Deputy Chairman, and subject to any comments received.

## **Corporate & Strategic Implications**

10. The work on air quality supports Key Policy Priority KPP3 of the Corporate Plan: 'Engaging with London and national government on key issues of concern to our communities such as transport, housing and public health'.

## **Conclusion**

11. The Mayor of London has launched a consultation on proposed changes to the Ultra-Low Emission Zone and London Low Emission Zone. The consultation period ends on 28 February 2018.
12. Given the tight timescales for a response, it is recommended that delegation should be granted to the Town Clerk to respond, following consultation with the Chairman and Deputy Chairman, and subject to comments received.

## **Appendices**

**Appendix 1:** Copies of previous consultation responses to the Mayor of London on proposals to reduce emissions of pollutants from road traffic

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Air Quality Manager

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**Town Clerk & Chief Executive**  
John Barradell



Sadiq Khan  
Mayor of London  
City Hall  
The Queen's Walk  
London  
SE1 2AA

**Telephone** 020 7332 1174  
**Email** david.arnold  
@cityoflondon.gov.uk

**Date** 22 July 2016

Dear

*Sadiq*

### **Cleaning Up London's Air Pollution Consultation**

Thank you for the opportunity to comment upon your initial proposals for cleaning London's air. The City of London Corporation's comments on each proposal are as follows:

#### **The Ultra- Low Emission Zone**

The City Corporation strongly supports the objective of implementing an Ultra-Low Emission Zone in the existing congestion charge zone. The City Corporation also supports plans to bring forward the implementation of the ULEZ to September 2019.

The City Corporation supports the proposals to expand the ULEZ in principle. However, the City Corporation would like to see further details of the implications and impacts of recommended proposals before making a firm judgement on the boundary and the vehicle classes to include. An expanded ULEZ may only be achievable if introduced with an effective diesel scrappage scheme.

#### **Diesel Scrappage Scheme**

The City Corporation welcomes plans for a diesel scrappage scheme in London, tailored towards the most polluting vehicles.

#### **Vehicle Excise Duty**

The City Corporation supports the proposal for London to be given greater control over vehicle excise duty to encourage the purchase of cleaner vehicles across London.

#### **Pedestrianisation**

The City Corporation is moving towards greater pedestrianisation in the Square Mile. Care needs to be taken with any pedestrianisation scheme that the pollution is not displaced elsewhere. Any pedestrianisation scheme needs to be supported by parallel policies to reduce emissions from vehicle in the general area.

**Pollution Alerts**

The City Corporation supports plans for pollution alerts when air pollution is high to help people reduce their exposure. The City Corporation already provides alerts through its free smart phone app CityAir and is developing its own air quality communications strategy.

**Domestic Boilers**

The City Corporation agrees that the Mayor should fund a boiler scrappage scheme which would have benefits for air pollution, carbon reduction and fuel poverty.

**Emissions Surcharge**

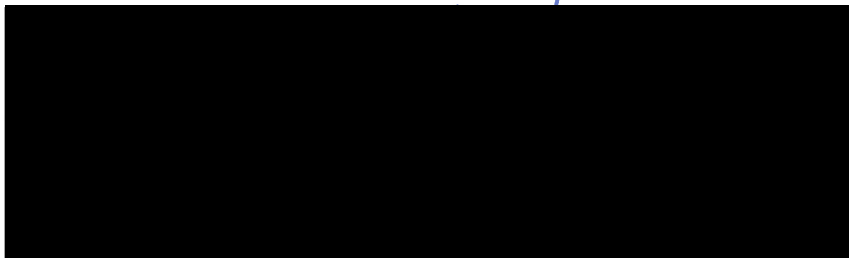
The City Corporation supports the idea of an emissions surcharge in principle for vehicles entering the congestion charge zone. However, before offering full support for such a scheme the City Corporation would like to understand how many vehicles this is likely to include; what journeys these vehicles are making; and whether taxis and private hire vehicles would be subject to this charge. Given the emissions profile of vehicles it would seem reasonable to just apply any charge to diesel vehicles, rather than petrol, and to include large vehicles with nine or more seats. Given the small number of vehicles this is likely to affect, residents should not receive a 90% discount.

**Additional comments**

The City Corporation would welcome further incentives for the transition of diesel taxis to zero emission capable taxis from 2018. There would be large air quality benefits in central London if all taxis were zero emission capable by 2025. The City Corporation would also like to see additional measures to remove diesel Private Hire Vehicles from the PHV fleet.

The City Corporation welcomes proposals for bringing forward the requirement for all double decker buses to be ULEZ compliant in central London from 2020 to 2019.

Yours sincerely,

A large black rectangular redaction box covering the signature area. A small blue vertical line is visible above the box.



Date 16 December 2016

Dear Mayor

### **Consultation Response: New Proposals to Improve Air Quality**

Thank you for the opportunity to comment on the new proposals to improve air quality outlined in the consultation document dated October 2016. The response to the consultation questions are detailed below

- 1. To what extent do you support or oppose the introduction of a new £10 Emissions Surcharge on the Congestion Charge to discourage the use of older, more polluting vehicles in central London to improve air quality and health?**

The City Corporation supports the principle of an Emission Surcharge, but this particular proposal appears to lead to very little improvement in air quality. The consultation document itself forecasts that this policy will have a 'minor positive' improvement in air quality in the Congestion Charge Zone, delivering a 3% reduction in NOx emissions from road transport. This is likely to lead to a very small reduction in actual annual average nitrogen dioxide concentrations, perhaps less than 1µg/m<sup>3</sup>.

Given the minor impact on air quality, the City Corporation would like taxis and PHVs to be included in the scheme, and not be exempt from the Emissions Surcharge. In addition, the residents discount does not provide sufficient incentive for residents to replace their vehicles for a cleaner one or to use alternative transport. Consideration should be given to a sliding scale of charges over the course of the 'sunset' period.

The scheme has the potential to lead to a marginal reduction in traffic, which the City Corporation would support. However, as the documentation states this is difficult to determine. The City Corporation does appreciate that the Emission Surcharge would largely be a transitional scheme, ahead of the ultra-low emission zone, which will have a much greater impact on air quality. The Emission Surcharge could also lead to a positive impact on the way London is perceived as a 'clean city'.

The consultation document states that, at a macro level, the financial burden of the emission surcharge isn't expected to cause any material negative impact on London's

business. However some SMEs and also individuals that need to drive into the zone for work may be affected. The document states that retrofit may be an option for these vehicles. Further details should be made available on this as soon as possible.

- 2. We are proposing that the Emissions Surcharge will start on 23 October 2017 as the earliest possible operational date for implementing the scheme. Do you agree with this implementation date?**

The 23 October 2017 would seem reasonable for an appropriate Emission Surcharge scheme, providing sufficient time is given to drivers to retrofit vehicles if they wish. We are confident that Transport for London will have the necessary certification system in place by the implementation date.

- 3. Following the start of ULEZ in central London, to what extent do you support or oppose residents continuing to be liable for the Emission Surcharge, at the discounted rate of £1, during the ULEZ sunset period (for the first 3 years, while residents do not pay the ULEZ charge)?**

The residents discount does not provide sufficient incentive for residents to replace their vehicles for a cleaner one, or to use alternative forms of transport. Consideration should be given to a sliding scale of charges over the course of the 'sunset' period.

- 4. To what extent do you support or oppose the exemption of historic tax class vehicles?**

The City Corporation supports the exemption of historic tax class vehicles, as they are not considered to be a key contributor to local levels of air pollution.

- 5. To what extent do you support or oppose the exemption of Showman's vehicles?**

The City Corporation supports the exemption of Showman's vehicles, as they are not considered to be a key contributor to local levels of air pollution.

- 6. Do you support or oppose including L-Category vehicles (e.g. three wheeled vehicles and quadricycles) that currently pay the congestion charge?**

The City Corporation supports the exemption of L-Category vehicles as they are not considered to be a key contributor to local levels of air pollution.

- 7. Do you support or oppose including 9+ seater vehicles, such as coaches, buses and minibuses?**

The City Corporation considers that 9+ seater vehicles should be required to meet an emission limit, or pay a charge, as it is an 'Emission Surcharge' and not a 'Congestion Charge'.

- 8. Do you support or oppose the idea of bringing forward the introduction of the central London ULEZ to 2019 to improve air quality and health?**

The City Corporation understands that no formal proposals for alterations to the planned ultra-low emission zone (ULEZ) are being put forward in this consultation document. Further detail about the proposals will follow in 2017, subject to additional feasibility work. The consultation document does state that if the ULEZ was introduced in 2019, it is anticipated that there would be a 40% reduction in NOx emissions from transport, on top of that which would be achieved by introducing the ULEZ in 2020. Consequently, the City Corporation supports the proposal to bring the date forward in principle, and would like to see further details in the next consultation phase on the actual impact on air quality and the corresponding impact on health. The City Corporation would also welcome details in the next phase of the consultation of any financial support to assist people and small organisations to comply with the ULEZ requirements, together with details of options to retrofit.

**9. Do you support the overall principle of expanding ULEZ (up to but not including) the North and South Circular roads for all vehicles?**

The City Corporation understands that no formal proposals for alterations to the boundary of the planned ultra-low emission zone are being put forward in this consultation. Further details will follow in 2017, subject to additional feasibility work. Consequently, the City Corporation would like to reserve judgment on the proposed boundary until further information becomes available.

In the next phase of the consultation, the City Corporation would like details of the anticipated impact on actual levels of air pollution in central London from an expanded ULEZ. The City Corporation would also like to see details of any financial support to assist people and small organisations to comply with the ULEZ requirements, together with vehicle retrofit options.

**10. When do you think the expansion of ULEZ (up to but not including) the North and South Circular roads for all vehicles should be introduced? Please choose the year you think would be most appropriate.**

The City Corporation feels unable to comment on this until further details are provided in the next stage of the consultation.

**11. An expanded ULEZ will affect many more cars, vans and motorcycles. Do you think the daily charge for the ULEZ in inner London (between the Congestion Charge zone and the North and South Circular roads) should be the same or different to the current charge for the ULEZ in central London?**

The City Corporation feels unable to comment on this until further details are provided in the next stage of the consultation.

**12. To what extent do you support or oppose the overall principle of expanding ULEZ London-wide for heavy vehicles?**

Given the emission profile of Euro IV HGVs, the City Corporation supports the expansion of the ULEZ for HGVs, or the upgrade of the existing London Low Emission Zone. Due to the cost of new HGV vehicles, an appropriate certified retrofit system should be in place in advance of implementation. In light of the large reduction in NOx achieved by fitting selective catalytic reduction to London buses, it is likely that a similar system could be very effective for reducing emissions of NOx from HGVs.

**13. When do you think the expansion of ULEZ London-wide for heavy vehicles should be introduced? Please choose the year that you think would be the most appropriate.**

The City Corporation feels unable to support any specific date until further details are provided in the next stage of the consultation.

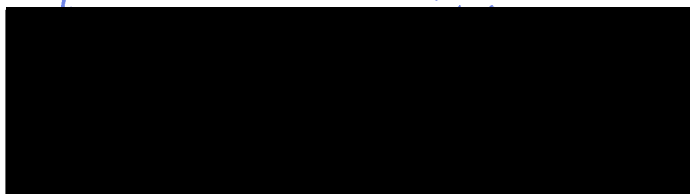
**Additional comments**

The City Corporation would welcome further incentives for the transition of diesel taxis to zero emission capable taxis from 2018. There would be large air quality benefits in central London if all taxis were zero emission capable by 2025.

The City Corporation would also like to see additional measures to remove diesel private hire vehicles from the PHV fleet in the shortest possible time. The City Corporation considers that no new diesel PHVs should be licenced from 2017 and existing licences for diesel PHVs should be phased out by 2020. Again, these are some of the vehicles that travel the most distance in central London and alternatives to diesel are readily available. Consequently, there are large benefits to be gained by targeting these for emission reduction. The City Corporation would also like to see a cap on the total number of PHV licences issued from 2017.

The City Corporation welcomes proposals for bringing forward the requirement for all double decker buses to be ULEZ compliant in central London from 2020 to 2019. The retrofit of 5000 buses across London to meet Euro VI standard by 2021 is also welcome.

*Yasmin*



**Town Clerk & Chief Executive**  
John Barradell OBE FRGS



Date 19 June 2017

Dear *Sir/Madam,*

**Proposed changes to the ULEZ: start date and emission standards**

Thank you for the opportunity to comment on the consultation and information document: Proposed Changes to the ULEZ, start date and emission standards. The City of London Corporation's response to the consultation questions is detailed below.

1. *Do you support the principle of the Ultra Low Emission Zone to improve air quality in London?*

Yes, we are very supportive of the principle of an Ultra-Low Emission Zone (ULEZ) to improve air quality in London.

2. *To what extent do you support bringing forward the implementation of the ULEZ in central London from 7 September 2020 to 8 April 2019?*

In our previous consultation response, we stated our support for bringing forward the implementation date of the ULEZ to September 2019. This was subject to the availability of an approved retrofit system being available in good time. We would also support a start date of April 2019, provided that a certified retrofit system is available to allow heavy vehicles to be fitted and tested for Euro VI compliance by April 2019.

If certified retrofit is not available in sufficient time, consideration should be given to an exemption of the daily charge until heavy vehicles can be retrofit to meet Euro VI emissions criteria.

You will be aware that we have placed improving air quality as a high priority at the City Corporation. Both the City Corporation and City Police have been very active in reducing emissions from their respective fleets. The City Corporation has also made a decision not to purchase any more diesel vehicles, unless there are no viable alternatives.

Whilst we do support the revised date of implementation of the ULEZ of April 2019, this would require certified retrofit devices to become available at an early date and for there

to be an exemption for emergency vehicles to be available to avoid further pressure on police budgets.

3. *Do you support keeping a 3 year resident's sunset period so it is from 8 April 2019 to 11 April 2022?*

The City Corporation supports the proposal to maintain the 3 year resident's sunset period at three years, which if the ULEZ was introduced in April 2019, would be April 2022.

As detailed in previous consultation response, consideration should be given to a sliding scale of charges over any sunset period to provide sufficient incentive to residents to use a less polluting vehicle.

4. *Do you support keeping the present end date of the sunset period for disabled tax class vehicles so it is from 8 April 2019 to 11 September 2023?*

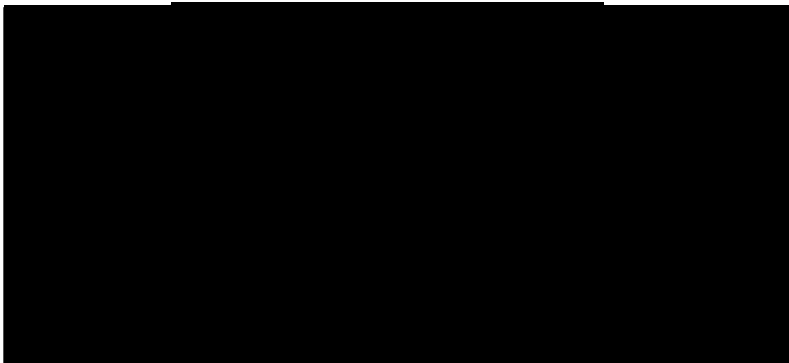
The City Corporation supports the proposal for a longer sunset period for disabled tax class vehicles.

5. *To what extent do you support introducing a Particulate Matter (PM) standard for diesel vehicles within the ULEZ standard?*

The City Corporation strongly supports the inclusion of a particulate matter standard in the ULEZ to bring it into line with national plans for a Clean Air Zone Framework and the national plans for a Euro VI retrofit certification scheme.

Particulate matter has a significant impact on health. It is considered that there is no safe limit so all opportunities should be taken to reduce levels in ambient air.

Yours Sincerely,



<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services – For information	16 January 2018
<b>Subject:</b> Markets and Consumer Protection Business Plan 2017-2020: Progress Report (Period 2)	<b>Public</b>
<b>Report of:</b> The Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Joanne Hill, Department of Markets and Consumer Protection	

## Summary

This report provides an update on progress against the operational performance indicators (PIs) and improvement objectives outlined in 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 2017-18.

The report consists of:

- Performance against operational performance indicators (PIs) – Appendix A
- Progress against key improvement objectives – Appendix B
- Enforcement activity – Appendix C
- Financial information – Appendix D
- PH&PP Risk Register Summary and Risk Matrix – Appendix E

## Key points from the report are that:

- The City Corporation's concerns regarding the potential impact of leaving the EU continue to be highlighted to relevant government departments and agencies.
- The Air Quality Team continues to implement the measures set out in the Air Quality Strategy.
- An Environmental Health Officer spoke at the annual International Rope Access Trade Association exhibition and conference in Cape Town in October.
- Trading Standards led multi-disciplinary teams as part of 'Operation Mass', in October, visiting premises in the City associated with high risk investment and speculation.
- Food Safety Officers completed an investigation of two outbreaks of gastro-intestinal infection (Campylobacter) involving a single event venue. This was carried out in conjunction with colleagues from Public Health England.
- Trade through the Ports increased significantly this period (particularly during October and November). Enhanced checks on Brazilian products, which came into effect in April 2017, continue to result in much higher numbers of compulsory physical checks.
- A high number of non-compliant animals continue to be dealt with by the Animal Health Team. Officers have been working very successfully in conjunction with the Metropolitan Police to deal with these animals.

- A report was commissioned on the redevelopment of the HARC site to enable the City to take up income generating opportunities that arise.
- At the end of November 2017, M&CP was £75k (5.1%) underspent against the local risk budget to date of £1,463k, over all the PH&PP services managed by the Director and covered by the Port Health & Environmental Services Committee. Overall, the Director is currently forecasting a minimal year end underspend of £73k (2.8%) for the PH&PP City Fund services under his control.
- The Department of Markets and Consumer Protection has identified a number of departmental risks. Of these, the most significant risks for this Committee to consider are:
  - CR21 – Air Quality (Current Risk: RED no change)
  - MCP-PHPP 001 Brexit (Current Risk: AMBER no change)

### **Recommendation(s)**

Members are asked to:

- Note the content of this report and its appendices.

### **Main Report**

#### **Background**

1. The 2017-20 PH&PP Business Plan sets out ten operational performance indicators (PIs) and fifteen improvement objectives against which the Division's performance will be measured throughout the year.
2. The PIs and objectives were selected to be representative of the main elements of work carried out.

