



## Port Health & Environmental Services Committee

**Date:** TUESDAY, 6 MARCH 2018  
**Time:** 11.00 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	Benjamin 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	Mark Wheatley
Graeme Harrower	Deputy Philip Woodhouse
Christopher Hill	VACANCY

**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 or 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 16 January 2018.  
**For Decision**  
(Pages 1 - 10)
4. **OUTSTANDING ACTIONS**  
Report of the Town Clerk.  
**For Decision**  
(Pages 11 - 12)
5. **CONSULTATION AND STUDY OF THE IMPACT OF SATURDAY CONSTRUCTION WORK ACTIVITIES IN THE CITY OF LONDON**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 13 - 24)
6. **THE LOCAL DECLARATION ON SUGAR REDUCTION AND HEALTHIER FOOD**  
Report of the Director of Community and Children's Services.  
**For Decision**  
(Pages 25 - 34)
7. **UPDATE ON THE IMPACT OF THE UK LEAVING THE EU (BREXIT) ON PORT HEALTH & PUBLIC PROTECTION**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 35 - 44)
8. **CRYPTOCURRENCIES AND THE CITY OF LONDON**  
Report of the Director of Markets and Consumer Protection.  
**For Decision**  
(Pages 45 - 50)

9. **STREET TRADING FEES 2018/19**  
Report of the Director of Markets and Consumer Protection.
- For Decision**  
(Pages 51 - 56)
10. **MASSAGE & SPECIAL TREATMENT LICENCE FEES 2018/19**  
Report of the Director of Markets and Consumer Protection.
- For Decision**  
(Pages 57 - 64)
11. **SETTING OF STATUTORY FEES FOR LICENSING HOUSES IN MULTIPLE OCCUPATION**  
Report of the Director of Markets and Consumer Protection.
- For Decision**  
(Pages 65 - 68)
12. **LOW EMISSION NEIGHBOURHOOD: UPDATE ON PROPOSALS FOR ULTRA LOW / ZERO EMISSION STREET**  
Report of the Director of Markets and Consumer Protection.
- For Decision**  
(Pages 69 - 92)
13. **FINAL DEPARTMENTAL BUSINESS PLAN 2018/19 - DEPARTMENT OF THE BUILT ENVIRONMENT**  
Report of the Director of the Built Environment.
- For Decision**  
(Pages 93 - 98)
14. **DEPARTMENT OF THE BUILT ENVIRONMENT (CLEANSING SERVICES) BUSINESS PLAN PROGRESS REPORT FOR PERIOD 1 (AUGUST - NOVEMBER) 2017**  
Report of the Director of the Built Environment.
- For Information**  
(Pages 99 - 106)
15. **PLASTIC FREE CITY**  
Director of the Built Environment to be heard.
- For Information**
16. **REPORT OF ACTION TAKEN**  
Report of the Town Clerk.
- For Information**  
(Pages 107 - 144)

17. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
18. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
Any items of business that the Chairman may decide are urgent.
19. **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**

20. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 16 January 2018.  

**For Decision**  
(Pages 145 - 148)
21. **PROPOSED CHARGES FOR STREET CLEANSING, WASTE COLLECTION AND PUBLIC CONVENIENCES 2018/19**  
Report of the Director of the Built Environment.  

**For Decision**  
(Pages 149 - 158)
22. **DEBT ARREARS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 31 DECEMBER 2017**  
Joint Report of the Director of the Built Environment, Director of Markets and Consumer Protection, and Director of Open Spaces.  

**For Information**  
(Pages 159 - 168)
23. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
24. **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, 16 January 2018**

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

### **Present**

#### **Members:**

Jeremy Simons (Chairman)	Graeme Harrower
Deputy Keith Bottomley (Deputy Chairman)	Christopher Hill
Deputy John Absalom	Deputy Wendy Hyde
Alderman Nick Anstee	Deputy Henry Jones
Alexander Barr	Vivienne Littlechild
Peter Bennett	Andrew McMurtrie
Tijs Broeke	Andrien Meyers
Peter Dunphy	Benjamin Murphy
Mary Durcan	Deputy Joyce Nash
Anne Fairweather	John Scott
Alderman David Graves	Deputy Philip Woodhouse

#### **Officers:**

Sacha Than	- Town Clerk's Department
Carl Locsin	- Town Clerk's Department
Paul Dudley	- Chamberlain's Department
Lisa Moore	- Chamberlain's Department
Jenny Pitcairn	- Chamberlain's Department
Julie Smith	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Warren Back	- City Surveyor's Department
Chris Hartwell	- City Surveyor's Department
Carolyn Dwyer	- Director of Built Environment
Jim Graham	- Department of Built Environment
Steve Presland	- Department of Built Environment
Richard Steele	- Department of Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Avers	- Markets and Consumer Protection
Colin Buttery	- Director of Open Spaces
Gary Burks	- Department of Open Spaces

### **1. APOLOGIES**

The Chairman welcomed Benjamin Murphy to the Committee.

Apologies were received from Adrian Bastow, Deputy Tom Hoffman, Henrika Priest, Deputy Elizabeth Rogula, and Mark Wheatley.

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 21 November 2017 be approved as a correct record.

**Matters Arising**

**Draft Code of Practice for Deconstruction and Construction Sites**

The Port Health and Public Protection Director explained that a meeting had taken place with Counsel in December 2017 to seek advice on next steps regarding the consultation document. The draft questionnaire had been provided to Counsel and upon receipt of their advice, the questionnaire would be circulated to the Committee for comment and then to the Chairman and Deputy Chairman for sign off, once officers and Counsel have addressed any issues raised.

The Port Health and Public Protection Director explained that following the questionnaire being signed-off, a timescale would be agreed and provided to the Committee, it was further advised that observations of Saturday working would take place by officers to inform decisions on any future changes.

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

- People understand that Saturday working is about keeping to a time frame and that the Polluter Pays initiative would soon be rolled out.
- Sending officers to monitor Saturday working would be helpful.
- It was noted at the November Port Health and Environmental Services Committee meeting that the composition of the Working Party was a decision for the Committee, however no appointments had been made by the Committee.
- That there were alternatives to Saturday working, such as sharing the five hours allocated for Saturday working across Monday-Friday or carrying out work on alternate weekends to allow residents quiet time.
- That he would be interested in joining discussions taking place.

In response to the points raised, a Member commented that if a panel were formed, it should contain some elected representatives of the wards concerned to allow Members to assist discussions effectively. The Member added that they supported the ideas of alternate Saturday working and longer hours during the week, noting that the Barbican flats were increasingly become primary homes for people and they should be allowed the quiet enjoyment of their homes.

The Port Health and Public Protection Director explained that the suggestions provided from Members at the November Committee meeting had been included in the draft questionnaire and asked Members to submit any further

ideas for inclusion. In response, a Member added that it would be helpful for a Sub-Committee to be formed to work with officers.

The Chairman advised that there would be further discussions at the March meeting of the Committee, with the questionnaire and timescales put before Members.

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

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

##### Noise Pollution

The Port Health and Public Protection Director explained that a letter had been sent from the Chairman of the Committee to TfL; the received response had been circulated to the Barbican Association and this was available to Members upon request. The Port Health and Public Protection Director added that officers were following up with TfL on this matter.

##### Electric Vehicle Charging

The Director of Transportation and Public Realm explained that a charging point was on target to be installed by March/April 2018 at Noble Street. However, there were difficulties with the Baynard House site and officers would meet with TfL representatives to discuss this further. An update would be provided on these discussions at the next meeting.

##### Additional Works Programme

The City Surveyor provided an overview of the Additional Works Programme, explaining that the Programme has a life of three years with the objective of conducting routine cyclical works on areas such as the fabric of the building and general maintenance.

Each year the budgets for the Programme are set in September/October and budget estimates are used at this time. Following this, the City Surveyor's Department liaises with departments to schedule their works and any financial changes within the Programme are a result of revised budgets, and/or works being carried forward or delayed.

The Chairman thanked the City Surveyor for this explanation and the Committee agreed that the item should be deleted from the Outstanding Actions report.

##### Mosquitoes

The Port Health and Public Protection Director advised that a survey of the area had taken place, however officers had been unable to ascertain the location of where the mosquitoes were breeding. In response, a Member explained that a survey had taken place with residents which showed that a number of elderly people had been affected by the mosquitoes and it was hoped that their breeding location could be found when the weather becomes warmer.

5. **TERMS OF REFERENCE REVIEW**

The Committee considered a report of the Town Clerk that sought approval to the Terms of Reference for subsequent submission to the Court of Common Council.

The Town Clerk explained that the Committee had previously asked that the wording within the Terms of Reference be amended to reflect that the Committee had responsibility for the appointments of the Director of the Built Environment and the Director of Open Spaces, acting jointly with the Planning and Transportation Committee, and Open Spaces and City Gardens Committee respectively. The amendments would be brought before upcoming meetings of the Open Spaces and City Garden Committee and the Planning and Transportation Committee for their approval.

**RESOLVED** – That: -

- the terms of reference of the Committee be approved for submission to the Court of Common Council in April 2018;
- 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
- the frequency of meetings continue at six times per year.

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

The Committee considered a report of the Director of Markets and Consumer Protection which sought approval of the increase to be applied to the Schedule of Charges in respect of services provided at the Heathrow Animal Reception Centre for the financial year 2018/19.

During discussion, Members queried the following:

- The number of dogs quarantined due to the wait time required as part of the vaccination process.
- Why a fees and charges report for the Cemetery and Crematorium was due to be considered in the non-public session, but the fees and charges for the Animal Reception Centre was being considered within the public session.
- Whether the proposed fee increase was ambitious enough and the fees could be increased in line with inflation.
- What the direct debit uptake had been and whether there was value in maintaining this.
- Whether there were plans to expand the service to other airports, particularly Gatwick and Stansted.
- Whether further information could be provided on the potential competition for the Pet Travel Scheme.