#### **Current Position**

3. To ensure that your Committee is kept informed of progress against the current business plan, progress against PIs (Appendix A) and key improvement objectives (Appendix B) is reported on a periodic (four-monthly) basis, along with a financial summary (Appendix D). This approach allows Members to ask questions and have a timely input to areas of particular importance to them. Members are also encouraged to ask the Director for information throughout the year.
4. Progress against the business plan is regularly 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 PH&PP, each periodic report includes a summary of the enforcement activity carried out (Appendix C).
6. To assure your Committee that satisfactory risk management procedures are in place and meet the requirements of the corporate Risk Management Framework, this report includes an update on the key risks that exist in

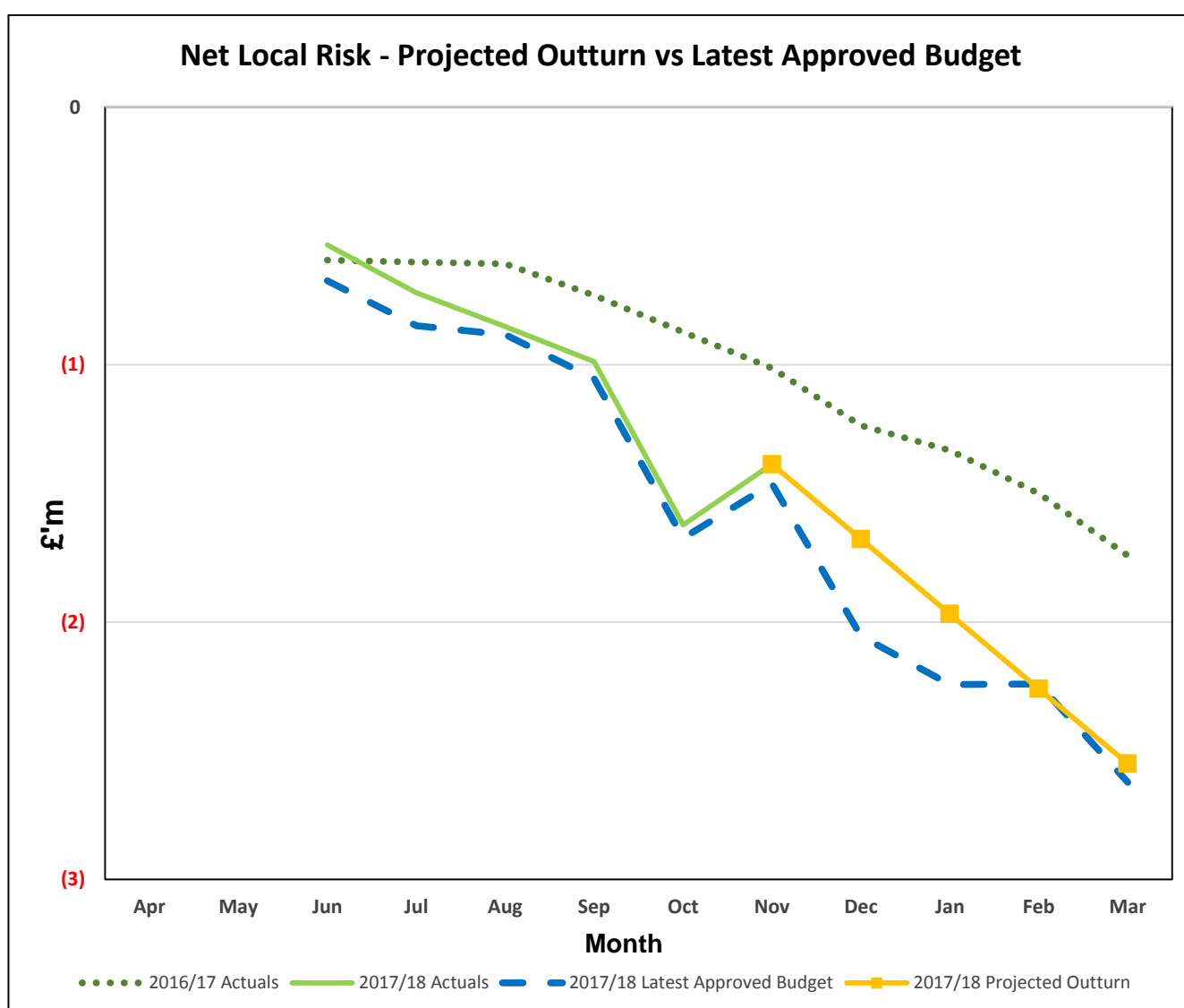
relation to the operations of the PH&PP Division. A summary of the PH&PP Risk Register and the Risk Matrix are provided at Appendix E.

## Corporate & Strategic Implications

7. The monitoring of PIs and key improvement objectives across the Division links to all three of the Strategic Aims set out in the Corporate Plan 2015-19.

## Financial Implications

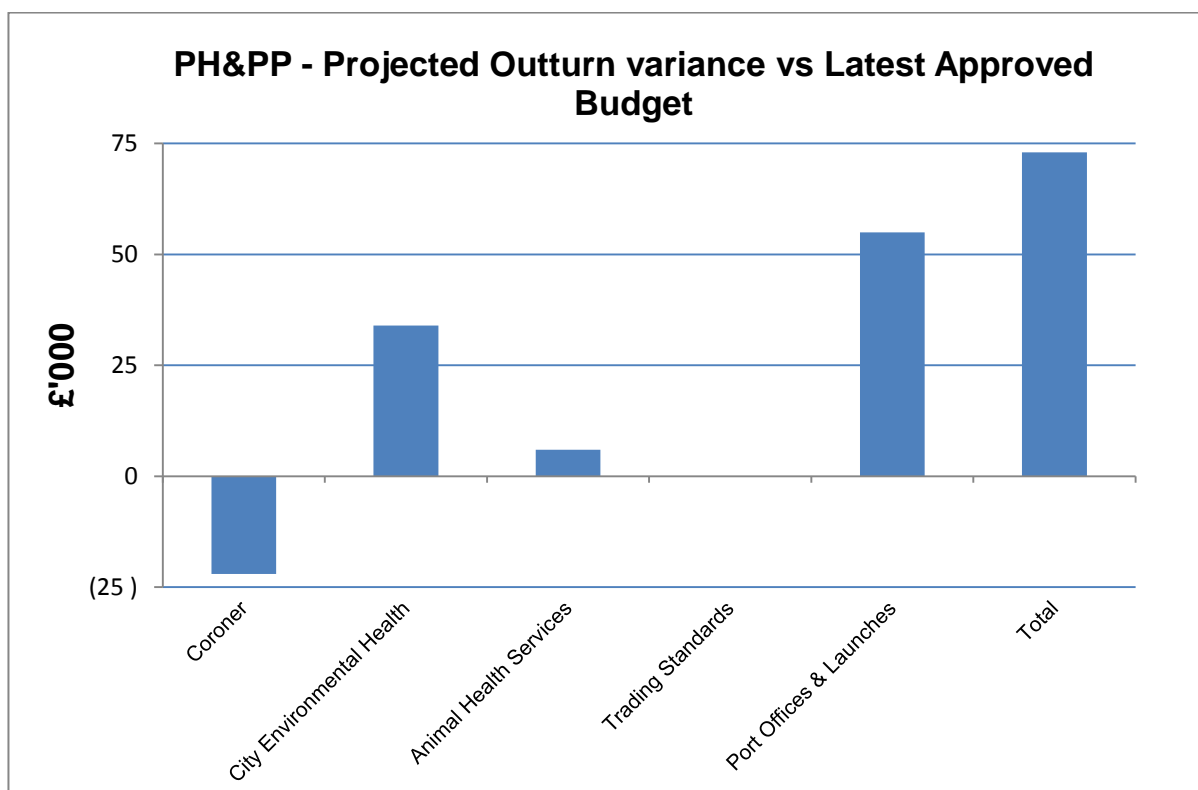
8. The end of November 2017 monitoring position for M&CP services covered by the Port Health & Environmental Services Committee is provided at Appendix D. This reveals a net underspend to date for PH&PP of £75k (5.1%) against the overall local risk budget to date of £1,463k for 2017/18.



### Notes:

1. Graph compares local risk actual net position to date and future projected outturn against the profiled budget for PH&PP.
2. PH&PP forecast outturn is £2.550m, representing a projected underspend of £73k against the latest approved budget of £2.623m.

9. Overall the Director of Markets & Consumer Protection is currently forecasting a year end underspend position of £73k (2.8%) for the PH&PP City Fund services under his control.



**Notes:**

1. Zero is the baseline latest approved budget for each PH&PP service.
2. Graph shows projected outturn position against the latest approved budget.
3. A variance above the baseline is favourable i.e. either additional income or reduced expenditure.
4. A variance below the baseline is unfavourable i.e. additional expenditure or reduced income.
5. Overall the Director is forecasting an underspend of £73k at year end.

10. The reasons for the significant budget variations are detailed in Appendix D, which sets out a detailed financial analysis of each PH&PP service relating to this Committee which the Director supports.
11. The better than budget position at the end of November 2017 is mainly due to salary underspends resulting from maternity leave and staffing vacancies and a variety of additional income streams over performing at the Ports, although this is partly offset by additional sampling costs due to increased workload in relation to Brazilian meat products.
12. The Director anticipates this current better than budget position will continue to year end, subject to income activity maintaining its current performance.

## **Risk**

13. Risk is reviewed regularly by the Senior Management Team as part of the on-going management of operations within the Division. In addition to the flexibility for emerging risks to be raised as they are identified, a process exists for in-depth periodic review of the risk register.

### **Departmental risk management process**

14. Risk management is a standing agenda item at the bi-monthly Departmental Senior Management Group (SMG) meetings, over and above the suggested quarterly review. SMG receives the risk register for review, together with a briefing note highlighting any changes since the previous review. Consideration is also given as to whether any emerging risks exist for inclusion in the risk register as part of Divisional updates on key issues, ensuring that adequate consideration is given to operational risk.
15. Between each SMG meeting, risk and control owners are consulted regarding the risks for which they are responsible, with updates captured accordingly.
16. Regular risk management updates are provided to this Committee in accordance with the City's Risk Management Framework.
17. The Director, accompanied by the Chairman, appeared before the Audit and Risk Management (ARM) Committee in July 2017 for a 'Risk Challenge' session, so that the Committee could be assured that Risk within the Director's area of responsibility is adequately managed. The Director set out the department's key risks as being about: Workplace Transport; Brexit; and Air Quality. Only the latter two are relevant to the PHES Committee. On both Brexit and Air Quality (which is also a Corporate Risk) the Director covered the ground that is explained in this report. There was also discussion about illegal street trading, especially concerning nut-sellers by the bridges and ice-cream sellers, which led to a wider discussion about inspections of food establishments and the display of the Food Standards Agency's Food Hygiene Rating Scheme (FHRS) scores. In conclusion, the Chairman of the ARM Committee thanked the Director for explaining how he was managing some very challenging risks and for his candour and insight.

### **Identification of new risks**

18. New and emerging risks are identified through a number of channels, the main being:
  - Directly by SMG as part of the monthly review process.
  - In response to regular review of delivery of the departmental Business Plan; slippage against key deliverables, for example.
  - Annual, fundamental, risk register review, undertaken by the tier of management below SMG.

19. The Risk Register may be refreshed over and above the stated process for review and oversight, in response to emerging issues or changing circumstances.

### **Summary of key risks**

20. The Department's Risk Register for PH&PP Services (Appendix E) includes one Red (Corporate) risk and one Amber risk as detailed below.
21. CR21 – Air Quality (Current Risk: RED no change)

**Cause:** Small particulate pollution has chronic health impacts from long term exposure at very low concentrations and is in evidence within the City and central London. There is also a health impact associated with long term and short term exposure to nitrogen dioxide.

**Event:** Under certain atmospheric conditions there is a higher probability of poor air quality within the City and it is more likely that residents, workers and visitors would suffer the acute consequences.

**Effect:** The consequences both acute and chronic may include:

- An increase in hospital referrals placed upon both emergency services and the NHS for those already suffering from respiratory or cardiovascular conditions (it may also place a strain on City social services).
- An increase in deaths, particularly of those already suffering from respiratory or cardiovascular conditions (both residents and workers).
- Economic costs such as acting as a deterrent to businesses coming to London, or staying here, and financial penalties for non-compliance with air quality limits.
- Persistent poor air quality may affect the longer term health of the City population.
- Persistent poor air quality may attract adverse media coverage making the City seem a less attractive place to live and work.

With the aim of reducing the risk, the City continues to implement the policies detailed within the City of London Air Quality Strategy 2015-2020. The Air Quality Team continues to work in liaison with the Department of the Built Environment to investigate ways to reduce factors which create air pollution. A number of other actions have been undertaken during Period Two and a selection of these is shown in the Enforcement Activity Report at Appendix C.

22. MCP- PHPP 001 – Brexit (Current Risk: AMBER no change)

**Cause:** UK decision to terminate membership of E.U (Brexit).

**Event:** Legislative changes

**Effect:** The consequences may include:

- Increased risk to public, animal and environmental health.

- Increased risk to consumers.
- Reduction in income.
- Scarcity of qualified staff, e.g. Official Veterinarians (OVs).
- Potential for increased workload depending on agreement reached.

## **Operational Property Holdings**

23. In accordance with Standing Order 55, PH&PP property holdings are reviewed annually with the City Surveyor. Actions taken this year to date, against a specific improvement objective (objective 12), are given in Appendix B.

## **Consultees**

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

## **Appendices**

- Appendix A – Performance Management Report Period 2 2017-18
- Appendix B – Progress against Key Objectives Period 2 2017-18
- Appendix C – Enforcement Activity Period 2 2017-18
- Appendix D - Financial Statements: Department of Markets and Consumer Protection, Port Health & Public Protection Division
- Appendix E – PH&PP Risk Register Summary and Risk Matrix

## **Background Papers**

Port Health & Public Protection Business Plan 2017-2020  
 Department Risk Review  
 Department Business Plan Progress Report  
 Risk Management Strategy

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Performance Management Report 2017-18  
Period Two: 1 August – 30 November 2017

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

Progress against Operational Performance Indicators

	This indicator is performing to or above the target. (100% of the target or higher)
	This indicator is a cause for concern, frequently performing just under target. (85% - 99% of the target)
	The indicator is performing below the target. (<85% of the target)

			Actual 2016-17		Target 2017-18	Actual 2017-18		Status
			Period 2	Period 3		Period 1	Period 2	
PI 1	<b>Port Health</b> Proportion of imported food consignments (Products of Animal Origin – POAO) that satisfy the checking requirements cleared within five days:	a) Non-fish	92%	96%	95%	71%	58% * <sup>1</sup>	
		b) Fish	88%	92%	85%	89%	80%	
PI 2	<b>Port Health</b> 90% of imported food and feed consignments (Products of Non Animal Origin - PNAO) are subjected to mandatory documentary controls within five days.		N/A	N/A	90%	90%	96%	
PI 3	<b>Port Health</b> 5% of imported food and feed consignments (Products of Non Animal Origin - PNAO) are subjected to non-mandatory physical checks.		N/A	N/A	5%	3.2%	3.41% * <sup>2</sup>	

**PI 1:** Time elapsed between receipt of documents/presentation of container to release, on electronic cargo handling system. From 2016-17, this indicator has been split into separate measures for non-fish and fish products.

**\*<sup>1</sup> PI 1a (non-fish products):** Period Two 2017/18 – Tilbury: 84%; London Gateway: 58%.

Products from Brazil – 36%; Products from other third countries – 83%

Enhanced checks on Brazilian products came into effect in April 2017. This has resulted in physical checks in this period increasing significantly.

Between April and October, the number of consignments marginally reduced but the number of checks have increased from 2,415 in 2016 to 3,630 in 2017 (an increase of 50%). However, the main factor is the number of samples of Brazilian products that the Service now has to undertake, and for which we have to detain the cargo (normally one week wait for the results). For the same period, this increased from 113 in 2016 to 658 in 2017 (582% increase).

**PI 1b (fish products):** Period Two 2017/18 – Tilbury: 89%; London Gateway: 77%. (The average for this year to date currently stands at 85%.)

**PI 2:** New indicator for 2017-18.




**\*<sup>2</sup> PI 3:** New indicator for 2017-18.

Although not yet at the target %, due to the additional samples of Brazilian products the checks have increased from Period 1. Weekly reports are now run to ensure that the % continues to increase. For November this had risen to 4.16%.

		Actual 2016-17		Target 2017-18	Actual 2017-18		Status
		Period 2	Period 3		Period 1	Period 2	
PI 4	<b>Food Safety</b> Over the course of the year, secure a positive improvement in the overall Food Hygiene Ratings Scheme (FHRS) ratings profile for City food establishments compared to the baseline profile at 31 March 2013.	N/A	End of year result: Improved profile	Improved profile	N/A	N/A	-
PI 5	<b>HARC</b> Less than 1% of missed flights for transit of animals caused by the Animal Reception Centre (ARC).	0%	0%	<1%	0%	0%	😊
PI 4: Annual indicator. 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.							

		Actual 2016-17		Target 2017-18	Actual 2017-18		Status
		Period 2	Period 3		Period 1	Period 2	
PI 6	<b>Pollution Team</b> 90% justifiable noise complaints investigated result in a satisfactory outcome.	97.2%	96%	90%	95%	96.5%	😊
PI 7	<b>Trading Standards</b> Respond to all victims of investment fraud identified to the Trading Standards Service within 5 working days to advise on the risk of repeat targeting, assess the need for safeguarding interventions and initiate the safeguarding process where appropriate.	100%	100%	100%	100%	100%	😊
PI 8	<b>Health &amp; Safety</b> Complete the annual risk-based cooling towers inspection programme in order to ensure that the risk of Legionnaires' disease is being effectively managed by all those responsible.	N/A	End of year result: 97%	100%	N/A	N/A	-
PI 6: The percentage of total justified noise complaints investigated resulting in noise control, reduction to an acceptable level and/or prevention measures; complaints may or may not be actionable through statutory action.							
PI 8: Annual indicator.							

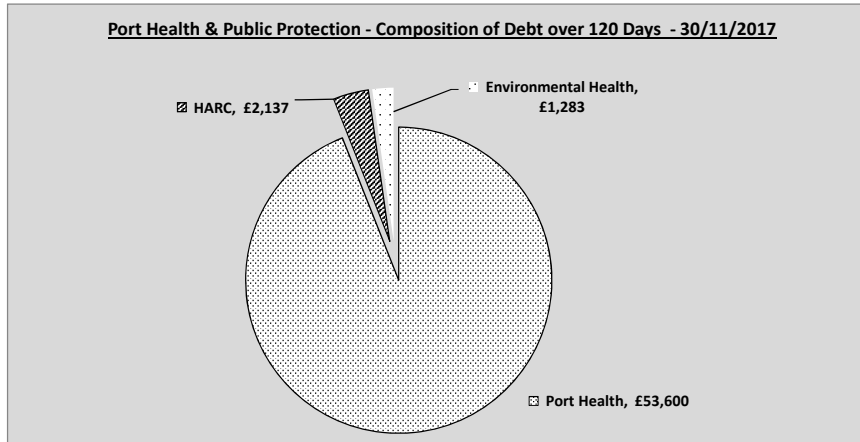
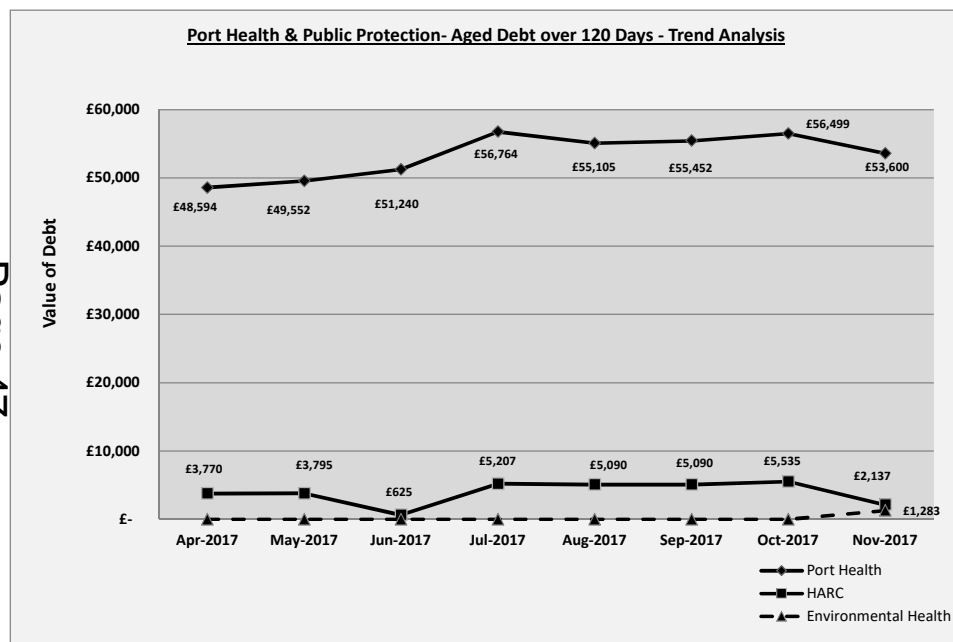
## Appendix A

	All PH&PP Service areas	Actual 2016-17		Target 2017-18	Actual 2017-18		Status
		Period 2	Period 3		Period 1	Period 2	
PI 9	Achieve an overall sickness absence level of no more than 6 days per person by 31 March 2018, and a total of no more than 690 days (<230 days per period) across all PH&PP Service areas.	203 days	79 days (against pro-rated target of <116 days)	<230 days per period	256 days	285 days	
PI 10	a) 90% of debts to be settled within 60 days.	87%	86%	90%	87%	93%	
	b) 100% of debts settled within 120 days.	92%	93%	100%	89%	94%	
<p><b>PI 9:</b> Target based upon Full Time Equivalent (FTE) members of PH&amp;PP staff at 31 December 2016 (no. 115). The number of days lost to sickness absence at the end of Period Two was above target. However, it should be noted that since the target was set, the total number of FTEs in the Division has risen by 13% (from 115 in December 2016 to 131 in November 2017. This includes apprentices and other staff recruited to cover the additional throughput at Heathrow and London Gateway, which are funded on a full cost recovery basis).</p> <p><b>PI 10b:</b> Most debts older than 120 days relate to Port Health. All debtors with debts more than 120 days old are being actively chased or pursued by Comptrollers and City Solicitors.</p> <p><u>Further detail on aged debt over 120 days is provided on the following page.</u></p>							

**Port Health & Public Protection - Aged Debt Over 120 Days as at 30th November 2017**  
**For Inclusion in Business Plan**

Department	Debts Exceeding 120 Days							
	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17
Port Health	£ 48,594	£ 49,552	£ 51,240	£ 56,764	£ 55,105	£ 55,452	£ 56,499	£ 53,600
HARC	£ 3,770	£ 3,795	£ 625	£ 5,207	£ 5,090	£ 5,090	£ 5,535	£ 2,137
Environmental Health	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ 1,283
	<b>£ 52,364</b>	<b>£ 53,347</b>	<b>£ 51,865</b>	<b>£ 61,971</b>	<b>£ 60,195</b>	<b>£ 60,542</b>	<b>£ 62,034</b>	<b>£ 57,020</b>

Composition of Debt - 30/11/2017	
Port Health	£ 53,600
HARC	£ 2,137
Environmental Health	£ 1,283
	<b>£ 57,020</b>



Note:

1. The total debt outstanding for Port Health of £53,600 includes items of debt totalling £18,474 which will be written off, subject to Committee approval. The net position outstanding will therefore be £35,126.

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## Progress against Port Health & Public Protection key improvement objectives 2017-2018

Ref:	Objective	Progress to date
1.	Evaluate the potential impact of leaving the EU on the services provided by PH&PP. Inform central Government of these impacts and prepare appropriate mitigating actions.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• Visits have been hosted at HARC and port; meetings held with key agencies and Government departments.</li> <li>• Report commissioned from independent consultants.</li> <li>• Included on risk register.</li> <li>• A report for Committee is being prepared.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• A report was presented to PH&amp;ES Committee and key principles for negotiations were approved.</li> <li>• Further visits have been hosted, meetings attended and representation secured on groups and working parties.</li> <li>• City Corporation concerns continue to be highlighted to relevant government departments and agencies.</li> </ul>
2.	Trading Standards Team to maintain focus on protecting City residents from financial fraud.  Promote closer ties and better joint working between Trading Standards, Adult Services and City of London Police.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• The Trading Standards Manager is a member of the Safeguarding Board and the Financial Abuse Task &amp; Finish Group.</li> <li>• Partnership working with DC&amp;CS (Vulnerable Adults) and City Police (Op Broadway disrupting financial fraud) is ongoing.</li> <li>• Working with Bournemouth University and the Banking Industry on preventative measures for the vulnerable and the elderly to halt payments to rogue traders.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• All actions reported in Period One continue.</li> <li>• An extremely successful event on 'Tackling scams and financial abuse in the City of London' was held in December in partnership with DCCS, City of London Police, AgeUK, Bournemouth University and National Trading Standards' Scams Team.</li> </ul>
3.	Continue with the current regulatory delivery model for Commercial regulation ensuring a clear focus on risk-based priorities.  Develop closer ties with other London local authorities and national regulators.  Explore the most effective methods of using legislative and non-legislative tools.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• Currently working with London Food Co-ordinating Group and SE Sector Food Groups of London Local Authorities, the central London LAs on LTTC Foods (rare burgers) and the All-London Boroughs' Health &amp; Safety Liaison Group</li> <li>• Ongoing development of mobile working processes to provide businesses with prompt feedback on non-compliances.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• All actions reported in Period One continue.</li> <li>• Officers are now taking on additional responsibilities for leading on elements of Food Safety and Health &amp; Safety.</li> </ul>

Ref:	Objective	Progress to date
4.	Animal Health Service to support government and non-government organisations in their work on combating the illegal puppy trade.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• A meeting with Defra officials was held in July regarding 'options' for the Pet Travel Scheme post-Brexit.</li> <li>• In regular dialogue with Defra on day to day issues.</li> <li>• Assisted Dog's Trust with advice on their most recent report on the issue.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• Several meetings have been attended with Defra and their agencies this period looking at scenarios post Brexit.</li> </ul>
5.	Pollution Team to implement the Action Plan for the Noise Strategy 2016-2026.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• The City's Draft Code of Construction 2017 was subject to external consultation with 37 respondents who provided over 170 individual comments. The Code is being amended and will be presented to PHES Committee in September 2017.</li> <li>• Recruitment is underway for the TfL funded post 'Environmental and Liaison Officer' to reduce environmental impacts of works on the TfL road network.</li> <li>• Work is underway to refresh the evidence base related to noise and sound including the design of a social survey.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• A TfL Environmental Liaison Officer has been recruited to work jointly with the CoL, Camden, Westminster and TfL on the Traffic Lane Rental Network (TLRN). The project is in data gathering stage.</li> <li>• This post is being wholly funded by TfL for two years. Overall progress is partly being affected by TfL's failure to recruit and staffing issues at Westminster City Council, but City's side of the work is progressing.</li> <li>• The MoU with TfL will not be formally signed due to contractual issues between TfL and its contractor.</li> <li>• The draft MoU is in place and is being utilised de facto in the meantime.</li> <li>• The Pollution Team presented the City's Soundscape work in relation to the Bank Junction project to TfL and representatives of the Welsh Government.</li> <li>• Procurement has been successful for carrying out a Social Survey of noise impact in the City. The contract has been awarded to AFR and the project is now in planning for 2018 implementation.</li> </ul>

6.	<p>Ensure compliance with the new statutory requirements for London Local Air Quality Management (LLAQM).</p> <p>Mitigate the risk associated with potential fines for non-compliance with air quality limit values.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• New systems established for recording the data required by the new LLAQM requirements.</li> <li>• The Annual Report for 2016 was submitted to the GLA and Defra on time.</li> <li>• The outcome of Clean Air Borough Status determination is awaited.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• The outcome of Clean Air Borough Status determination is still awaited.</li> <li>• All construction sites inspected for compliance with new non-road mobile machinery requirements.</li> </ul>
7.	<p>Implement a Low Emission Neighbourhood (LEN) in the City.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• Progress made and action taken during Period One includes: <ul style="list-style-type: none"> <li>◦ Air Quality and Cycling Pop-up Event, Fann Street.</li> <li>◦ Air Quality Champions Business Workshop.</li> <li>◦ City in Bloom Clean and Green in Seventeen campaigns – various sites.</li> <li>◦ City of London School for Girls LEN presentation: Dr Ian Mudway, King's College London.</li> <li>◦ Moor Lane Pop-up Garden.</li> <li>◦ Feasibility study to assess impact of scenarios for reducing air pollution in Beech Street.</li> <li>◦ Power supply upgrades for Barbican estate car parks for electric vehicle charge points.</li> <li>◦ Secure cycle parking spaces in the Barbican Estate and Golden Lane Estate.</li> </ul> </li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• Secure cycle parking installed on the Barbican Estate, including a new cycle cage and hub in Breton House car park.</li> <li>• Air Quality Champions Grant: eight businesses and organisations have been awarded air quality improvement grants.</li> <li>• The City Air business engagement scheme hosted a workshop on air quality monitoring.</li> <li>• A celebration event was held for volunteers and businesses involved in the creation and development of 19 'Clean Air Gardens' around the City throughout 2017 as part of 'City in Bloom'.</li> </ul>
8.	<p>Reduce the status of the corporate air quality risk by implementing a range of agreed measures as set out in the Air Quality Strategy 2015-2020.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• Air quality remains a red risk.</li> <li>• Air Quality Strategy actions are on track. A report on progress with the actions was submitted to the July PHES Committee.</li> </ul>

		<b>Period Two</b> <ul style="list-style-type: none"> <li>• Air quality remains a red risk.</li> <li>• The Air Quality Team's business plan was presented to September's PH&amp;ES Committee detailing action to be taken.</li> <li>• Two additional members of staff have been appointed to assist with delivery of actions and reporting.</li> </ul>
9.	Produce an updated Port Health Authority Order to ensure that the Port Health Service is authorised to take formal action within the boundary under the relevant legislation.	<b>Period One</b> <ul style="list-style-type: none"> <li>• GIS plotting of boundaries is now complete and will undergo a final review. The legislation which the London Port Health Authority has at its disposal has also been reviewed. Once agreed, formal consultation will take place.</li> </ul> <b>Period Two</b> <ul style="list-style-type: none"> <li>• Informal consultation meetings have taken place with the port operators. Further informal meetings with other interested parties are planned for the New Year. Formal consultation will take place following this.</li> <li>• The GIS boundaries review is now complete.</li> <li>• The Remembrancer has completed a full appraisal of legislative requirements.</li> </ul>
10.	<p>Evaluate the increased potential for Primary Authority work including the feasibility of establishing a new Primary Authority Unit. This will include a programme of engagement with City businesses.</p> <p>Implement the findings of the evaluation.</p>	<b>Period One</b> <ul style="list-style-type: none"> <li>• A specification is being drafted to commission a research project into the potential for new Primary Authority Unit.</li> <li>• Carry-forward monies have been confirmed for this purpose.</li> </ul> <b>Period Two</b> <ul style="list-style-type: none"> <li>• Consultation has been undertaken with Regulatory Delivery (Department for Business, Energy &amp; Industrial Strategy).</li> <li>• New requirements of Primary Authority Partnerships have been incorporated into a specification, and a tender document has been prepared.</li> </ul>
11.	HARC: investigate and implement new income generation proposals.	<b>Period One</b> <ul style="list-style-type: none"> <li>• Consultants have been engaged to review accommodation requirements and scope a case for change for service delivery.</li> <li>• The consultant's draft accommodation report has been received and is being reviewed. The second consultant's report should be finalised during September.</li> </ul> <b>Period Two</b> <ul style="list-style-type: none"> <li>• An accommodation report has been received that gives options for HARC remaining at existing and or moving to a new site.</li> <li>• Final report regarding the case for change for service delivery has been received and is being reviewed.</li> <li>• A meeting with Heathrow Airport Ltd has been arranged to discuss the proposals.</li> </ul>

12.	Complete the formal annual review of our property holdings with City Surveyors Department to ensure that we do not occupy buildings and land in excess of our identified operational need, in accordance with Standing Order 55.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH: Currently working with the City Surveyor to dispose of the lease of the Tilbury Office. Currently pursuing extensions to the leases for offices at Charlton and Denton (expires Jun 2019).</li> <li>• HARC: Negotiations commenced with Heathrow Airport re potential relocation of Animal Reception Centre.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH: Preparations have been made for sub-letting the Tilbury Office – agreed by PH&amp;ES Committee</li> <li>• PORT HEALTH: Still pursuing extensions to the leases for offices at Charlton and Denton (expires Jun 2019).</li> <li>• HARC: Negotiations commenced with Heathrow Airport re potential relocation of Animal Reception Centre.</li> </ul>
13.	<p>Continue to develop the use of technology and Mobile Working solutions.</p> <p>Complete the implementation of PHILIS software at the HARC.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH: Continued development of the mobile working solutions in place. Connectivity issues at some of our office and inspection facilities need to be addressed. The IT transformation project will hopefully resolve this.</li> <li>• PUBLIC PROTECTION: Work has now been merged with the M3/Uniform System Rationalisation Project in order to seek a single application which is accessible from any browser-enabled device.</li> <li>• Food EHOs continue to use 'iAuditor' to develop inspection processes which incorporate electronic data capture.</li> <li>• HARC continues to work with Suffolk Coastal Port Health Authority on the implementation of PHILIS software. It is expected to go live by October.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH: Further development of applications is being undertaken to streamline processes relating to dealing with electronic communications. Connectivity issues at the Port Health office and the Tilbury inspection facility still need to be addressed. It is hoped that the IT transformation project will resolve these.</li> <li>• PUBLIC PROTECTION: The System Rationalisation Project for M3/Uniform had its Gateway 1/2 Project Report endorsed by PH&amp;ES Committee at the end of Period 2 and will now proceed through Planning &amp; Transportation; Projects Sub Committee and then towards the Gateway 3/4 stage during Period 3.</li> <li>• ANIMAL HEALTH: The HARC is currently trialling PHILIS alongside the old software and plans to switch during the next period.</li> </ul>

14.	<p>Implement a strategic Learning and Development Plan to ensure we have the necessary skills and capabilities and training to undertake our work and deliver the corporate strategy.</p> <p>Refresh the Workforce Plan to include upcoming proposed staff changes.</p> <p>Fully implement the Port Health HR Plan.</p> <p>Reorganise staff at the HARC as recommended in an independent external report.</p> <p>Actively support the development and use of Apprentices across the City Corporation.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH: Specific Development and Succession plan now in place. HR Plan is currently being delivered although the progress has been slow due to delays in the HR process.</li> <li>• HARC: Reorganisation implemented and new posts have been filled. All bar one apprentice is now in place.</li> <li>• Seven new apprentices were recruited across the division under the Apprenticeship Levy. They have joined four existing apprentices and two graduate interns. Several more apprentices will be taken on in the coming months as part of the second cohort of the Apprenticeship Levy.</li> </ul>
		<p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• PORT HEALTH – The Development and Succession Plan still being implemented. Progress has been made on a number of actions contained in the HR Plan in relation to Job Evaluations and grading. The Service is currently recruiting another apprentice (Apprentice Marine Officer, Launch Service).</li> </ul>
15.	<p>Deliver the second iteration of the M&amp;CP Leadership Development Programme.</p>	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• This is underway with a new group of candidates from across the Department.</li> </ul>
		<p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• The Chief Commoner awarded ILM Level 7 Certificates and hosted a reception for the 2016 cohort.</li> <li>• The 2017 programme has been completed; results are awaited.</li> </ul>

**Port Health & Public Protection Enforcement Activity  
Period 2 (August–November) 2017-18**

<b>Food Safety</b>	<b>2016-2017 Annual Total</b>	<b>2017-18 Target (where applicable)</b>	<b>Period 2 2017-18 Total (Year to date totals are shown in brackets)</b>
Programmed inspections	<u>Food Hygiene:</u> 898  <u>Food Standards:</u> 276	<b><u>Food Hygiene:</u> 1,138</b>  <b><u>Food Standards:</u> 662</b>	<u>Food Hygiene:</u> 169 (407)  <u>Food Standards:</u> 46 (139)
Hygiene Emergency Closures	1	N/A	0 (0)
Voluntary closures	2	N/A	1 (2)
Complaints & service requests received	327	N/A	202 (359)
Notices served	40	N/A	2 (5)
Prosecutions	0	N/A	0 (0)

<b>Health &amp; Safety</b>	<b>2016-17 Annual Total</b>	<b>2017-18 Target (where applicable)</b>	<b>Period 2 2017-18 Total (Year to date totals are shown in brackets)</b>
Programmed Cooling Tower inspections	62	<b>62</b>	25 (50)
Other H&S Inspections	18	N/A	0 (6)
H&S Project visits	7	N/A	0 (0)
Accident and dangerous occurrences notifications	246	N/A	28 (76)
Complaints & service requests received	178	N/A	140 (178)
Notices	0	N/A	0 (3 - Pest Control)
Prosecutions	0	N/A	0 (0)

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

### **Period 2 – Commercial Team Highlights (Food Safety and Health & Safety)**

- We have been involved in discussions on national regulatory approaches, including Brexit, through the Chartered Institute of Environmental Health's Food and Health and Safety Policy Advisory Boards.
- Three Environmental Health Practitioners successfully completed the Departmental Strategic Leadership Programme; the skills they have acquired are part of the commitment to workforce development and succession planning in our Business Plan.
- One of the Commercial Team Managers retired from the Corporation in October after around 20 years of service; the Commercial Environmental Health Team will now be developed further including utilising competency from the leadership training.
- Primary Authority legislation and the Regulatory Delivery website changed in this period and we have been involved in the development work; including with coordinated partnerships. We continue to develop our own existing Primary Authority partnerships.
- We completed an investigation of two outbreaks of gastro-intestinal infection (Campylobacter) involving a single event venue. This was done in conjunction with colleagues from Public Health England. The incidents are likely to have been caused by inadequate preparation of chicken liver parfait with lessons to be learnt for the business involved and for caterers more generally.
- We continue to develop and field test a mobile work solution; we now use two inspection work processes for food hygiene and cooling tower inspections and are developing further solutions.
- The [Leisure Expert Panel Conference](#) took place in the City in November. We provided input to the programme including providing a speaker for the mock trial session. Feedback from the event was very positive.
- We took part in training in Turin with colleagues from across Europe on flexibilities in existing EC food hygiene legislation; it was particularly useful to be able to engage with European colleagues and discuss how individual countries operate (sometimes quite differently) using the same law as a foundation.
- We spoke at the annual International Rope Access Trade Association exhibition and conference in Cape Town on 24 October 2017. Businesses in the City of London employ a significant number of rope access contractors – principally for window and façade cleaning in tall buildings and it is a high hazard occupation. The opportunity arose from our support for the London Work at Height Seminar in July.
- We completed our planned audits of the event catering contractors listed to provide food for events at Guildhall including a number of new additions to the list.