In response to further queries, the Port Health and Public Protection Director advised as follows:

- That the number of dogs quarantined for those reasons was negligible.



- That the report was being considered within the public session as the fees for the Animal Reception Centre are contained within byelaws which would be brought before the March Court of Common Council for approval.
- That the proposed fee increase was in line with previous years and that an increase of 2% had been recommended based on discussions with one of the larger companies which imports animals through the Animal Reception Centre.
- That due to technical issues, the direct debit system had not yet been introduced and would be implemented in 2018.
- Officers were looking at the feasibility of expanding the service to other airports, and were currently focussing on discussions with bigger airlines on handling their requirements; an update would be brought before the Committee.
- That the Animal Health Service is looking at opportunities for growth in a range of areas, but border inspection post facilities and allied functions can be provided by private companies, and offices are mindful of this when considering potential competition.

A Member queried the level of debt and what action had been taken to resolve any outstanding finances. In response, the Chamberlain explained that a debt report would be submitted to the next meeting of the Committee and a copy of the most recent debt report was available upon request.

**RESOLVED** – That the Committee:

- approve the charges included in the appendix to the report with effect from 1 April 2018, or as soon as practicable thereafter; and
- approve the proposed Byelaws contained in the appendix to the 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.

**7. MAYOR OF LONDON CONSULTATION ON CHANGES TO THE ULTRA-LOW EMISSION ZONE AND LONDON LOW EMISSION ZONE**

The Committee considered a report of the Director of Markets and Consumer Protection which sought delegated authority to respond to the Mayor of London's latest consultation on proposals to improve air quality.

In response to a Member's request for confirmation that the City Corporation would retain their stance on ensuring there would be an appropriate certified retrofit system in place for HGV vehicles, the Port Health and Public Protection Director confirmed that the City Corporation would continue to make the point that there was a need for the retrofitting of vehicles.

**RESOLVED** – That the Committee 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.

8. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2017-2020: PROGRESS REPORT (PERIOD 2)**

The Committee received a report of the Director of Markets and Consumer Protection which provided an update on progress against the operational performance indicators (PIs) and improvement objectives outlined in the Business Plan of the Port Health and Public Protection Division for Period Two of 2017-2018.

In response to a Member's query, the Port Health and Public Protection Director confirmed that there had only been one contravention thus far in relation to the construction sites inspected for compliance with new non-road mobile machinery requirements.

In response to a Member's query on the length of time fresh food is held whilst awaiting inspection, the Port Health and Public Protection Director explained that the majority of meat cargo is frozen or canned and the risk of produce going off is therefore not an issue, however as some laboratories where the testing takes place are in Germany, as part of Brexit planning, this has been drawn to the attention of the Food Standards Agency.

In response to a Member's query as to whether targets should be adjusted to account for the length of time taken for testing, the Port Health and Public Protection Director advised that a breakdown is provided to show the length of time taken for produce to pass inspection, but it was hoped that the KPI could be adjusted as suggested. It was noted that mobile working has been particularly helpful as part of this process.

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

9. **PERIOD 2 (AUG-NOV 2017) CEMETERY & CREMATORIUM BUSINESS PERFORMANCE UPDATE**

The Committee considered a report of the Director of Open Spaces which updated Members on the performance of the Cemetery and Crematorium from August to November 2017.

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

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

The Committee received a report of the Director of the Built Environment which provided assurance that risk management procedures in place are satisfactory.

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

11. **PLASTIC FREE CITY**

The Committee considered a report of the Director of the Built Environment which set out the scope for a multifaceted project where the City of London could use its unique position to lead by example and show what possibilities

there are for a local authority to raise awareness of the issues of single use plastics and reduce their volume across the City.

Members welcomed the initiative, but asked that consideration be given to timescales and that further details be provided. Members commented that it was important to ensure that any proposals being put before businesses were being carried out within the Guildhall premises.

A Member noted the success of the Coffee Cup campaign and queried whether there would be any follow up from this campaign. It was further queried whether recycling provisions could be made available in the Members' Room for plastic cups as at present, only the coffee cups were being recycled.

The Chairman advised the Committee that a request had been made to the Town Clerk's Department for all Members to be issued with re-usable coffee cups. Members commented that the provision of re-usable cups increases the need for washing up and detergents used. A Member queried whether mugs, glasses and a dishwasher could be provided in the Members' Room.

In response to the points raised by Members, the Assistant Cleansing Director explained that:

- The Coffee Cup campaign continues to generate interest and whilst a decision had been made by Government not to introduce a levy on single use coffee cups, organisations have continued to meet with the Department to discuss the project.
- That a detailed plan with timescales would be worked up in Spring 2018.
- That the provision of portable cups to Members could be considered and officers would work with the Town Clerk's Department on this.