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

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

		Hygiene Rating						Total no. of food businesses in the City included in the FHRS
		5	4	3	2	1	0	
Number (%) of food businesses	March 2013	925 (58%)	345 (22%)	171 (11%)	69 (4%)	61 (4%)	12 (1%)	1583
	August 2013	908 (56%)	378 (23%)	168 (10%)	83 (5%)	67 (4%)	25 (2%)	1629
	29 November 2013	903 (55%)	387 (23%)	172 (10%)	98 (6%)	70 (4%)	24 (2%)	1654
	31 March 2014	880 (53%)	374 (23%)	182 (11%)	104 (6%)	74 (5%)	23 (1%)	1661 (incl. 24 awaiting inspection)
	31 July 2014	898 (54%)	374 (23%)	174 (10%)	102 (6%)	67 (4%)	19 (1%)	1661 (incl. 27 awaiting inspection)
	1 December 2014	919 (55%)	380 (23%)	175 (10%)	92 (6%)	58 (4%)	17 (1%)	1675 (incl. 34 awaiting inspection)
	31 March 2015	960 (57%)	361 (21%)	165 (10%)	88 (5%)	64 (4%)	18 (1%)	1692 (incl. 36 awaiting inspection)
	31 July 2015	1014 (59%)	361 (21%)	158 (9%)	77 (4.5%)	58 (3.5%)	8 (0.5%)	1721 (incl. 45 awaiting inspection)
	30 November 2015	1049 (60%)	360 (21%)	147 (8%)	68 (4%)	57 (3%)	10 (1%)	1748 (incl. 57 awaiting inspection)
	31 March 2016	1106 (63%)	320 (18%)	142 (8%)	74 (4%)	56 (3%)	18 (1%)	1756 (incl. 40 awaiting inspection)
	29 July 2016	1163 (66%)	306 (17%)	132 (8%)	60 (3%)	49 (3%)	13 (1%)	1765 (incl. 42 awaiting inspection)
	30 November 2016	1204 (69%)	306 (17%)	117 (7%)	64 (4%)	43 (2%)	6 (<1%)	1740 (incl. 46 awaiting inspection)
	31 March 2017	1244 (70%)	277 (16%)	101 (6%)	73 (4%)	36 (2%)	7 (<1%)	1774 (incl. 36 awaiting inspection)
	31 July 2017	1256 (71%)	270 (15%)	102 (6%)	68 (4%)	33 (2%)	6 (<1%)	1768 (incl. 33 awaiting inspection)
	30 November 2017	1258 (71%)	272 (15%)	101 (6%)	55 (3%)	31 (2%)	6 (<1%)	1767 (incl. 44 awaiting inspection)

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

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

These businesses were rated '0' at 30 November 2017; food businesses will have taken some action to improve and 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	Frequent re-visits have been undertaken resulting in improvements in pest control, remedy of structural defects and food safety management. The next full inspection is due shortly and will determine if improvement have been sustained.
<b>Brokers Wine Bar</b> , First Floor Retail Unit, 6-9 Leadenhall Market, London EC3V 1LR	Further follow-up visits have been made to support the business owner but improvements are still slow to bed in; the business has been prosecuted in the past.
<b>Eight Club (1 Change Alley)</b> , Basement Members Club, 24 Cornhill, London EC3V 3ND	The premises closed voluntarily, re-opening only after improvements in cleaning, pest control and food handling practices were made. The premises was monitored by us to ensure improvements were sustained. The business has now employed an external consultant to assist them.
<b>Scarpetta</b> , Grd Flr/Basement, 110 Cannon Street, London EC4N 6EU	The initial problems with pest management have been largely addressed after a number of follow-up visits. The business has also taken steps to improve their management of food safety, they have a new Operations Manager and they employed an external consultant to assist including providing food hygiene training. Conditions in November were much improved and the business indicated it would be applying for a re-rating though this hasn't happened yet. The next full inspection is in March.
<b>The Good Yard</b> , 19 The Arcade, Liverpool Street, London EC2M 7PN	The premises voluntarily closed after the initial inspection and there has been a gradual improvement since. At the last visit structural, cleaning and training issues were much improved. The premises is very small and the amount of raw meat preparation has been reduced to limit potential cross-contamination. The business is also considering sourcing only pre-cooked meats for reheating only. The next full inspection will determine if compliance has been sustained.
<b>Wood Street Bar and Restaurant</b> , 53 Fore Street, London EC2Y 5EJ	The premises was inspected on 12 December as it was due its next routine inspection. A rating of 1 was awarded: there has been a marked improvement in practices and management but the structure and pest control issues still require attention.

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

Trading Standards	2016-17 Annual Total	2017-18 Target (where applicable)	Period 2 2017-18 Total (Year to date totals are shown in brackets)
Inspections and visits	83	N/A	42 (143)
Complaints & service requests received	2,167	N/A	659 (1,369)
Home Authority referrals	138	N/A	44 (77)
Acting as a responsible authority for Licensing Applications	89	N/A	27 (66)
Prosecutions	0	N/A	0 (1)

### **Period 2 – Trading Standards Highlights**

- Trading Standards led multi-disciplinary teams as part of Operation Mass that took place in October, visiting premises in the City associated with high risk investment and speculation:  
[http://news.cityoflondon.police.uk/r/929/police\\_day\\_of\\_action\\_after\\_victims\\_report\\_using](http://news.cityoflondon.police.uk/r/929/police_day_of_action_after_victims_report_using)
- Officers undertook some test purchasing in the City to see if retailers would sell knives to under 18s. Out of 8 attempted purchases, there were 2 sales that are now being further investigated.
- The team installed their first call blocking equipment in the home of an 86 year old Barbican resident who has been pestered by cold calls for some time. The device has worked and the calls have stopped.

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

Pollution	2016-17 Annual Total	2017-18 Target (where applicable)	Period 2 2017-2018 results (Year to date totals are shown in brackets)			
			Total	% Noise complaints resolved	Notices served	Prosecutions
Complaint investigations, noise	896	N/A	299 (582)	96.5%	6 4 COPA S60* 2 EPA S80** (10)	0 (0)
Complaint investigations, other	81	N/A	17 (47)	N/A	N/A	0 (0)
Licensing, Planning and Construction Works applications assessed	1,130	N/A	515 (881)	N/A	N/A	N/A
No. of variations (to construction working hours) notices issued	759	N/A	366 (598)	N/A	12 COPA S61* (28)	N/A

\* COPA: Control of Pollution Act 1974. S60: Control of noise on construction sites. S61: Prior consent for work on construction sites.

\*\* EPA: Environmental Protection Act 1990. S80: Summary proceedings for statutory nuisances.

### **Period 2 – Pollution Team Highlights**

- The team presented the City's Soundscape work in relation to the Bank Junction Project to TfL and the Welsh Government.
- The City's infrastructure projects are progressing well with environmental impacts being well controlled:
  - The first Tunnel Boring Machine working on Thames Tideway has travelled to its commencement site. Piling has commenced at Blackfriars.
  - The tunnelling for the Bank Station Capacity Upgrade Project has progressed ahead of schedule.
  - Crossrail stations are on track for completion in 2018.
- The City's Contaminated Land Strategy has progressed; the top 5 sites have received a detailed desk study utilising a conceptual site model.
- The City's Code of Practice for Deconstruction and Construction Sites 2017 was approved by PHES Committee in September and implementation is underway.
- Recruitment to the TfL funded post 'Environmental and Liaison Officer' was successful and work has begun to reduce environmental impacts of works on the TfL road network.

## **Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18**

### **Period 2 – Air Quality Team Highlights**

During Period Two, the Air Quality Team:

- Sponsored the inaugural Institution of Civil Engineers' Air Quality Award for building design.
- Delivered a webinar for Defra on community engagement projects.
- Responded to the Air Quality chapter of the Mayor of London's draft London Environment Strategy.
- Submitted a written response to the House of Commons four Committees enquiry into air pollution.
- Installed secure cycle parking on the Barbican Estate, including a new cycle cage and hub in Breton House car park.
- Allocated funding to eight business and organisations from the Air Quality Champions Grant.
- Hosted a workshop on air quality monitoring as part of the City Air business engagement scheme.
- A celebration event was held for volunteers and businesses involved in the creation and development of 19 'Clean Air Gardens' around the City throughout 2017 as part of 'City in Bloom'.

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

Animal Health & Welfare	2016-17 Annual total	2017-18 Target (where applicable)	Period 2 2017-2018 results (Year to date totals are shown in brackets)			
			Total	Warning letters	Notices served	Prosecutions
Animal Reception Centre						
Throughput of animals (no. of consignments)	22,148	N/A	7,474 (15,061)	9 (18)	0 (0)	2 (2)
Animal Health						
Inspections carried out*	503	N/A	216 (308)	0 (1)	10 (20)	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 during the year.						

### Period 2 - HARC Highlights

- HARC commissioned a report on the redevelopment of the HARC site to enable the City to take up income generating opportunities that arise. This has led to early discussions with the airport authority regarding facilities.
- The steady increase in pet movements from the USA is not levelling off. This indicates that the 'Brexit Effect' has not had an impact as yet.
- Several large consignments of birds of prey have been received during this period.

### Period 2 - Animal Health Highlights

- The Team continued to meet its contract targets at 100% of all Service Level Agreements.
- The Animal Health Team won an RSPCA Gold Footprint Award for its work and involvement with Animal Activity Licensing. This was part of the RSPCA Community Animal Welfare Footprints award scheme.
- The Team carried out a successful joint investigation with the Metropolitan Police which resulted in the successful prosecution of a Romanian national who was bringing puppies to the UK illegally, advertising them without the appropriate licence and keeping them in appalling conditions prior to sale. On conviction he was handed a 5-year ban from keeping animals, a 5-year ban from selling animals and ordered to pay over £3500 in fines and costs.
- The number of non-compliant animals that have to be dealt with by the Team continued at a high level. Officers have been working very successfully in conjunction with the Metropolitan Police to deal with these animals.
- This is the final year of the current licensing regime for animal establishments and the team is looking forward to working with government and businesses next year to transition to the new rules.

## Port Health & Public Protection Enforcement Activity Period 2 (August–November) 2017-18

Port Health	2016-17 Annual total	Target 2017-18 (where applicable)	Period 2 2017-2018 results (Year to date totals are shown in brackets)			
			Total	Cautions	Notices served	Prosecutions
Food Safety inspections and revisits	28	N/A	2 (14)	0 (0)	0 (0)	0 (0)
Ship Sanitation Inspections and Routine Boarding of Vessels	281	N/A	62 boardings (136)	N/A	39 Ship Sanitation Certificates issued (74)	N/A
Imported food Not of Animal Origin - document checks	14,761	N/A	7,660 (12,549)	0 (0)	126 (288)	0 (0)
Imported food Not of Animal Origin - physical checks	2,025	N/A	789 (1,542)	0 (0)	N/A	0 (0)
Number of samples taken	404	N/A	185 (374)	0 (0)	N/A	N/A
Products of Animal Origin Consignments – document checks	10,102	N/A	3,717 (6,625)	0 (0)	60 (129)	0 (0)
Products of Animal Origin Consignments – physical checks	4,265	N/A	2,392 (4,300)	0 (0)	9 (17)	0 (0)
Number of samples taken	226	N/A	342 (729)	N/A	267 (563)	N/A

### **Period 2 – Port Health Highlights**

- Trade increased significantly this period (particularly during October and November). The number of imported food Not of Animal Origin document checks in Period 1 was 4,899, which increased in Period 2 to 7,660. Products of Animal Origin Consignments document checks rose from 2,908 in Period 1 to 3,717 in Period 2.
- In addition to the Physical checks carried out on imported food not of animal origin, 883 identity checks were also completed.
- Presentation of consignments at London Gateway port has not enabled the increased volumes to be released in a timely manner, and this is reflected in the results of the Performance Indicators (Appendix A). This is compounded by the additional delays related to the enhanced checks on Brazilian meat and meat products. We have worked closely with the port to address this issue by enhancing and streamlining our inspection hours.

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Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 30th November 2017  
(Expenditure and unfavourable variances are shown in brackets)

Appendix D

	Latest Approved Budget 2017/18 £'000	Budget to Date (Apr-Nov)			Actual to Date (Apr-Nov)			Variance Apr-Nov £'000	Forecast for the Year 2017/18			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><u>Port Health &amp; Environmental Services (City Fund)</u></b>												
Coroner	(116)	(82)	0	(82)	(98)	0	(98)	(16)	(116)	(138)	(22 )	
City Environmental Health	(1,998)	(1,587)	324	(1,263)	(1,570)	338	(1,232)	31	(1,998)	(1,964)	34	
Animal Health Services	901	(1,544)	2,240	696	(1,554)	2,264	710	14	901	907	6	
Trading Standards	(368)	(252)	16	(236)	(262)	15	(247)	(11)	(368)	(368)	0	
Port Offices & Launches	(1,042)	(2,157)	1,579	(578)	(2,141)	1,620	(521)	57	(1,042)	(987)	55	1
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>(2,623)</b>	<b>(5,622)</b>	<b>4,159</b>	<b>(1,463)</b>	<b>(5,625)</b>	<b>4,237</b>	<b>(1,388)</b>	<b>75</b>	<b>(2,623)</b>	<b>(2,550)</b>	<b>73</b>	

**Notes:**  
**1. Port Offices & Launches** - favourable variance mainly due to salary underspends from maternity leave and staff vacancies and a variety of additional income streams. These are partly offset by additional sampling costs due to increased workload in relation to Brazilian meat products.

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# Port Health & Public Protection Risk Register Summary

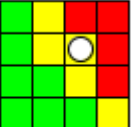
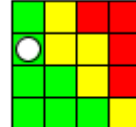
Report Author: John Smith

Generated on: 02 January 2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>CR21 Air Quality</b>  23-Oct-2015 John Avern	<p><b>Cause:</b> Small particulate pollution has chronic health impacts from long term exposure at very low concentrations and is in evidence within the City and central London. There is also a health impact associated with long term and short term exposure to nitrogen dioxide.</p> <p><b>Event:</b> Under certain atmospheric conditions there is a higher probability of poor air quality within the City and it is more likely that residents, workers and visitors would suffer the acute consequences.</p> <p><b>Effect:</b> The consequences both acute and chronic may include:            An increase in hospital referrals placed upon both emergency services and the NHS for those already suffering from respiratory or cardiovascular conditions (it may also place a strain on City social services).            An increase in deaths, particularly of those already suffering from respiratory or cardiovascular conditions (both residents and workers).            Economic costs such as acting as a deterrent of businesses coming to London or staying and financial penalties for non-compliance with air quality limits.            Persistent poor air quality may affect the longer term health of the City population.            Persistent poor air quality may attract adverse media coverage making the City seem a less attractive place to live and work.</p>	<p>Likelihood</p> <p>Impact</p>	16	No change from previous assessment. Air quality still a problem across the City. A range of measures are being implemented to reduce pollution but they take time to have an effect  <b>06 Dec 2017</b>	<p>Likelihood</p> <p>Impact</p>	6	31-Dec-2020	  No change

## Appendix E

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
CR21 001a Implement policies	Implement the policies contained in the City of London Air Quality Strategy 2015-2020. The strategy contains 10 policy areas with 60 specific actions. An annual report will be produced demonstrating progress with each action.	This action is now complete.	Jon Averbs	06-Oct-2016	31-Aug-2016
CR21 001b Review Air Quality	Review and assess air quality in line with statutory obligations of the Environment Act 1995. Submit all relevant statutory reports. Approval of all reports by Defra and the GLA will demonstrate compliance with statutory obligations.	This action is now complete.	Jon Averbs	06-Oct-2016	31-Aug-2016
CR21 001c Become an Exemplar Borough	Ensure the City Corporation becomes a Mayor of London Exemplar Borough for air quality.	This action is now complete.	Jon Averbs	06-Oct-2016	29-Dec-2017
CR21 001d Develop communication strategy.	Develop and implement a robust communications strategy to ensure people have sufficient information to reduce their exposure on days of 'high' air pollution.	This is now complete.	Jon Averbs	29-Aug-2017	31-Mar-2017
CR21e Develop plan	Develop and implement a plan for reducing the impact of diesel vehicles on air pollution in the Square Mile. This is to complement the work being undertaken by the Mayor of London to reduce air pollution in the central zone through the implementation of the Ultra-Low Emission Zone.	An initial feasibility study has been undertaken to look at options for reducing levels of pollution in Beech Street through vehicle management Vehicles have been restricted passing through Bank Interchange, the air quality impact is being assessed Several measures have been implemented in the City Low Emission Neighbourhood including: greening at a number of locations including Moor Lane, installation of 90 secure cycle parking spaces, audit of construction sites, detailed air quality monitoring, business engagement and workshops, business air quality grant scheme, freight surveys, clean air footprints and the provision of zero emission equipment for open spaces dept.	Jon Averbs	13-Nov-2017	31-Dec-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>MCP-PHPP 001 Brexit</b> 08-Nov-2016 Jon Avern	<b>Cause:</b> UK decision to terminate membership of E.U (Brexit). <b>Event:</b> Legislative changes <b>Effect:</b> Increased risk to public, animal and environmental health. Increased risk to consumers. Reduction in income. Scarcity of qualified staff, e.g. Official Veterinarians (OVs). Potential for increased workload depending on agreement reached.	 Likelihood	12	Appropriate action continues to be taken. Risk rating remains steady. <b>13 Dec 2017</b>	 Likelihood	3	29-Mar-2019	↔ No change

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
MCP-PHPP 001a Liaison with Government Departments and agencies.	Contribute to UK Government Listening mode.	Recent visits by FSA, DEFRA, HMRC and LGA. Representation secured on relevant panels and working groups.	Jon Avern	13-Dec-2017	29-Mar-2019
MCP-PHPP 001b Relevant legislation	Commission an independent report on the potential implications of the UK's exit from the EU on Animal Health and Port Health	The report has been commissioned and an interim report will go to the September 2017 PHES Committee.	Jon Avern	13-Jul-2017	30-Sep-2017
MCP-PHPP 001c Liaison with Remembrancer and other CoL depts.	Engage with stakeholders to assist in the identification of impacts and possible mitigations. Ensure Remembrancer and CoL depts. are fully aware of the implications of Brexit on PH and PP and that they lobby accordingly.	Representation made by Remembrancer to Government enquiries. Meeting held with former DEFRA Minister. Amendment submitted to EU withdrawal bill.	Jon Avern	13-Dec-2017	31-Mar-2019
MCP-PHPP-001d Respond promptly to developments	Respond promptly to policy decisions from the UK Government and the outcome of negotiations.	No specific proposals received to date.	Jon Avern	13-Dec-2017	31-Mar-2019

## City of London Corporation Risk Matrix (Black and white version)

Note: A risk score is calculated by assessing the risk in terms of likelihood and impact. By using the likelihood and impact criteria below (top left (A) and bottom left (B) respectively) it is possible to calculate a risk score. For example a risk assessed as Unlikely (2) and with an impact of Serious (2) can be plotted on the risk scoring grid, top right (C) to give an overall risk score of a green (4). Using the risk score definitions bottom right (D) below, a green risk is one that just requires actions to maintain that rating.

### Port Health & Public Protection Risk Matrix

#### (A) Likelihood criteria

	Rare (1)	Unlikely (2)	Possible (3)	Likely (4)
Criteria	Less than 10%	10 – 40%	40 – 75%	More than 75%
Probability	Has happened rarely/never before	Unlikely to occur	Fairly likely to occur	More likely to occur than not
Time period	Unlikely to occur in a 10 year period	Likely to occur within a 10 year period	Likely to occur once within a one year period	Likely to occur once within three months
Numerical	Less than one chance in a hundred thousand (<10-5)	Less than one chance in ten thousand (<10-4)	Less than one chance in a thousand (<10-3)	Less than one chance in a hundred (<10-2)

#### (C) Risk scoring grid

Likelihood	Impact				
	X	Minor (1)	Serious (2)	Major (4)	Extreme (8)
	Likely (4)	4 Green	8 Amber	16 Red	32 Red
	Possible (3)	3 Green	6 Amber	12 Amber	24 Red
	Unlikely (2)	2 Green	4 Green	8 Amber	16 Red
	Rare (1)	1 Green	2 Green	4 Green	8 Amber

#### (B) Impact criteria

Impact title	Definitions
Minor (1)	<b>Service delivery/performance:</b> Minor impact on service, typically up to one day. <b>Financial:</b> financial loss up to 5% of budget. <b>Reputation:</b> Isolated service user/stakeholder complaints contained within business unit/division. <b>Legal/statutory:</b> Litigation claim or find less than £5000. <b>Safety/health:</b> Minor incident including injury to one or more individuals. <b>Objectives:</b> Failure to achieve team plan objectives.
Serious (2)	<b>Service delivery/performance:</b> Service disruption 2 to 5 days. <b>Financial:</b> Financial loss up to 10% of budget. <b>Reputation:</b> Adverse local media coverage/multiple service user/stakeholder complaints. <b>Legal/statutory:</b> Litigation claimable fine between £5000 and £50,000. <b>Safety/health:</b> Significant injury or illness causing short-term disability to one or more persons. <b>Objectives:</b> Failure to achieve one or more service plan objectives.
Major (4)	<b>Service delivery/performance:</b> Service disruption > 1 - 4 weeks. <b>Financial:</b> Financial loss up to 20% of budget. <b>Reputation:</b> Adverse national media coverage 1 to 3 days. <b>Legal/statutory:</b> Litigation claimable fine between £50,000 and £500,000. <b>Safety/health:</b> Major injury or illness/disease causing long-term disability to one or more people <b>objectives:</b> Failure to achieve a strategic plan objective.
Extreme (8)	<b>Service delivery/performance:</b> Service disruption > 4 weeks. <b>Financial:</b> Financial loss up to 35% of budget. <b>Reputation:</b> National publicity more than three days. Possible resignation leading member or chief officer. <b>Legal/statutory:</b> Multiple civil or criminal suits. Litigation claim or find in excess of £500,000. <b>Safety/health:</b> Fatality or life-threatening illness/disease (e.g. mesothelioma) to one or more persons. <b>Objectives:</b> Failure to achieve a major corporate objective.

#### (D) Risk score definitions

<b>RED</b>	Urgent action required to reduce rating
<b>AMBER</b>	Action required to maintain or reduce rating
<b>GREEN</b>	Action required to maintain rating

This is an extract from the City of London Corporate Risk Management Strategy, published in May 2014.  
Contact the Corporate Risk Advisor for further information. Ext 1297  
Version date: December 2015

<b>Committee:</b>	<b>Date:</b>
Port Health & Environmental Services - For information	16 January 2018
<b>Subject:</b> Period 2 (Aug-Nov) Cemetery & Crematorium Business Performance update	<b>Public</b>
<b>Report of:</b> Director of Open Spaces	<b>For Information</b>
<p style="text-align: center;"><b>Summary</b></p> <p>This report updates Members on the performance of the Cemetery &amp; Crematorium August – November 2017. The Cemetery &amp; Crematorium has continued to perform well and income is £289,000 ahead of target.</p> <p><b>Recommendations</b></p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>Note this report</li> </ul>	

## Main Report

### Background

- The Open Space's Departmental Business Plan for 2016-19 was approved by your Committee on 9 May 2017. That plan included several specific actions and four Performance Indicators for the Cemetery & Crematorium.
- The Business Plan was based on the mission to "protect our treasured green spaces for people & wildlife and ensure that our outstanding heritage assets are protected, accessible and welcoming". This was supported by five objectives to:
  - Protect and conserve the ecology, biodiversity and heritage of our sites
  - Embed financial sustainability across our activities by delivering identified programmes and projects and continuously developing income generating endeavours
  - Enrich experiences by providing high quality and engaging visitor, educational and volunteering opportunities
  - Improve the health and wellbeing of the community through access to green space and recreation
  - Improve service efficiency and workforce satisfaction
- The vision for the Cemetery and Crematorium is to provide the City of London Cemetery and Crematorium as a model cemetery and crematorium constituting both a site of excellence in bereavement services, a forerunner in cemetery conservation and the greatest choice of burial and cremation

facilities in the UK. This together with the Department's vision and objectives inform and direct the work of the service.

### Current Position

4. The Cemetery & Crematorium has performed well during the period April-July 2017. There were 296 burials and 185 cremations, resulting in gross income of £1,645,000.

### Key actions from the business plan

Action to deliver objective	Detail	Key Milestones 2017/18	Update
<b>Objective 1: Conserve and improve the ecology, biodiversity and heritage of our sites</b>			
<b>Continue to develop and implement strategies that direct the management of our open spaces</b>	Development, drafting, consultation and final production of a range of management plans and strategies across the service.	Cemetery and Crematorium Conservation Management Plan to Committee for approval – 2017/18	Funding agreed by Committee in November, and the consultants have been commissioned. A report is expected back to your Committee in summer 2018.
<b>Objective 2: Embed financial sustainability across our activities by delivering identified programmes and projects and continuously development income generating endeavours</b>			
<b>Actively engage in key corporate procurement opportunities</b>	Active involvement in procurement process for City's new building, repairs and maintenance (BRM) contract	Input into BRM Customer Working Group – regular meetings up until July 2017	OSD participated in working group and were involved in contract evaluation
		New contractor on site	"BRM 2" is now in place. Skanska started in July and have been familiarising themselves with the sites. Feedback to date has been positive.
		*New* "Chandelier list"	Progress is continuing to develop and agree routes to market for specialist items which were excluded from the BRM contract. A contract for cremator repair and maintenance was agreed in autumn 2017.

		Review and feedback	
<b>Ensure sustainable provision of the Cemetery and Crematorium service</b>	Assess and determine the most efficient and effective way to replace the Crematorium's cremators	Project Gateway submitted – early 2017 for Gateway 1 / 2	The Superintendent of the Cemetery continues to progress this project with the support of the City Surveyor and City Procurement. The Gateway 2 was approved by PSC on 7 September and a consultant has been appointed to help develop a costed options appraisal in order to pass the next gateway.
		Options appraisal completed and funding agreed – 2018/19	
		Procurement process completed, contract awarded and cremators installed 2020/21	

#### Performance Indicators

5. The business plan included twenty four Specific, Measurable, Achievable, Relevant and Time bound (SMART) performance indicators. There were a number which were departmental which applied to the Cemetery:

	<b>2016/17 performance</b>	<b>2017/18 Target</b>	<b>Aug-Nov Performance</b>
Retain 15 Green Flags and improve the overall band score achieved across our Green Flag sites by 2018/2019.	15 green flag sites overall band scores 53% = 80+ 27% = 75 – 79 20% = 70 - 74	Retain 15 green flags	Cemetery & Crematorium has retained its Green Flag and Green Heritage Awards, with scores of 80+
Increase the percentage of H&S accidents that are investigated within 14 days.	100% (cemetery) 62% (entire department)	83%	100%
Increase the percentage of Open Space's staff who state they are at least satisfied with their workplace in the annual staff wellbeing survey.	Survey not undertaken	94%	Survey not undertaken (departmental survey planned for March 2018)

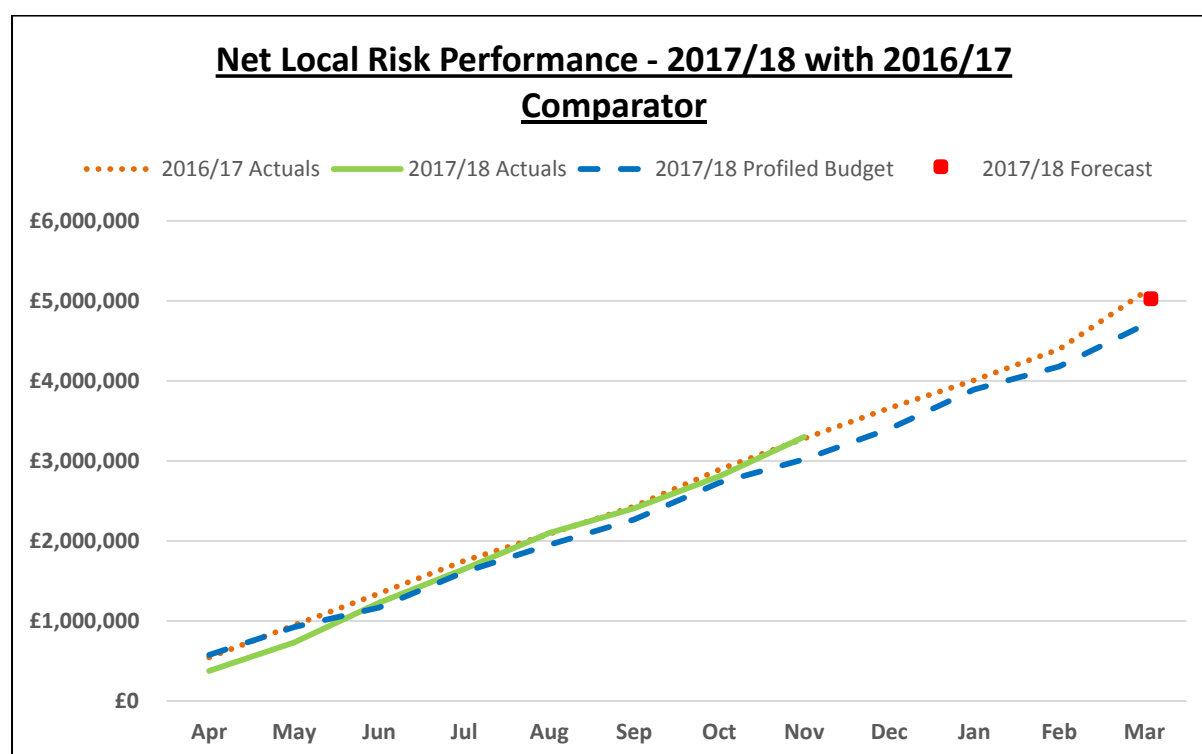
6. There were a further four specific indicators for the Cemetery:

	2016/17 performance	2017/18 Target	Aug-Nov Performance
Maintain our market share of burials in relation to the Cemetery and Crematorium's seven neighbouring Borough's.	7.5%	7.5%	7.2% (slightly down on 7.4% for the same quarter last year)
Increase the number of burials.	868	868	263 burials (262 for same period in 2016/17)
Increase the number of cremations.	2,540	2,540	754 cremations (765 for same time in 2016/17) ***
As a minimum, achieve local risk Cem & Crem income target.	Over achievement of income £452,787	£3,021K (Aug-Nov)	£3,299K (289K above budgeted income)

\*\*\* Summer Chapel closures for extensive redecoration to modern crematorium building.

## Finance

7. Appendix 1 provides a summary of the budget position. Members will note the continued strong performance of the Cemetery, and the continued expectation that an additional £300K income will be generated in 2017/18.
8. New income graph is below:



9. The Cemetery's strong financial performance should be put into the perspective of the requirement to achieve Service Based Review savings. The Cemetery was asked to achieve savings of £213,000 to further offset the cost of providing the Cemetery & Crematorium Service. £106,000 of additional income was achieved in 2015/16, £56,000 in 2016/17 and a further £51,000 in 2017/18. As costs continue to rise, the Superintendent continues to carefully manage his income and expenditure budgets at the Cemetery to ensure a high quality of service is maintained. This will be particularly important as from 2018/19, City departments are making 2% efficiency savings and budgets and there is currently no allowance for pay and price increases.

## **Risk**

10. The Cemetery & Crematoriums risk register is attached as Appendix 2.
11. The Superintendent has confirmed that all risks are currently managed and controlled. Your Committee previously agreed the removal of the green risks from the register. There are five remaining amber risks – Financial failure; Deterioration of buildings, plant & machinery; Systems Failure; Extreme Weather and Tree & Plant Disease.

## **Corporate & Strategic Implications**

12. The Business Plan identifies how the department's improvement activities will support the aspirations of the organisation, as reflected in the Corporate Plan.
13. Delivering the Business Plan will support the Corporation's strategic aims to:
- SA2 - Provide modern, efficient and high quality local services, including policing, within the Square mile for workers, residents and visitors
  - SA3 - Provide valued services, such as education, employment, culture and leisure to London and the nation.
14. In addition it will deliver the key policy priorities: KPP2, KPP3, KPP4, and KPP5 as defined in the [Corporate plan](#).

## **Implications**

15. The Cemetery & Crematorium continues to provide an important service to the local community. Performance has been strong and all risks are currently managed.

## **Conclusion**

16. The Cemetery & Crematorium is meeting or exceeding the targets agreed by your Committee. The Superintendent will continue to progress works related to the replacement of the cremators, and this will be the subject of further reports to your Committee.

## **Appendices**

- Appendix 1 – Budget
- Appendix 2 – Risk Register

**Background Papers:**

Open Spaces Business Plan 2017/18-2020/21

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**Appendix 1**

**Department of Port Health & Environmental Services Local Risk Revenue Budget - 1st April - 30th November 2017**  
**(Income and favourable variances are shown in brackets)**

	Latest Approved	Budget year to date (Apr-Nov)			Actual year to date (Apr-Nov)				Forecast for the Year 2017/18			
	Budget 2017/18 £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Variance Apr-Jul £'000	LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	Note
<b>Open Spaces (City Fund)</b> City of London Cemetery and Crematorium	(1,680)	2,039	(3,021)	(982)	2,028	(3,299)	(1,271)	(289)	(1,680)	(1,979)	(299)	1
<b>TOTAL PORT HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE LOCAL RISK</b>	(1,680)	2,039	(3,021)	(982)	2,028	(3,299)	(1,271)	(289)	(1,680)	(1,979)	(299)	

**Notes:**

1. Income is 4% above target for the Cemetery for the opening eight months of the year due to backdated rent arrears being paid by two of the tenants. Owing to an increase in income from all sales at the Cemetery, the Superintendent expects income to be around last year's total, (£5m), which would lead to income taken coming in at around £299,000 over target at year-end.