Members noted that the funding for the project would be sought from current budgets and asked that the initial scope of the project not be limited due to financial concerns explaining that the plan should show the full range of what could be achieved, and the financial arrangements could then be examined.

A Member asked for assurance that the coffee cups provided in the Members' Room were recyclable and not lined with plastic. Officers agreed to follow this up.

**RESOLVED** – That:

- the Committee 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; and
- a follow up report with further details be presented to the Committee at their May 2018 meeting.

## 12. **UNITED FOR WILDLIFE**

The Committee considered a report of the Director of Markets and Consumer Protection which recommended for the City of London Corporation to sign up to the Royal Foundation's United for Wildlife Transport Taskforce.

**RESOLVED** – That the Committee sign up to the Royal Foundation’s United for Wildlife Transport Taskforce on behalf of the City of London Corporation.

13. **ANNUAL WAIVERS REPORT**

The Committee considered a report of the Chamberlain which set out a summary of statistics for waivers processed during 2016/17, the report was circulated to all Spending Committees for information.

In response to the Chairman’s request for clarity on the waivers, the Chamberlain explained that for the Departments which the Committee is responsible for, there were eight waivers in total, two from Open Spaces and six from Markets and Consumer Protection. Of these, three from Markets and Consumer Protection and one from Open Spaces were retrospective.

A Member noted that the report before the Committee had first been presented to the July 2017 meeting of the Finance Committee where it had been decided that the report should subsequently be circulated to other Committees, and asked why there had been a delay in its submission to this Committee. The Chamberlain agreed to follow this up.

The Director of Markets and Consumer Protection assured Members that the issue of waivers was taken seriously by the Department, which has very few waivers in comparison with other departments, and they were looking at ways to ensure waivers could be signed off in his absence.

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

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

There were no questions.

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

The Chairman informed Members that the annual river inspection would take place on 20 June 2018 and the fishing experiment on 27 October 2018.

16. **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.

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17. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 21 November 2017 be approved.

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

The Committee considered a report of the Director of the Built Environment which provided an update on the preparations underway in relation to the procurement of a new Recycling, Refuse, Street Cleansing and Ancillary Services contract.

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

The Committee considered a report of the Director of Open Spaces which sought approval of the proposed Cemetery and Crematorium fees and charges.

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

There were no questions.

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

There was no other business.

**The meeting closed at 12.50 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 Committee sent a letter to TfL in December 2017 on behalf of the Committee. A letter was received in response from TfL which was circulated to Members of the Barbican Association and is available to Members on request. Officers will continue to follow up with TfL.
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. The installation of a charging point at Noble Street remains on target, however there may be a delay with the Baynard House site and officers will provide an update to the Committee in March 2018.
4.	16 January 2018	<b>Heathrow Airport Animal Reception Centre</b>	Director of Port Health and Public Protection	TBC	Officers were looking at the feasibility of expanding the services offered at Heathrow to other airports and an update would be brought before the Committee at a later date.

5.	16 January 2018	<b>Plastics</b>	Assistant Cleansing Director with Town Clerk's	Ongoing	A request had been made to the Town Clerk's Department for Members to be issued with re-usable coffee cups, this provision would be considered and options worked up by officers. An update would be provided to the Committee in March 2018.
6.	21 November 2017	<b>S.101 Agreements</b>	Director of Port Health and Public Protection	Ongoing	<p>To combat illegal street trading, the Committee gave authorisation for the City of London Corporation to enter into a S.101 Agreement with the London Borough of Southwark. Members further agreed that officers could enter into a S.101 Agreement with Tower Hamlets if a successful agreement was negotiated.</p> <p>A report would be submitted to the Court of Common Council in March 2018 seeking approval of the S.101 Agreements.</p>



<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Planning and Transportation Health and Wellbeing Board	6 March 2018 26 March 2018 15 June 2018 (tbc)
<b>Subject:</b> Consultation and Study of the impact of Saturday Construction Work Activities in the City of London	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision (PHES) For Information (P&amp;T), (H&amp;WBB)</b>
<b>Report author:</b> Steve Blake, Assistant Director Environmental Health and Public Protection	

## Summary

At the 19 September 2017 Port Health and Environmental Services Committee (PHES) meeting it was agreed to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> edition. It was also agreed that the City Corporation would undertake a consultation about Saturday working in relation to noisy construction activities.

This report provides an update including some commentary on the likely evidence base and timetable for a decision on the matter being taken by Members.

A draft questionnaire for the consultation process is attached and comments are invited by Members at your meeting and until 13 March 2018.

## Recommendation(s)

I recommend that your Committee approves the proposal set out in paragraph 11, subject to any comments received at your meeting.

## Main Report

### Background

1. At the 19 September 2017 PHES Committee meeting it was agreed to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> edition on 3 October 2017. The COP had been updated to reflect current best practice, guidance and the inclusion of a schedule of monitoring fees for developers to encourage use of the best environmental options in planning and managing construction and deconstruction. It balances the needs of the business City to undertake construction works, with the expectations of residents and neighbouring businesses who want impacts to be minimised. It also reflects the priority placed on mitigating the impact of poor air quality and unwanted sound from construction sites on the health of residents, workers and visitors.

2. The consultation on the draft 8th edition in 2017 included residents, businesses, and neighbouring boroughs. Comments were very supportive of the Code and where critical feedback was received on issues these were about improving guidance, e.g. less intrusive vehicle reversing alarms, requesting a stricter approach and additional resources to help enforce the Code. These suggestions were all included in the new 8th edition which can be found at <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/Pages/Noise-strategy-and-policy.aspx>
3. A suggestion was received for not permitting noisy work from construction sites in or adjoining residential areas on Saturdays. After discussion at the PHES Committee in September and November 2017 it was agreed that the City would undertake a consultation about Saturday working in relation to noisy construction activities. The Committee agreed that 'a further evidence based study on Saturday Morning Working and the impact this has on both Barbican residents and those in residential wards, and the effects on developments along with the legal implications would be prepared and undertaken'. The corollary is that the matter would then be presented as a report to your Committee for decision.

### **Current Position**

4. The Comptroller and City Solicitor has obtained advice from counsel 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. On the scope of the intended consultation, counsel's advice is that whilst the City Corporation has substantially "residential wards" for electoral purposes; given that residential properties are distributed, albeit with varying degrees of intensity and numbers, throughout the City's area, consultation should take place throughout the City. It may be perceived that respondents may be shut out in advance if it is suggested that only certain areas could be subject to a ban. A question inviting general comments *including* alternative options, would however give respondents the opportunity to raise and discuss this issue if they want to.
5. In a similar vein the intention of the consultation is to seek views as widely as possible to ensure a continued 'balanced approach' to the needs of the business City to undertake construction works, with the expectations of residents and neighbouring businesses who want impacts to be minimised, as was done with the 2017 consultation for the COP.
6. In parallel with the proposed consultation evidence is being sought to include in the report to your Committee later this year. The City has been asked to consider the principle of removing/revising the 'standard hours' working arrangements for Saturday mornings. The following evidence has been, or is in the process of being gathered.

#### Data

- Noise complaint data by type (Street works / Construction / Demolition) by day and two-hour time slot including weekday vs weekend, site hours variations

agreed by day, time, type of works, reason for varied hours, site address and contractor from City databases.

- Noise monitoring data provided by a sample of current development sites.
- Air quality monitor data by time and day.

#### Construction Work Programmes

- Collated for each site to include the whole project, 4-week time snapshot and Saturdays utilised within the project window.
- Agreed site hours for each site, extended hours, and varied hours.
- Reasons for site hours, both where extended and varied.

#### Highways data

- Cranes approvals, hours & locations
- Street works permit approvals by day and time.
- Riney's (City street works contractor) programmes.
- Traffic & pedestrian flow data by day time, hour & vehicle type.

#### **Observations -**

- Targeted observations by EHO's/City Officers based on work programmes and variations granted. Video footage will be collated with audio and descriptions.
7. The draft consultation questionnaire has incorporated the advice from counsel and preliminary comments from City Officers across Departments. The draft is attached at Appendix 1. It will be amended to incorporate any comments received from Members at your meeting, or subsequently received by 13 March 2018, with a final version to be agreed by Chairman and Deputy Chairman of your Committee. The advice of counsel on the final document for consultation will be sought prior to the consultation starting.

#### Proposed Timetable

8. Government guidance for consultation best practice is to have consultations open for twelve weeks to ensure adequate time for publicity and for respondents to consider and send their response. It is therefore proposed to launch the consultation immediately after the Easter weekend for twelve weeks to ensure that there is no clash either with Easter or Summer holidays periods.
9. The analysis of responses, and the evidence base being produced in parallel with the consultation, will be collated in the summer recess and the final report for decision will be presented for decision on the first Committee date after the recess, currently 25 September 2018.

10. It is anticipated that the current officer working party, which at present comprises of the Comptroller and City Solicitor, the Port Health and Public Protection Director and the Chief Planning Officer and Development Director and other relevant officers from their services, will be utilised to consider the responses, evidence and any other suggestions received in producing the final report for Members' consideration.

## **Proposals**

11. I propose that, subject to comments received at your meeting, the consultation and evidence gathering are undertaken as set out in this report with a final report submitted for decision by Members in September 2018.

## **Financial Implications**

12. There are no direct financial implications at this stage for consideration as the cost of carrying out this work will be met from existing resources within the Markets and Consumer Protection Department's local risk budget.

## **Corporate and Strategic Implications**

13. The work on the COP sits within the current Corporate Plan: 'To provide modern, efficient and high quality local services, including policing, within the Square Mile for workers, residents and visitors' and the following Key Policy Priority 'KPP2 Improving the value for money of our services within the constraints of reduced resources' For the new Corporate Plan 2018-2023 it will meet all three aims of 'contributing to a flourishing society', specifically that 'people enjoy good health and wellbeing', as well as elements of 'supporting a thriving economy' and 'shaping outstanding environments'.