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# OSD C&C Detailed Risk report

Report Author: Esther Sumner

Generated on: 19 December 2017



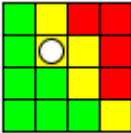
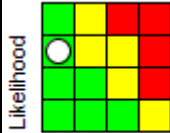

Rows are sorted by Risk Score

Code & Title: OSD CC Cemetery & Crematorium 5

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
OSD CC 002 Financial failure	<p><b>Causes:</b> Reduction in the number of burials, cremations and grave purchases. Increased unexpected expenditure due to building, plant or machinery failure. Charges too high for local market. Unanticipated high recharges. Insufficient burial space, cremators cannot be operated, poor budget monitoring, increased competition from other providers</p> <p><b>Event:</b> Net agreed budget position not met at year end.</p> <p><b>Impact:</b> Financial and reputational impact. Reduction in quality of service.</p>	<p>Likelihood</p> <p>Impact</p>	6	<p>This risk remains as previously reported.</p> <p>Cremator maintenance is in a better position than previously and the Superintendent continues to progress works to replace the non-abated cremators in line with the business plan and the gateway process. A contract for the on-going maintenance of the cremators has been awarded.</p> <p>Landscaping works at the Shoot are now complete and this will enhance the operating sustainability of the site.</p> <p>Due to the number of burial options available we can offer graves at a range of fees but must consider the whole life costs to ensure that we are</p>	<p>Likelihood</p> <p>Impact</p>	4	31-Mar-2018	↔

18-Aug-2015 Gary Burks				charging correctly <b>19 Dec 2017</b>				No change
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Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
OSD CC 002 a Burial management  Page 88	This work is on-going: <ul style="list-style-type: none"> <li>• The review of remaining and additional burial space informs operational planning.</li> <li>• Fees comparisons with neighboring/competitor facilities used to inform annual fees and charges</li> <li>• "Whole life" costs considered when setting fees and charges</li> <li>• Effective relationships developed with funeral directors.</li> <li>• Monitor any significant changes in competition or ownership of nearby crematoria</li> </ul>	The 'Burial Space Plan for the City of London Cemetery' Report to Port Health and Environmental Services Committee in March 2016 set out current availability and a plan for the next 15 years provision and beyond including the new space created by the Shoot and reuse of graves.  With the opportunity that grave reuse gives, the cemetery capacity can be extended indefinitely.	Gary Burks	19-Dec-2017	31-Mar-2018
OSD CC 002 b Effective maintenance management	This is ongoing:- Continue to work with City Surveyors to ensure that planned and preventative maintenance and CWP works for buildings and cremators is effective.	Cem & Crem Superintendent continues to work with City Surveyors, City Procurement and industry experts to take a cremator replacement project through the Gateway process. Gateway 2 was approved at PSC on 7th September 2017.	Gary Burks	19-Dec-2017	31-Mar-2018
OSD CC 002 c Budget management	Regular monitoring of income and expenditure and budget adjustments made where appropriate and necessary	Regular and ongoing budget monitoring continues.	Gary Burks	19-Dec-2017	31-Mar-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 003 Deterioration of buildings, plant and machinery</b>  19-Aug-2015 Gary Burks	<b>Causes:</b> Inadequate proactive and reactive maintenance; failure to identify and communicate maintenance issues <b>Event:</b> Operational or public buildings become unusable. Plants and trees die. <b>Impact:</b> Service capability disrupted; ineffective use of staff resources; damage to corporate reputation; increased costs for reactive maintenance	 Likelihood Impact	6	The reduced CWP programme picks up urgent and important building works, cremators are currently operating well and repairs are being carried out to schedule. A contract to run alongside the City's main R&M contract has just commenced for cremator repairs and maintenance.  <b>19 Dec 2017</b>	 Likelihood Impact	3	01-Aug-2017	  No change

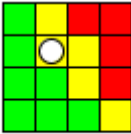
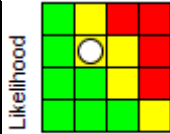

Action no, Title,	Description	Latest Note			Managed By	Latest Note Date	Due Date
OSD CC 003 a Operational Property Review	ACTION COMPLETE Implementation of property review which aims to rationalise operational buildings across open spaces.	Cemetery actions complete - no further updates			Gary Burks	16-Nov-2016	31-Jul-2016
OSD CC 003 b Building R&M	Continue to develop relationship with City Surveyors and ways of working to ensure CWP works are delivered Regular meetings with CS's Property Facilities Managers The Superintendent was engaged in the development of the 2017 R&M specification and tender documents	Actions are ongoing.  Superintendent now sits on the BRM working Group to monitor the new contract as it progresses.			Gary Burks	19-Dec-2017	31-Oct-2017
OSD CC 003 c BRM contract renewal	ACTION COMPLETE The current BRM contract expired in July 2017. It was agreed that the cremators should be removed from the overarching contract and subject to a separate procurement to find a specialist contractor.	Action complete - no further updates: A contract to maintain and service the cremators and ancillary equipment has been let and will run parallel to the main BRM contract. This has been in place since July 2017 and aims to ensure that our cremators receive the maintenance and repairs that they require, by appropriately skilled professionals.			Gary Burks	19-Dec-2017	31-Mar-2018

01-Jun-2016  
Gary Burks

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
OSD CC 009 a Business continuity	Review continuity plans on a regular basis and following significant systems failures Ensure staff are familiar with 'alternate operations' as detailed in the continuity plans IS partners aware that C&C is recognised as a 'critical' service and failures are treated as a priority.	<ul style="list-style-type: none"> <li>• Use of mobile phones and manual systems is in place for burial and cremation. This has been required due to ongoing IT issues.</li> <li>• IT Business partner escalated issues to 'priority' status due to business impact.</li> </ul>	Gary Burks	19-Dec-2017	31-Mar-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 010</b> <b>Extreme weather</b>  21-Jun-2016 Gary Burks	<b>Cause:</b> Strong winds causing significant tree damage within the cemetery and crematorium landscape <b>Effect:</b> Roads closed, exclusion of the public, disruption to funerals <b>Impact:</b> Significant cost to division and possible loss of income/ negative publicity	 Likelihood	6	There continues to be a significant residual risk as we can do little to change the course of nature, but have systems in place to inspect our tree stock and experienced staff to deal with any such incident.  <b>19 Dec 2017</b>	 Likelihood	6	31-Mar-2018	  No change

Action no, Title,	Description	Latest Note		Managed By	Latest Note Date	Due Date
OSD CC 010 a Wind damage	A significant storm could (and has in the past) cause significant damage to tree stocks and buildings meaning that for a short period of time the cemetery roads could be closed and block, and one or more buildings could be out of action. This is managed through: <ul style="list-style-type: none"> <li>• Tree inspections</li> <li>• Maintain staff with chainsaw qualifications</li> </ul>	As previously: <ul style="list-style-type: none"> <li>• Trees are surveyed and inspected with advisory works carried out. A group of staff within the cemetery team are trained in the operation of chainsaws for clearing fallen trees.</li> <li>• It is unlikely that storm damage would close the modern crematorium building but could damage other service chapels and block roads. The cemetery and crematorium service has 6 service chapels.</li> </ul>		Gary Burks	19-Dec-2017	31-Mar-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 011</b> <b>Tree and plant diseases</b>  21-Jun-2016 Gary Burks	<b>Cause:</b> Tree Disease or infestation <b>Effect:</b> Loss of tree stock or exclusion of the public from certain areas of the cemetery <b>Impact:</b> Partial closure of site or loss of mature trees and the affect that this would have on the landscape	 Likelihood Impact	6	In June Oak Processionary Moth infestations were recognized in several trees towards the North East Corner of the cemetery site. The forestry Commission was notified and the Cemetery was served with a Statutory Notice. The Cemetery Team continue to work with the Commission and contractors to manage this infestation  <b>19 Dec 2017</b>	 Likelihood Impact	6	31-Mar-2018	  Increased Risk Score

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
OSD CC 011 a Tree surveys	Regular monitoring of trees Engagement of specialists where required	The proactive approach taken to monitor trees resulted in OPM being recognised and reported to the Forestry Commission. Expert advise on the management of OPM has been sought and is acted upon.	Gary Burks	19-Dec-2017	31-Mar-2018

<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Services Committee – For Information	16 January 2018
<b>Subject:</b> Department of the Built Environment Risk Management – Periodic Report	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Richard Steele	

## Summary

This report has been produced to provide the Port Health and Environmental Services Committee with 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.

This report only considers risks managed by the Department of the Built Environment that fall within the remit of the Port Health & Environmental Services Committee.

Risk is reviewed regularly as part of the ongoing management of the operations of the Department of the Built Environment. In addition to the flexibility for emerging risks to be raised as they are identified, a process exists for in-depth periodic review of the risk register.

Since the last report to Members there have been no changes in the list of Corporate risks managed by the department. Two new Departmental risks have been identified.

There is no Corporate Risk managed by the Department of the Built Environment. The Departmental Risks are listed at Annex 2.

The Departmental Key Risk (DBE- TP-01 - Road Traffic Collision caused by City of London staff or contractor who is unfit to drive while on City business) continues to be assessed as Unlikely. The Business As Usual compliance target (which was initially 80%) has been further increased to 92.5% (three months ahead of the target date for achieving 90%).

## Recommendation

Members are asked to:

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

## Main Report

### Background

1. The Risk Management Framework of the City of London Corporation requires each Chief Officer to report regularly to Committee the risks faced in their department.
2. Risk Management is a standing item at the Senior Leadership Team meetings.
3. Risk owners are consulted and risks are reviewed between SLT meetings with the updates recorded in the corporate (Covalent) system.
4. Each risk managed by the Department of the Built Environment is allocated to either the Planning & Transportation Committee or the Port Health & Environmental Services Committees. **This report only considers risks managed by the Department of the Built Environment that fall within the remit of the Port Health & Environmental Services Committee.**

Parallel periodic reports are submitted to the Planning & Transportation Committee.

### Current Position

5. This report provides an update on the current risks that exist in relation to the operations of the Department of the Built Environment that fall within the remit of the Port Health and Environmental Services Committee.
6. In order to reduce the volume of information presented, and accordance with the Corporate Risk Management Strategy, this report includes all Corporate and Departmental level risks but not Service Level risks (unless there are changes which are considered to be likely to be of interest to Members).
7. The risk register captures risk across all four divisions within the department, (Transportation & Public Realm, District Surveyor, Development and Policy & Performance) but risks relating to the City Property Advisory Team are managed by the City Surveyor.

### Risk Management Process

8. Risk and control owners are consulted regarding the risks for which they are responsible at appropriate intervals based on the level of risk and the likelihood that this level will change. In general RED risks are reviewed monthly; AMBER risk are reviewed quarterly; and GREEN risks are reviewed quarterly, 6 monthly or annually depending on the likelihood of change.

9. Changes to risks were, historically, reported to Members as part of the Business Plan report. Members now receive this report quarterly<sup>1</sup> in accordance with the Corporate Risk Management Strategy.
10. All significant risks (including Health & Safety risks) identified by the Department have been added to the Covalent Corporate Risk Management System.

### **Significant Risk Changes**

11. Routine monitoring has identified no significant risk changes since the last report.

### **Identification of New Risks**

12. New risks may be identified at the quarterly review of all risk; through Risk reviews at the Department Management Team; or by a Director as part of their ongoing business management.
13. An initial assessment of all new risks is undertaken to determine the level of risk (Red, Amber or Green). Red and Amber risks will be the subject of an immediate full assessment with Red risks being reported to the Department Management Team. Green risks will be included in the next review cycle.
14. Two new Departmental level risks have been identified since the last report. These relate to the retendering of the cleansing & waste contract.

The first (DBE-TP-12) relates to the risk that the tender process will result in (a) greater expense (for the same level of service); or (b) deliver a lower level of service (for the same cost) (or a combination of the two)

The second (DBE-TP-13) relates to the risk that if there are delays to the procurement process or the mobilisation process we may not have a new fully functioning contract in place before the existing contract expires.

Both of these risks appear in Appendix 2.

15. In the spring DBE will be undertaking a training led review of the management of risk associated with projects across the entire DBE project portfolio. As well as focusing on identifying risks common to a number of projects this aims to standardise process and escalation procedures across all projects.

### **Summary of Key Risks**

16. The Department of the Built Environment's Risk Register includes one Key Risk:

- **Road Traffic Collision caused by City of London staff or contractor who is unfit to drive while on City business (DBE-TP-01)**

Following implementation of the Corporate Transport Policy this risk continues to be assessed as having Impact 8 (Critical) and Likelihood 1 (Rare).

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<sup>1</sup> Due to the scheduling of meetings of the Port Health & Environmental Services Committee, and with the agreement of that Committee, these reports are presented at 4 months intervals instead of quarterly.

Since it is not possible to reduce the impact all our efforts continue to be directed to reduce the likelihood through compliance with the corporate Transport Policy.

Over 92% (up from 88% at the last report) of City of London staff have now completed Driver Check (the Training Needs Analysis). Whilst completion remains patchy no department is now below 67% (up from 66% at the last report) and only two departments are below 80% (unchanged from the last report).

Completion of the Corporate Transport Policy online training course by drivers and their managers (as identified by Driver Check) is over 95% (up from 91% at the last report).

Overall compliance with both Driver Check and the online training course is now at 91.5% (up from 86.5% at the last report).

All departments are provided with periodic reports which include details of all staff who are not compliant.

Business As Usual monitoring ensures that compliance is maintained at a level to give assurance that the likelihood of this risk occurring remains Rare.

In view of the improved level of compliance for the completion of Driver Check and the online training course, to ensure that our targets are appropriately stretching, the Business As Usual compliance target (which was initially 80%) has been further increased to 92.5% (three months ahead of the target date for achieving 90%).

The use of an online system (DAVIS) to maintain records of staff driving licences and, where staff use their own vehicle on business, the vehicle details. This system allows driving licences to be checked against DVLA records (normally every 6 months) to ensure drivers continue to be appropriately licenced.

There are currently 694 (93% of 747 who are identified as drivers through Driver Check) registered on DAVIS. Of these there are 613 (88%) for who we have a "current" licence check. Work is ongoing to match Driver Check and DAVIS records to increase compliance with driving licence checks.

## **Conclusion**

17. Members are asked to note that risk management processes within the Department of the Built Environment adhere to the requirements of the City Corporation's Risk Management Framework and that risks identified within the operational and strategic responsibilities of the Director of the Built Environment are proactively managed

## **Appendices**

- Appendix 1 – City of London Corporation Risk Matrix
- Appendix 2 – Register of DBE Corporate and Departmental risks (Port Health & Environmental Services Committee)

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## City of London Corporation Risk Matrix (Black and white version)

Note: A risk score is calculated by assessing the risk in terms of likelihood and impact. By using the likelihood and impact criteria below (top left (A) and bottom right (B) respectively) it is possible to calculate a risk score. For example a risk assessed as Unlikely (2) and with an impact of Serious (2) can be plotted on the risk scoring grid, top right (C) to give an overall risk score of a green (4). Using the risk score definitions bottom right (D) below, a green risk is one that just requires actions to maintain that rating.

### (A) Likelihood criteria

	Rare (1)	Unlikely (2)	Possible (3)	Likely (4)
Criteria	Less than 10%	10 – 40%	40 – 75%	More than 75%
Probability	Has happened rarely/never before	Unlikely to occur	Fairly likely to occur	More likely to occur than not
Time period	Unlikely to occur in a 10 year period	Likely to occur within a 10 year period	Likely to occur once within a one year period	Likely to occur once within three months
Numerical	Less than one chance in a hundred thousand (<10-5)	Less than one chance in ten thousand (<10-4)	Less than one chance in a thousand (<10-3)	Less than one chance in a hundred (<10-2)

### (B) Impact criteria

Impact title	Definitions
Minor (1)	<b>Service delivery/performance:</b> Minor impact on service, typically up to one day. <b>Financial:</b> financial loss up to 5% of budget. <b>Reputation:</b> Isolated service user/stakeholder complaints contained within business unit/division. <b>Legal/statutory:</b> Litigation claim or find less than £5000. <b>Safety/health:</b> Minor incident including injury to one or more individuals. <b>Objectives:</b> Failure to achieve team plan objectives.
Serious (2)	<b>Service delivery/performance:</b> Service disruption 2 to 5 days. <b>Financial:</b> Financial loss up to 10% of budget. <b>Reputation:</b> Adverse local media coverage/multiple service user/stakeholder complaints. <b>Legal/statutory:</b> Litigation claimable fine between £5000 and £50,000. <b>Safety/health:</b> Significant injury or illness causing short-term disability to one or more persons. <b>Objectives:</b> Failure to achieve one or more service plan objectives.
Major (4)	<b>Service delivery/performance:</b> Service disruption > 1 - 4 weeks. <b>Financial:</b> Financial loss up to 20% of budget. <b>Reputation:</b> Adverse national media coverage 1 to 3 days. <b>Legal/statutory:</b> Litigation claimable fine between £50,000 and £500,000. <b>Safety/health:</b> Major injury or illness/disease causing long-term disability to one or more people <b>Objectives:</b> Failure to achieve a strategic plan objective.
Extreme (8)	<b>Service delivery/performance:</b> Service disruption > 4 weeks. <b>Financial:</b> Financial loss up to 35% of budget. <b>Reputation:</b> National publicity more than three days. Possible resignation leading member or chief officer. <b>Legal/statutory:</b> Multiple civil or criminal suits. Litigation claim or find in excess of £500,000. <b>Safety/health:</b> Fatality or life-threatening illness/disease (e.g. mesothelioma) to one or more persons. <b>Objectives:</b> Failure to achieve a major corporate objective.

### (C) Risk scoring grid

Likelihood	Impact				
	X	Minor (1)	Serious (2)	Major (4)	Extreme (8)
	Likely (4)	4 Green	8 Amber	16 Red	32 Red
	Possible (3)	3 Green	6 Amber	12 Amber	24 Red
	Unlikely (2)	2 Green	4 Green	8 Amber	16 Red
	Rare (1)	1 Green	2 Green	4 Green	8 Amber

### (D) Risk score definitions

RED	Urgent action required to reduce rating
AMBER	Action required to maintain or reduce rating
GREEN	Action required to maintain rating

This is an extract from the City of London Corporate Risk Management Strategy, published in May 2014.


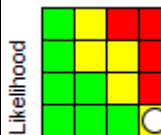
Contact the Corporate Risk Advisor for further information. Ext 1297

October 2015

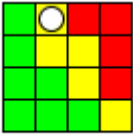
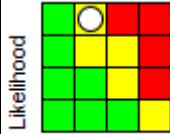

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## APPENDIX 2

Generated on: 29 December 2017

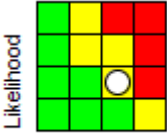
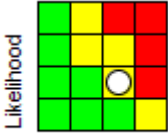

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>DBE-TP-01 Road Traffic Collision caused by City of London staff or contractor who is unfit to drive while on duty business</b>  Page 93  13-Mar-2015 Steve Presland	<p><b>Cause:</b> A member of staff/contractor who is unfit or unqualified to drive causes ...</p> <p><b>Event:</b> a road traffic collision which results in ...</p> <p><b>Impact:</b> death or injury; financial claim</p>	<div style="display: flex; align-items: center;"> <span style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">Likelihood</span>  </div> <p style="text-align: center;"><b>Impact</b></p>	<p style="font-size: large; text-align: center;">8</p>	<p>Over 92% of City of London staff have completed Driver Check and over 95% of staff who have been identified, through Driver Check, as drivers (or managers of drivers) have completed the Corporate Transport Policy online training course. The overall compliance is now over 91.5%.</p> <p>The Business As Usual target for overall compliance has been further increased to 92.5% (three months earlier than the planned date to increase to 90%).</p> <p><b>20 Dec 2017</b></p>	<div style="display: flex; align-items: center;"> <span style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">Likelihood</span>  </div> <p style="text-align: center;"><b>Impact</b></p>	<p style="font-size: large; text-align: center;">8</p>		<div style="text-align: center;">↔</div> <p>No change</p>

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
DBE-TP-01c Business As Usual Mitigation	<p>Monitor the percentage of City of London staff who have completed Driver Check and ensure that it remains above 92.5%</p> <p>Monitor the percentage of City of London staff who have been identified, through Driver Check, as drivers (or managers of drivers) who have completed the Corporate Transport Policy online training course and ensure that it remains above 92.5%.</p> <p>Monitor overall completion rates for both driver check and the online training course and ensure that it remains above 92.5%.</p> <p>Monitor the collection and periodic monitoring of driver licence details (and, in the case of grey fleet drivers, vehicle details).</p>	<p>Over 92% of City of London staff have completed Driver Check and over 95% of staff who have been identified, through Driver Check, as drivers (or managers of drivers) have completed the Corporate Transport Policy online training course. The overall compliance is now over 91.5%.</p> <p>The Business As Usual target for overall compliance has been further increased to 92.5% (three months earlier than the planned date to increase to 90%).</p>	Jim Graham	20-Dec-2017	31-Dec-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>DBE-TP-12 Cleansing &amp; Waste Contract - Commercial</b> 20-Dec-2017	<p><b>Cause:</b> The existing waste contractor has served notice to terminate the contract and we are therefore retendering the high value cleansing and waste contract and this is liable to result in (a) greater expense (for the same level of service); or (b) deliver a lower level of service (for the same cost) (or a combination of the two).</p> <p><b>Event:</b> The competitive tendering process results in Members having to decide between options (a) and (b) (or some combination of the two).</p> <p><b>Impact:</b> (a) higher costs to the City or (b) a lower level of service to the City (or some combination of the two).</p>	 <p>Likelihood</p> <p>Impact</p>	8	Initial Assessment          <b>20 Dec 2017</b>	 <p>Likelihood</p> <p>Impact</p>	8		          No change

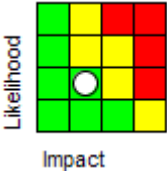
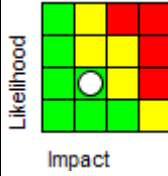

Task no, Title,	Description	Latest Note			Managed By	Latest Note Date	Due Date
DBE-TP-12a Effective Procurement Process	This project has very strong support from City Procurement to ensure that the tender process is robust.	Initial Assessment			Steve Presland	29-Dec-2017	31-Mar-2019
DBE-TP-12b Appropriate Contract Scope & Specification	Additional experience and capacity has been recruited to support the process of determining the contract scope & specification (including the creation of a draft Contract Manual).	Initial assessment			Jim Graham	29-Dec-2017	31-Mar-2019
DBE-TP-12c External Support – GLA	<i>We need to consult the GLA.</i>	<i>We have consulted the GLA and they have commented that they are supportive and their only recommendation is to include a City commitment to drive up recycling rates. They feel the contract will lead to innovative bids. [COMPLETED]</i>			Jim Graham	29-Dec-2017	31-Dec-2017
DBE-TP-12d External Support – Resource London	We will consult Resource London (the Local Authority support element of the London Waste and Recycling Board) to ensure that the contract is future-proofed for the circular economy.	The consultation has been submitted and a response is expected in the New Year.			Jim Graham	29-Dec-2017	31-Mar-2019

DBE-TP-12e Internal Consultation	A Corporate Steering Group including the Commercial Director and a representative of the Chamberlains department has been established and is ongoing.	A report has been submitted to Summit Group and the Chamberlain is briefing them on likely increase in cost for current service.	Jim Graham	29-Dec-2017	31-Mar-2019
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Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>DBE-TP-13 Cleansing &amp; Waste Contract - Procurement Timings</b> 29-Dec-2017	<b>Cause:</b> Delay to procurement or mobilisation process. <b>Events:</b> (1) tender process delays; (2) Contractual delays; (3) mobilisation delays. <b>Impact:</b> No cleansing or waste service on the day(s) following the termination of the existing contract.	 Likelihood Impact	8		 Likelihood Impact	8		  No change

Action no, Title, Page no	Description	Latest Note	Managed By	Latest Note Date	Due Date
DBE-TP-13a Provide data for OJEU	Ensure the deadline is met by review at the weekly Data Group meetings (which reports to the weekly Contract Procurement Group)	On target to have all the necessary data available in time for the OJEU.	Steve Presland	29-Dec-2017	23-Jan-2018
DBE-TP-13b Committee Timetable	Relevant committee meetings are included in the project timeline.	Where necessary Officers are negotiating with the chairman / Deputy Chairman to obtain agreement in principle to there being delegated power (with the Town Clerk and Director of the Built Environment) to deal with matters that do not fall within the Committee cycle.	Steve Presland	29-Dec-2017	31-Dec-2018
DBE-TP-13c Member involvement in the decision making process	In order to ensure that Members are able to make an award decision in a timely manner there will need to be regular briefings by the Director of the Built Environment to the Chairman and Deputy Chairman of the relevant committees.		Carolyn Dwyer	29-Dec-2017	31-Dec-2018
DBE-TP-13d Minimisation of likelihood of legal challenge (1)	In order to minimise the likelihood of a legal challenge representatives of Procurement and C&CS will be present at all "competitive dialogue" meetings with bidders and a full record of these meetings will be kept. Procurement will be the conduit for ALL other communications during the tender process.	Procurement and C&CS have been asked to provide appropriate representatives.	Steve Presland	29-Dec-2017	31-Dec-2018

DBE-TP-13e Minimisation of likelihood of legal challenge (2)	In order to minimise the likelihood of a legal challenge the Assistant Director will prepare a Code of Conduct for all staff who are (a) involved in the tender process; and (b) all staff who, although not involved in the tender process may, as a result of their other duties, have contact with one or more bidders (or potential bidders) during the tender process.	Guidance from Procurement and C&CS has been requested.	Jim Graham; Steve Presland	29-Dec-2017	19-Jan-2018
DBE-TP-13f Mobilisation - Vehicles & Plant	In order to ensure that vehicles and plant are available at start of contract, the bidders will, at competitive dialogue stage, be required to provide details of procurement/hire/other to demonstrate how they would have vehicles/plant on day 1 of the contract.	This subject has been included in the (draft) agenda for the Competitive Dialogue meetings	Steve Presland	29-Dec-2017	01-Jun-2018
DBE-TP-13g Mobilisation - Staff	In order to ensure staff can be TUPE'd on day 1 of new contract the Assistant Director will work with C&CS to ensure TUPE information is provided at the appropriate stages.	The Assistant Director will, by 15 Jan 18, establish when in the process the TUPE data will be required.	Jim Graham	29-Dec-2017	01-Jun-2018
DBE-TP-13h Delay in Competitive Dialogue stage	In order to avoid delays from COL side during competitive dialogue (a) the Director of the Built Environment will be asked (by the Director) to authorise a leave ban for affected staff the Tender Evaluation and Competitive Dialogue stages; (b) Managers will ensure that all staff affected block out appropriate time in the their diary; & (C) The Director will arrange for representatives (with the necessary skills/seniority to rule on matters at the time) from Procurement and C&CS to attend all Competitive Dialogue meetings.	Procurement and C&CS have been asked to provide appropriate representatives.	Steve Presland	29-Dec-2017	01-Mar-2018

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>DBE-TP-07 A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot</b> 27-Mar-2015 Steve Presland	<b>Cause:</b> A major incident, such as flooding or fire <b>Event:</b> Walbrook Wharf unusable as a depot <b>Impact:</b> Unable to clean streets; collect waste or maintain City of London Police vehicles. City of London unable to meet its contractual arrangements with third parties who use the depot for their commercial purposes.		4	The next Business Continuity exercise will be held in Q1 2018.  <b>01 Nov 2017</b>		4		  No change

Action no, Title,	Description	Latest Note	Managed By	Latest Note Date	Due Date
DBE-TP-07a Business Continuity exercise	Conduct annual DBE business continuity exercise	A Business Continuity exercise was successfully carried out in March 2017. The next exercise will be held in 2018 and the dates have been reset accordingly.	Steve Presland	07-Apr-2017	30-Sep-2018

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<b>Committee(s):</b>	<b>Date:</b>
Port Health and Environmental Services	16 January 2017
<b>Subject:</b> Plastic Free City	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer – Director DBE	<b>For Decision</b>
<b>Report author:</b> Steve Presland – Director TPR	

## Summary

As the Thames Port Authority and a riverside local authority, the City of London has a responsibility to encourage the reduction of marine plastic litter. A large source of these plastics is from single use products such as straws, bottles and cups. In recent months there has been an increased focus on this issue with particular high profile publicity from the Blue Planet documentary and the GLA draft London Plan.

This report sets out the scope for a multifaceted project where the City of London can use its unique position to lead by example and show what possibilities there are for a local authority to raise awareness of the issues and reduce the volume of single use products across the City. The project will also have the added benefit of reducing waste and promote the circular economy.

## Recommendation(s)

Members are asked to:

- Agree the commencement of a high-profile project in 2018 with the aim to reduce single use plastics within the Corporation and across the City of London.

## Main Report

### Background

1. Reliance on single use plastics is a key environmental issue that needs to be addressed to help mitigate the adverse impact on climate change resulting from the increasing production of single use plastics and consequential high levels of marine pollution and public realm littering.
2. The issue has become increasingly high profile over recent months with coverage in Blue Planet II dramatically increasing public awareness. December 2017 has also seen the UN declare ocean plastic a 'planetary crisis' with a resolution published including an agreement that all parties need to commit to stopping plastics entering the ocean.
3. As the Port Authority for the Thames and a riverside authority, the City of London has a responsibility to proactively encourage the reduction of ocean plastic litter.

A large source of these plastics is from single use products such as straws, bottles and cups. The City of London can use its unique position to lead by example, to show what possibilities there are to raise awareness of the issues and reduce the volume of single use products across the City. By working in close collaboration with private and 3<sup>rd</sup> party sectors across the City will further increase engagement and commitment to encourage and embed alternative solutions.

4. The Greater London Authority has published its draft London Plan for consultation which supports identifying suitable locations for water fountains and bottle-refill stations in new or redeveloped public spaces, such as town centres, shopping malls, parks and squares to help reduce single use plastic water bottles.

### **Current Position**

5. The increasing issue of single use plastic will require a range of solutions and initiatives to effectively reduce their use. Over the course of 2018 the Department of the Built Environment wishes to lead on these projects and encourage participation across the City of London, from the business community, workers, residents and visitors.

### **Proposals**

6. A significant increase in the installation of public drinking fountains would ensure the City of London were at the fore front of providing additional facilities London-wide. These could be located in a range of suitable locations such as parks, retail squares or close to transport hubs. Additionally, the City should be encouraging licenced premises, members of the Community Toilet Scheme and Clean City Award Scheme to register as a “bottle refill station” with a scheme such as “Refill”. This app based map enables users to locate the nearest free water refill facility across the UK. There are currently only two locations registered on Refill in the City. As the provision of free water is already a licencing condition within the City this could be quickly and substantially expanded.
7. The City of London should also look to reduce the provision of single use plastics across the Corporation finding alternative solutions. This will require significant commitment from departments across the Corporation with the City Surveyors department introducing and managing initiatives across all City owned or managed buildings, City Procurement ensuring that any new requirements are met by key contractors and suppliers. In order to have maximum long term effect all senior managers should be proactive in ensuring new practices are embedded and maintained by all staff.
8. With the City leading by example in reducing its own plastic use, businesses within the City can be encouraged to commit to the same approach. This can be achieved by the creation of a “pledge” scheme asking members to commit to reducing their use of single use plastics (for example, pubs not providing plastic drinking straws). The scheme will also be a way of sharing best practice and

successes with other businesses to encourage greater reduction of single use plastics.

9. As a substantial amount of litter deposited in the Thames starts as litter on land, it is an essential to introduce effective ways of reducing litter in general. To raise awareness of the damage caused by marine plastic litter the Cleansing Service would run a highly visible campaign along the riverfront and the bridges during the summer. This will also be beneficial in enhancing the enjoyment of the environment along riverfront.
10. One of the easiest ways individuals can reduced their use of single use plastics is by increasing their use of reusables. As part of the project the City will promote the use of reusable products, expanding on water containers and cups, to include food and snacks. The Cleansing Service will run a campaign raising awareness and establish business partners who are willing to join with the City in creating a scheme to encourage, normalise and reward the use of a whole range of reusable products.

### **Corporate and Strategic Implications**

11. This project supports the Corporations strategic aim to provide modern, efficient and high quality local services. It also supports our Key Policy Priority of developing and improving the physical environment around our key cultural attractions.

### **Implications**

12. Funding for these projects is intended to be found from current budgets. Following initial approval, a subsequent report will be submitted to committee detailing full implications, costs, aims and methods of measuring associated benefits.

### **Conclusion**

13. The current focus on ocean litter presents an opportunity for the City to position itself as a leading force in sustainable behaviour, building on the achievements of previous campaigns such as last year's coffee cup recycling campaign and the Square Mile Challenge. This can be achieved by running a multifaceted campaign focusing on reducing single use plastics and littering, increasing the use reusables and the availability of water fountains and waster refill points across the City.

### **Appendices**

- None

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Services – For decision	16 January 2018
<b>Subject:</b> United for Wildlife	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Rob Quest, Assistant Director, Animal Health	

## Summary

This report presents a recommendation for the City of London Corporation to sign up to the Royal Foundation's United for Wildlife Transport Taskforce.

The United for Wildlife Transport Taskforce was launched in December 2014 and was established to facilitate the transport sector examining its role in the illegal wildlife trade, with the aim of subsequently identifying means by which the sector can break these trade chains. The signatories sign up to eleven commitments, not all of which are relevant to each organisation. However, the City of London Corporation's Port Health and Environmental Services Committee, through its Animal Health and Port Health functions, already fulfils the commitments that are relevant to their services, so there are no further implications.

## Recommendation(s)

Members are asked to:

- sign up to the Royal Foundation's United for Wildlife Transport Taskforce on behalf of the City of London Corporation.

## Main Report

### Background

1. The Royal Foundation of The Duke and Duchess of Cambridge and Prince Harry, created United For Wildlife in February 2014. Led by The Duke of Cambridge, the campaign unites the world's leading wildlife charities under a common purpose: to create a global movement for change.
2. The Royal Foundation United for Wildlife Transport Taskforce was set up in December 2104 to engage the whole supply chain used by the illegal wildlife trade uses to move their illicit goods from source to destination.
3. The Taskforce enables United for Wildlife to work with the transport industry to identify any role it plays in illegal wildlife trade and looks at the ways that the

sector can break the chain between suppliers and consumers. Key participants in this initiative are airlines and shipping lines, as well as the shipping agents and clearing agents that service them.

4. The Royal Foundation are asking organisations to sign a declaration to become members of the United for Wildlife Taskforce, recognising the devastating impact of illegal wildlife trade and agreeing to eleven commitments (not all are relevant to every organisation) to tackle the issue. Details can be found in the Buckingham Palace Declaration at Appendix A.
5. The sector includes government and involves the regulatory agencies such as Border Force and City of London Corporation at Heathrow Airport, City Airport and at London Gateway and Tilbury Ports. As an organisation with an excellent reputation for already working alongside Border Force in tackling wildlife crime, with a considerable number of successes over the years, the City Corporation has been invited to become a signatory to the United for Wildlife Transport Task Force.
6. Signatories already in place include many of the world's major airlines, airports, shipping companies and government departments, such as Maersk, Heathrow Airport Limited, DP World, UK Border Force and the UK Foreign and Commonwealth Office (Appendix B).
7. Many of the signatories are already important stakeholders for either Port Health or Heathrow Animal Reception Centre (HARC). There will be therefore be opportunities for improved networking within the international transport sector.
8. Tackling Illegal Wildlife Trade has a high profile not just within the UK but also internationally. In October 2018, London is set to host global leaders for a conference on the illegal wildlife trade. This event will receive worldwide coverage in the media.
9. Any future seizures of animals at HARC or other points of entry concerning illegal wildlife trade will receive extra publicity through the Taskforce, and becoming a signatory would enhance the City Corporation's reputation in this area.
10. The aims of the United for Wildlife Transport Taskforce fit with the interests and role of Port Health & Animal Health, and will provide further opportunities and exposure for apprentices.

## **Proposals**

11. It is proposed that the City Corporation signs up to the Royal Foundation's United for Wildlife Transport Taskforce.

## **Corporate and Strategic Implications**

12. Signing up to this initiative fulfils the departmental business plan ambitions to meet the current and future needs of stakeholders through proper enforcement of relevant regulations. It also sits within key policy 5 of the Corporate Plan by 'engaging directly with organisations to encourage, influence, advise, support, celebrate and replicate responsible practices'.

## **Implications**

13. There will be little requirement for extra resources as this is work in which the Service is already engaged, and therefore the relevant commitments are fulfilled. However, it raises the City Corporations profile within the sector and in the public arena.
14. Should your Committee agree to the proposal, the Chairman will be invited to attend a 'signing' event, most likely at Clarence House, during 2018.

## **Conclusion**

15. The Royal Foundation United For Wildlife Transport Taskforce has an internationally high profile, especially within the transport sector, and also has strong UK government support. It fits well with the Port Health and Animal Health roles and functions, so there is potential for extra publicity and enhancing the reputation of the City Corporation over this issue.

## **Appendices**

- A. United for Wildlife Transport Taskforce Declaration
- B. United for Wildlife Transport Taskforce Signatories

## **Rob Quest**

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## **UNITED FOR WILDLIFE TRANSPORT TASKFORCE BUCKINGHAM PALACE DECLARATION**

### **PREAMBLE**

We, signatories to the United for Wildlife Transport Taskforce Buckingham Palace Declaration and the members of the United for Wildlife International Taskforce on the transportation of illegal wildlife products<sup>1</sup>, recognising the devastating impact of illegal wildlife trade, agree to the Commitments set out below, as they apply to our industry or organisation.

We, as signatories to the Declaration, will not knowingly facilitate or tolerate the carriage of wildlife products, where trade in those products is contrary to the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES)<sup>2</sup>, and as such is illegal under international and national laws.

We agree to implement the Commitments relating to our own industry sector or organisational mandate, as part of our intention to tackle this issue and bring an end to illegal wildlife trade<sup>3</sup>.

We agree to evaluate the impact of the Commitments regularly, to assess what has worked and identify and address any challenges.

We ask the entire transport industry to follow our lead and help bring an end to the illegal trade in wildlife by signing this Declaration and supporting implementation of the Commitments.