## **Conclusion**

14. The City Corporation is proceeding with consultation and a parallel evidence gathering with respect to the matter of Saturday working in relation to noisy construction activities, A full report for decision will be presented to PHES Committee after the summer recess.

## **Appendix 1 Draft Consultation Questionnaire**

### **Contact:**

*Steve Blake*

0207 332 1604

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## **Appendix 1 Draft Consultation Questionnaire**

## City of London Corporation

## Construction Work Activities on Saturday in the City of London

Consideration of the impact of Saturday construction

The City Corporation is reviewing the existing ‘standard hours’ arrangements for Saturday mornings for construction type activities. We are asking for comments as widely as possible so that our elected Members are aware of your views when considering this matter.

Introduction

The high level of development in the Square Mile, including major office redevelopments in the east and infrastructure projects has the potential to have significant environmental impacts on occupiers of nearby premises. Protecting City businesses, residents and other noise sensitive premises (e.g. schools) from noise and vibration impacts of construction sites is a necessary part of ensuring the City is an excellent place to live, work, learn and to do business.

“Noisy” work in this context is usually defined as being *‘where audible at the site boundary, or another location agreed by the City, and/or is likely to cause disturbance.’* The standard hours for design and planning purposes on sites and construction type activity are set out in the Code of Practice for Deconstruction and Construction (the Code) and can be found at [www.cityoflondon.gov.uk/noisestrategy](http://www.cityoflondon.gov.uk/noisestrategy), and include ‘quiet hours’ as stated below.

‘Standard hours’ currently permitted for **noisy** work are normally as follows:

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday) which may be amended to 0900-1400 in predominantly residential areas;
- No noisy working is permitted on Sundays, Bank or Public Holidays. Within the standard hours there are ‘quiet hours’ (normally 1000-1200 and 1400-1600 Mondays to Fridays) to protect commercial neighbours in normal working hours.

Outside ‘standard hours’ and during ‘quiet hours’ the following noise generating activities are not usually permitted where the activities are likely to cause disturbance:

- Cutting using power tools;
- Breaking out using power tools;
- Other noise generating activities, depending on the specific location of site and neighbours.
- The use of impact fasteners;
- The loading of heavy materials;
- Other noisy activities, depending on the specific location of site and neighbours, deemed unacceptable by Environmental Health Officers (EHO).

“Other noise generating activities” may depending on the circumstances include, for example, erection and dismantling of scaffolding and cranes, road resurfacing, vehicle movements.

Allowing some hours of noisy working on Saturdays can have the effect of reducing the overall time taken for projects to complete and for any disturbance to last for a shorter overall period. However, this needs to be balanced against amenity for those in the area.

Noisy work outside of the 'standard hours' or during 'quiet hours' may currently be permitted where this is aligned with the needs of local neighbours and City businesses. When requests from contractors for variations to hours of work are made the typical matters considered include the proximity to residential properties, places of worship or hospitals. Variations to these hours may be approved for works where impacts can be expected to be low; are in locations where there are no affected neighbours or for safety, logistics or engineering reasons. Variations may be refused if the impacts on neighbours are considered high and cannot be mitigated or previous variations have not been fully complied with.

Saturday work for construction activity is considered the industry norm and has been accepted nationally. It helps in practical ways as, for example, fewer people and vehicles are on the street at weekends so there are less public safety implications with works, and it is easier to move large vehicles and loads on streets. Projects use the additional hours to carry out works which speeds up the completion of projects and reduces the length of impact on neighbours. Some recent changes have occurred in London started because of the impacts of neighbours constructing extended basements in the Royal Borough of Kensington and Chelsea resulting in specified construction activity being stopped on Saturdays. A variation of this has also been introduced within the City of Westminster.

#### Impact of Saturday Working

The City has been asked to consider the principle of ending or revising the 'standard hours' working arrangements for Saturdays.

#### Consultation Questions

For the City Corporation's elected Members to assess this issue we request responses to the following question starting on the next page: -

All responses should be returned to

Address

Web link

By XXXXXXXXXX

Thank you for your time and help.

1. Are you or have you been affected by noisy Saturday construction work activity? Please Circle.		
<u>Positively affected</u>	<u>Negatively affected</u>	<u>No Opinion</u>
If so, How? Answer below.		

2. How do you think you would be affected if noisy construction work was not permitted on Saturdays? Please Circle.		
<u>Positively affected</u>	<u>Negatively affected</u>	<u>No Opinion</u>
If so, How? Answer below		
4. Do you think that, unless permitted in emergencies or upon special application (such as e.g. for public safety reasons, or where local neighbours would prefer it to speed up the project overall), there should be no noisy works permitted on Saturdays? Please Circle.		
3. Do you think the existing Saturday permitted hours for noisy work activity (08.00-13.00 across the City, 09.00-14.00 in in predominantly residential areas); should continue? Please Circle.		
Yes	No	No Opinion
<u>Yes</u>	<u>No</u>	<u>No Opinion</u>

5. Do you think that, unless permitted in emergencies or upon special application as in question 4 above, that Saturday noisy work should be partially permitted, e.g. specific times, locations, away from residential buildings, alternate weekends, etc.?