### **COMMITMENTS**

#### **EXPRESSION AND DEMONSTRATION OF AGREEMENT TO TACKLE THE ILLEGAL WILDLIFE TRADE**

1. Adopt or encourage the adoption of a zero tolerance policy regarding illegal wildlife trade.
2. Increase passenger, customer, client, and staff awareness about the nature, scale, and consequences of illegal wildlife trade.
3. Promote the Declaration and its Commitments across the entire transport sector and encourage all in the sector to sign up to the Declaration.

### INFORMATION SHARING AND DETECTION

4. Develop mechanisms to enable the transport sector to receive timely information about the transport of suspected illegal wildlife and their products, including methods of transportation, key routes, ports and other locations.
5. Enhance data systems, including due diligence and risk assessment, to allow the transport sector and/or enforcement agencies to screen data and/or cargo, to identify potential shipments of suspected illegal wildlife and their products.
6. Identify and promote systems for staff and the public to report suspicions in relation to the transportation of illegal wildlife and their products.
7. Improve the training of staff within the transport sector to enable them to detect, identify and report suspected illegal wildlife trade, and acknowledge staff who champion this cause.

### PRACTICAL MEASURES TO STOP THE TRANSPORTATION OF ILLEGAL WILDLIFE PRODUCTS

8. Develop a secure, harmonised system for passing information about suspected illegal wildlife trade from the transport sector to relevant customs and law enforcement authorities, where permitted by law.
9. Notify relevant law enforcement authorities of cargoes suspected of containing illegal wildlife and their products and, where able, refuse to accept or ship such cargoes.
10. Establish a cross-disciplinary team working with local customs and law enforcement authorities to develop a system of best practice for combatting illegal wildlife trade in key ports.

### NEW MECHANISMS TACKLING ILLEGAL WILDLIFE TRADE

11. Support the development of mechanisms by the World Customs Organization and national customs authorities to aid the detection and prevention of trade in illegal wildlife and their products.
















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<sup>1</sup> The Taskforce was established by The Royal Foundation of The Duke and Duchess of Cambridge and Prince Harry to work with the transport industry to develop a series of Commitments to tackle illegal wildlife trade.

<sup>2</sup> This refers to species listed in CITES Appendix I. See Explanatory Note.

<sup>3</sup> The Taskforce recognises that there may be limits on what some organisations in the transport sector can do to detect illegal wildlife species or products, particularly if those organisations are carriers of containers, which are sealed prior to loading.

**UNITED FOR WILDLIFE TRANSPORT TASKFORCE  
BUCKINGHAM PALACE DECLARATION SIGNATORIES**

<b>African Airlines Association</b> Mr. Elijah Chingosho Secretary General 	<b>Air Berlin</b> Mr. Stefan Pichler Chief Executive Officer 
<b>Air China Cargo Co. Ltd.</b> Mr. Yuen Chun Sing General Manager Service Standards and Development 	<b>Air India</b> Mr. Ashwani Lohani Chairman and Managing Director 
<b>Airlines Association of Southern Africa</b> Mr. Chris Zweigenthal Chief Executive 	<b>Air Mauritius Limited</b> Mr. Meghanathan Pillay Chief Executive Officer 
<b>Air Serbia</b> Mr. Dane Kondic Chief Executive Officer 	<b>Air Seychelles</b> Mr. Roy Kinnear Chief Executive Officer 
<b>Airports Council International</b> Ms. Angela Gittens Director General 	<b>Alitalia</b> Mr. Cramer Ball Chief Executive Officer 
<b>Apeejay Shipping</b> Ms. Priya Paul Director 	<b>Baltic and International Maritime Council</b> Mr. Angus Frew Secretary General 
<b>Bangkok Airways</b> Mr Puttipong Prasattong - Osoth President 	<b>Biman, Bangladesh Airlines Ltd.</b> Mr. A. M. Mozaddique Ahmed Managing Director & Chief Executive Officer 
<b>Bulgaria Air</b> Capt. Yanko Georgiev Chief Executive Officer 	<b>Cathay Pacific Airways</b> Mr Paul Loo Director Corporate Development 
















## Appendix B

<b>China COSCO Shipping Co. Ltd.</b> Mr. Zhang Junhong Senior Manager of Department of Operating Management		<b>China Post Group Corporation</b> Mr. Wang Dong Deputy Division Director	
<b>Chinese Wildlife Conservation Association</b> Ms. Si Ping Division Director		<b>Convention on International Trade in Endangered Species of Wild Fauna and Flora</b> Mr. John Scanlon Secretary General	
<b>Cruise Lines International Association</b> Mr. Andrew Harmer Vice President for European Operations		<b>Danish Shipowners Association</b> Ms. Anne H. Steffensen Director General	
<b>Deutsche Post DHL Group</b> Mr. Phil Couchman Chief Executive Officer, DHL UK & Ireland		<b>DLA Piper</b> Mr. Linos Choo Partner	
<b>DP World</b> His Excellency Sultan Ahmed Bin Sulayem DP World Group Chairman & Chief Executive Officer		<b>Dubai Customs</b> His Excellency Sultan Ahmed Bin Sulayem DP World Group Chairman & Chief Executive Officer	
<b>Emirates Airline</b> Sir Tim Clark President		<b>Etihad Airways</b> Mr. James Hogan President & Chief Executive Officer	
<b>Finnair Oyj</b> Mr Pekka Vauramo President & Chief Executive Officer		<b>Hamburg Süd</b> Dr. Gast & Dr. Vespermann Board Members	
<b>Heathrow Airport Holdings Ltd.</b> Mr. John Holland-Kaye Chief Executive Officer		<b>Intercargo</b> Mr. David Tongue Secretary General	

## Appendix B

<b>International Airlines Group</b> Mr. Jonathon Counsell Group Head of Sustainability		<b>International Air Transport Association</b> Mr. Tony Tyler Director General and Chief Executive Officer	
<b>International Chamber of Shipping</b> Mr. Peter Hinchliffe Secretary General		<b>International Maritime Organization</b> Mr. Kitack Lim Secretary-General	
<b>James Fisher Everard</b> Mr. Richard Burmeister Managing Director		<b>Japanese Shipowners' Association</b> Mr. Yoshikiyo Ono Director General	
<b>Jet Airways (India) Ltd.</b> Mr Ragini Chopra Vice President – Corporate Affairs and Public Relations		<b>Kenya Airways</b> Mr. Mbuvi Ngunze Group Managing Director and CEO	
<b>Liberian Shipowners' Council Ltd</b> Mr. Joseph Ludwiczak Secretary General		<b>Luxair</b> Mr Martin Isler Executive Vice-President & Accountable Manager	
<b>Maersk Group</b> Mr Anders Würtzen Vice President, Head of Group Public Affairs, A.P. Moller		<b>MARCURA</b> Mr. Harry Reardon Smith Commercial Manager	
<b>Monjasa Holding</b> Ms. Alexandra Grassam HSEQ Manager		<b>MSC Mediterranean Shipping Company S.A.</b> Mr. Diego Aponte CEO and President	
<b>Qantas</b> Mr. Tino La Spina Chief Financial Officer		<b>Qatar Airways</b> Mr. Ulrich Ogiermann Chief Cargo Officer	

## Appendix B

<b>South African Airways</b> Mr. Musa Zwane Acting Chief Executive Officer	 <b>SOUTH AFRICAN AIRWAYS</b> A STAR ALLIANCE MEMBER	<b>SriLankan Airlines</b> Mr Suren Ratwatte Chief Executive Officer	
<b>Stena Line UK</b> Mr. Hans Noren Chairman		<b>Stolt-Nielsen Ltd.</b> Mr. Jan Engelhardtson Chief Financial Officer	<b>Stolt-Nielsen</b> 
<b>Sustainable Shipping Initiative</b> Mr. Alastair Fischbacher Chief Executive		<b>Thai Airways</b> Mr Charamporn Jotikasthira President	
<b>TRAFFIC</b> Mr. Steven Broad Executive Director		<b>UK Border Force</b> Mr. Phil Douglas Regional Director for Heathrow	
<b>UK Chamber of Shipping</b> Mr. David Balston Director of Policy		<b>UK Foreign &amp; Commonwealth Office</b> The Rt. Hon. James Duddridge MP. Minister for Africa, the Overseas Territories, and Caribbean	
<b>United Nations Development Programme – Global Environment Facility</b> Ms. Adriana Dinu Executive Coordinator and Director		<b>Virgin Australia</b> Ms Jane McKeon Group Executive, Government Relations	
<b>Wildlife Conservation Society</b> Dr. Sue Lieberman Vice President International Policy		<b>World Customs Organisation</b> Mr. Sergio Mujica Deputy Secretary General	
<b>WWF – UK</b> Dr. Glyn Davies Executive Director, Global Programmes			

<b>Committee(s)</b>	<b>Date</b>
Finance Committee	25 July 2017
Port Health and Environmental Services Committee	16 January 2018
<b>Subject:</b> Annual Waivers Report 2016/17	<b>Public</b>
<b>Report of:</b> The Chamberlain	<b>For Decision</b>
<b>Report author:</b> Chris Bell, Commercial Director, Chamberlain's	

## Summary

A waiver is a document that is used to seek approval not to follow the Corporation's standard competitive procurement processes.

The report provides Members a summary of statistics for waivers processed during 2016/17 with the highlight being that there is continued reduction in their use. The report explains the accepted rationales for granting a waiver and explains the risks associated with waivers and in particular retrospective waivers which are:

1. No Due Diligence is completed on the suitability of the supplier
2. Appointment of a supplier using a waiver can lead to 'Reputational' risks
3. That the Corporation does not achieve value for money through competition
4. Health and safety assessments of the supplier are incomplete
5. The Corporation could be taken to court for breach of the UK Public Contract Regulations and the EU Treaty principles

## Recommendation(s)

### Members are asked to note for information:

- Note the positive reduction in the number of waivers processed during the last financial year from 830 down to 388.
- Note the value of waivers processed for 2016/17 was £10m.
- Note the risks associated with approving waivers, in particular retrospective waivers which we wish to eradicate during 2017-18.
- The need to consider waiver requests presented to Spending Committees in light of the risks highlighted and to ensure that prior to approval that the waiver is the only viable route to procure a contract.

### Members are to approve the following recommendation:

- That this report is circulated to all Spend Committees for information and training purposes.

## Main Report

### Background

1. A waiver is a document that is used to seek approval not to follow the Corporation's standard competitive procurement processes. Under rule 25 of the Procurement Code (the Code) waivers may be granted in exceptional

circumstances provided the appropriate authorisation has been received. These exceptional circumstances are:

- A. Sole supplier** - where it can be demonstrated that there is only one supplier in the market who can provide the required goods, services or supplies. It is anticipated that this will apply to a very limited number of circumstances, for example whereby the parts required are only manufactured by one supplier.
- B. Order outside of a corporate contract** - A waiver may be permitted to allow a purchase outside of the Corporate Contract where we can demonstrate the Corporate Contract supplier has been given an opportunity to review the requirements and the Corporate Contract cannot meet the requirements for the goods, suppliers or services due to their specialist nature.
- C. Extension to contract beyond expiry term** - A waiver may be permitted to allow a short term extension to a contract. Where an unplanned extension is requested the officer must demonstrate that there is a risk to the City e.g. potential gap in service provision; e.g. adding value by combining the contract with another upcoming opportunity.
- D. Urgency due to health and safety risks** - A waiver may be granted if an unforeseeable event which requires prompt (urgent) action to mitigate a health and safety high risk.
- E. Urgency due to security risks** - A waiver may be granted in an unforeseeable event which requires prompt (urgent) action to prevent a security risk. Such requests will be verified by for example the Security Strategy Board or the Head of Intelligence, CoL Police.

### **Retrospective Waivers**

- 2. A retrospective waiver is a non-compliant purchase that has not been managed by City Procurement; has not followed our Procurement Code or Standing Orders; and carries may in breach the Public Contract Regulations 2015. In such circumstances, the officer has received goods, services or works directly from the supplier and a compliant procurement exercise has not been undertaken. A waiver to the Corporation's procurement code has not been sought and approved from the chief officer or officer with delegated authority (for waivers under £50k) or from the relevant spend committee (for waivers over £50k).
- 3. Such officer actions are in breach of the Corporation's Procurement Code. Therefore in order to pay the supplier through the Corporation's finance system, a retrospective waiver needs to be attached to the requisition in order for the Corporation to pay its contractual obligations.
- 4. Officers are in breach of the Corporation's Procurement Code if they proceed with a purchase with the intention of applying for a waiver retrospectively. City Procurement must be contacted prior to the placement of any order. Therefore a retrospective waiver will be noted and reported as a breach of the Corporation's Procurement Code rather than approved.
- 5. Retrospective waivers are a breach of the Procurement Code and as such they may be referred to the Business Enablement team to undertake a

procurement compliance review; Internal Audit; or Human Resources, if there is a perceived risk that misconduct has taken place. Internal Audit will be conducting a corporate wide audit of the '*use of waivers*' which will be reported during 2017.

#### **Risks associated with contracts reported as being a Retrospective Waiver**

6. There are a number of risks associated with contracts reported via a retrospective waiver that Members should be aware of. These include:

- A) **No Due Diligence completed on the suitability of the supplier** - The Corporation risks having entered into a contract with a supplier who has violated mandatory grounds for exclusion within our Procurement Code. These include for example: safeguarding checks, history of fraudulent activity, financial insecurity, historic non-payment of tax etc. Such a waiver means that City Procurement's standard due diligence process has not been followed.
- B) **Reputational risks** - to the Corporation for using public money to purchase goods, services and works from suppliers who do not provide value for money; cause PR concerns, have mandatory or discretionary grounds for exclusion under the Code. Such information may legally need to be released via Freedom of Information requests and subsequently reported in the national press.
- C) **The Corporation does not achieve value for money** - for the goods, services or works purchased. For example, by purchasing directly from the supplier, and not seeking alternative bids, the department will not be able to achieve the best price or the most innovative solution.
- D) **Health and safety risks** - The supplier may have breached health and safety legislation in the past which the Corporation will be unaware of. City Procurement will ensure that for all procurements, where a health and safety risk is identified, that health and safety is addressed in the method statement completed by the supplier.
- E) **Risk of legal challenge the Corporation** - Breaches of the Procurement Code and procurement legislation such as the Public Contracts Regulations 2015 may result in a costly legal challenge for the Corporation on the grounds that competition has been prevented and principles of fairness and transparency have been breached.

#### **Process for getting a waiver approved**

- 7. Waivers with a value at £50,000 or more but less than the Official Journal of the European Union (OJEU) threshold must be approved by the relevant Spending Committee for the Department requesting the waiver.
- 8. Urgent waivers at £50,000 or over but less than the OJEU threshold can alternatively be authorised by the Chamberlain and reported subsequently at Finance Committee.
- 9. Waivers valued below £50,000 must be approved by the departmental Chief Officer or an officer with delegated authority to do so.

10. The Corporation, acting in its capacity as a local, port or police authority must comply with legislation governing public procurement and the requirement to comply with the Public Contracts Regulations 2015 mean that no waiver request with a value above the Official Journal of the European Union (OJEU) threshold can be permitted.
11. All waiver reports must have been reviewed and commented on by the Commercial Director or Assistant Director of Category Management and Sourcing prior to being submitted for decision to ensure appropriate scrutiny has taken place in line with the Procurement Code.

### **2016/17 Waiver Performance – over £50,000**

12. There was a total of 22 waivers of this nature process in the last financial year to the value of £3m compared to 18 (value £2.5m) in 2015/16.
13. The tables provided in Appendix 1 show a breakdown of the number of waivers over £50,000 by department and the total value and the associated reasons given for the waivers.

### **2016/17 Waiver Performance - Under £50,000**

14. The number of under £50k waivers processed has decreased significantly from a total of 812 in 2015/16 to 362 in 2016/17. This illustrates greater education on the Procurement Code, the risks associated with Waivers and proactive leadership from Chief Officers in refusing to progress waivers.
15. The tables provided in Appendix 2 show a breakdown of the number of waivers under £50,000 by department and their total value with the reasons associated for the waivers. There was £7.5m of spend process via sub £50k waivers compared to £7.6m in 2015/16.

### **Conclusion**

16. The last financial year has seen a significant decrease in the total amount of waivers processed which now sits at 0.9% of the total Purchase Orders issued. At a value of circa £10m last year though, it is still provides significant risks to the organisation in evidencing value for money, and in particular with regards retrospective waivers inherent unknown risks due to standard due diligence checks being bypassed.

### **Appendices**

1. Appendix 1 Waiver Performance Tables – Over £50,000
2. Appendix 2 Waiver Performance Tables – under £50,000

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## Appendix 1: 2016/17 Waiver Performance by Department – over £50,000

The following tables provide a breakdown of the number of waivers over £50,000 by department and the total value and also the reasons given for the waivers and the total value.

Department	Number of Waivers	Total Value £
City Surveyors	7	953,466
City of London Police	4	751,175
Community and Children's Services	2	535,404
Town Clerks	3	312,450
Built Environment	3	277,402
Barbican	2	159,900
Markets and Consumer Protection	1	54,000
<b>Grand Total</b>	<b>22</b>	<b>3,043,797</b>

Reason for Waiver	Number of Waivers	Total Value £
1 - Sole Supplier	9	1,534,466
2 - Extension beyond expiry term / approved extension	6	957,154
4 - Retrospective Waiver	5	416,677
5 - Urgency due to health and safety risks	1	81,500
3 - Order outside of approved corporate contract	1	54,000
<b>Grand Total</b>	<b>22</b>	<b>3,043,797</b>

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## Appendix 2: 2016/17 Waiver Performance by Department - Under £50,000

The tables below show a breakdown of the number of waivers under £50,000 by department and the total value and also the reasons given for the waivers and the total value.

Department	Number of Waivers	Total Value £
Barbican	79	1,597,415
Built Environment	31	778,106
Chamberlain's	38	724,484
Community and Children's Services	30	640,045
Town Clerks	28	605,941
City of London Police	24	541,362
City Surveyors	16	429,135
Open Spaces	18	362,719
Freemen's School	18	320,117
GSMD	18	298,975
COL School	17	297,135
Culture, Heritage & Libraries	13	292,332
Remembrancer's	7	180,358
Markets & Consumer Protection	6	130,671
COL School for Girls	7	102,603
Central Criminal Courts	5	84,759
Mansion House	4	59,608
City Bridge Trust	3	33,200
<b>Grand Total</b>	<b>362</b>	<b>7,478,966</b>

Reason for Waiver	Number of Waivers	Total Value £
4 - Retrospective Waiver	206	4,113,987
1 - Sole Supplier	108	2,311,299
2 - Extension beyond expiry term / approved extension	25	613,687
3 - Order outside of approved corporate contract	23	439,993
<b>Grand Total</b>	<b>362</b>	<b>7,478,966</b>

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