Please Circle.

<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
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i. If yes, please state what should be permitted:

<p><i>DRAFT</i></p>
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6. Do you think that if noisy works were not permitted on Saturdays, there should be an extra hour of noisy work permitted on Monday-Friday, from 18.00 until 19.00?

Please Circle

Yes	No	No Opinion
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If so, why?

7. Are you responding to this consultation as an individual or as an organization?

Please Circle.

Individual (Q9)

Organization (Q8)

8. If you're responding as an Organization,

- i. What is the name and postal address of your organisation and the nature of its interest in Saturday working? Answer below.

- ii. How many people does your organisation represent? Answer below.

- iii. How many people were involved in taking the decision on how your organisation should respond to this questionnaire? Answer below.

9. If you're responding as an individual,

- i. Please provide your name and postal address including your full postcode below.

- ii. Please tick all boxes that apply to you:

Resident within CoL  
postcode

Owner of business within CoL  
postcode

Person working within  
CoL postcode

Person visiting  
destination in CoL

Person visiting destination in CoL

Please Circle  
appropriate

10. Does the issue of Saturday noisy works have any impact on you as an individual, group or organisation by reason of any of the following characteristics:

Please Circle

<u>Age</u>	<u>Disability</u>	<u>Gender reassignment</u>	<u>Pregnancy &amp; Maternity</u>
<u>Race</u>	<u>Religion or belief</u>	<u>Sex</u>	<u>Sexual Orientation</u>

If so, what is the impact? Answer below.

--

11. Do you have any comments or proposals (including alternatives) that you wish us to consider regarding the issue of Saturday morning noisy works and/or any of the questions asked above?

If so, please set them out below.

--

Many thanks for your help in responding to this consultation.

## **Data Protection Privacy Notice**

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The City of London's Data Protection Officer is the Comptroller and City Solicitor.

The City of London fully respects your right to privacy, and any personal information you provide as part of this survey, will be processed for the purpose of informing this consultation, and to contact you in relation to progress of the City of London Transport Strategy, and other compatible public engagement activities.

Any personal data provided by you, for these purposes, using this survey, will be processed by Survey Monkey (the 'processor') on behalf of the City of London, and in accordance with the City of London's instructions, the requirements of the EU – U.S. Privacy Shield, and their own privacy policy (<https://www.surveymonkey.com/mp/policy/privacy-policy/>).

Additionally, for the purpose of this consultation, personal data will be shared with a team of independent consultants working on behalf of the City of London, and according to our instructions.

Where it is necessary to share personal data for these purposes, the City of London will ensure the appropriate technical and organisational safeguards are in place, with regard to the processing of personal data, and will ensure that personal data is not used by third parties for marketing purposes, without your consent.

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You have the right to request a copy of your data, ask us to make changes to ensure that it is up to date, ask that we delete your information or object to the way we use your data. To do this please email [information.officer@cityoflondon.gov.uk](mailto:information.officer@cityoflondon.gov.uk) or write to Data Protection Officer, City of London, PO Box 270, Guildhall, London, EC2P 2EJ.

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<b>Committee(s):</b>	<b>Dated:</b>
Port Health & Environmental Services – For Decision Health and Wellbeing Board – For Decision (Approved, February 2018)	6 March 2018
<b>Subject:</b> The Local Declaration on Sugar Reduction and Healthier Food	<b>Public</b>
<b>Report of:</b> Andrew Carter, Director of Community and Children’s Services	<b>For Decision</b>
<b>Report author:</b> Xenia Koumi, Project Officer – Business Healthy, DCCS	

## Summary

The Local Government Declaration on Sugar Reduction and Healthier Food was launched by the charity Sustain in November 2016 as an initiative to help local authorities in London tackle the proliferation and marketing of unhealthy food and drink. Several London boroughs have already signed up, and many more are in the process of doing so.

The City of London Corporation (City Corporation) currently ranks in the bottom third compared with other local authorities in the capital regarding the promotion of healthy eating. Tackling obesity among adults and children features prominently within the priorities of the Joint Health and Wellbeing Strategy and this presents a framework within which the City Corporation can take action.

The Health and Wellbeing Advisory Group (HWAG) has agreed that the Declaration would be a valuable initiative for the City Corporation to sign up to and the Director of Public Health, Dr Penny Bevan, has offered to champion it. This paper outlines the nature of the Declaration and the commitment required from the City Corporation, notably members of the Health and Wellbeing Board.

## Recommendations

Members are asked to:

- Note the report.
- Endorse the steps and proposals for action outlined in this report.
- Support the signing of the Local Government Declaration on Sugar Reduction and Healthier Food by the City of London Corporation.

## Main Report

### Background

1. The Local Government Declaration on Sugar Reduction and Healthier Food was launched by the charity Sustain in November 2016 as an initiative to help local authorities in London tackle the proliferation and marketing of unhealthy food and drink.
2. Obesity is on the increase among adults and children. Almost half of Londoners aged ten years or older are either overweight, or obese<sup>1</sup>. Among other causes, including an increasingly sedentary lifestyle, the availability of unhealthy, high-fat and highly-processed foods and drinks is a key contributing factor, especially as these foods and drinks are often cheaper than fresh produce.
3. Despite prevention of overweight and obesity being better than cure, spend on obesity prevention programmes is greatly outweighed by spend on the medical costs of conditions related to being overweight or obese. According to Cabinet Office data from 2008, if diets matched nutritional guidelines, it is estimated that 70,000 deaths annually could be avoided and £20 billion could be saved<sup>2</sup>.
4. At a national level, the Soft Drinks Industry Levy (the “Sugar Tax”) is coming into effect in April 2018. It directly targets the producers and importers of sugary soft drinks to encourage them to remove added sugar, promote diet drinks and reduce portion sizes for high-sugar drinks<sup>3</sup>.
5. The Local Government Declaration on Sugar Reduction and Healthier Food encourages local authorities to work together to effect change, with some local authorities collaborating around sponsorship and advertising protocols, which are important areas of revenue for some councils. Lambeth Council was the first borough to sign the Declaration in April 2017, followed by Tower Hamlets, Redbridge and Waltham Forest. A further ten boroughs are currently taking steps towards signing it.
6. In the last Good Food for London rankings (2016) the City Corporation ranked joint 23<sup>rd</sup> out of 33 London boroughs. As of 2017, the Declaration is a new indicator on the Good Food for London league table<sup>4</sup>. This represents an opportunity for the City Corporation to take a more proactive approach.
7. The renewal of the City Corporation’s corporate catering contract in 2018 encouraged the Corporation to take a high-level approach to healthy eating. Within the specification for the new contract, healthy eating and promoting healthier behaviours relating to food are explicitly outlined across all sites and specific KPIs have also been included, to ensure healthy eating becomes ‘business as usual’. The City Corporation has also committed to the “Food for

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<sup>1</sup> <https://data.london.gov.uk/dataset/obesity-adults>

<sup>2</sup> [http://webarchive.nationalarchives.gov.uk/20100407165056/http://www.cabinetoffice.gov.uk/strategy/work\\_areas/food\\_policy.aspx](http://webarchive.nationalarchives.gov.uk/20100407165056/http://www.cabinetoffice.gov.uk/strategy/work_areas/food_policy.aspx)

<sup>3</sup> <https://www.gov.uk/government/news/soft-drinks-industry-levy-12-things-you-should-know>

<sup>4</sup> <https://www.sustainweb.org/gffl/?m=0&b=0&y=2017&v=1>

Life”<sup>5</sup> scheme within the new contract, which encourages healthier catering as part of wider work around sustainability and responsible procurement.

8. Prevention of overweight and obesity is a focus of the 2017-20 Joint Health and Wellbeing Strategy, featuring in the following priority areas:
  - Priority 2 – a healthy urban environment: provide easy access to healthy and affordable food in the local area; encourage retailers of healthy food in under-served, low-income neighbourhoods and/ or encourage retailers to offer more healthy products.
  - Priority 4 – all children have the best start in life: work with the London Borough of Hackney to review our approach to childhood obesity and agree a revised strategy; develop an integrated health promotion offer for children and families, focused on breastfeeding and good nutrition.
  - Priority 5 – promoting healthy behaviours: raise awareness of the harms caused by a poor diet; encourage a healthy approach to food; work with Business Healthy to engage employers to break the culture of risk-taking behaviours among their employees; expand our prevention work with students in schools.
9. The City has a high density of food outlets – 1,700 – which mostly serve the vast daytime (worker) population. With many City workers visiting these outlets for breakfast, lunch and dinner, the City Corporation is able to help influence healthier choices to a large portion of its population.

## **Current Position**

10. To sign the Declaration, local authorities must commit to take at least six different actions across six key areas (at least one action under each of the six key areas). The pledges do not all need to be new: actions that the local authority is already taking can be included.
11. The six key areas are as follows:
  1. Tackling advertising and sponsorship
  2. Improving the food controlled or influenced by the council and supporting the public and voluntary sectors to improve their food offer
  3. Reduce the prominence of sugary drinks and actively promote free drinking water
  4. Support businesses and organisations to improve their food offer
  5. Public events
  6. Raising public awareness

Further detail is included on whether action is already being taken in these areas (see Appendix 1), or suggestions on what can be done.

12. Sustain have suggested local authorities take the following steps to sign and implement actions around the Declaration:

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<sup>5</sup> <https://www.soilassociation.org/certification/catering/>

Step	Suggested action	Response
1	Identify the priorities in the borough and define the scope of the Declaration.	We are able to use the Joint Health and Wellbeing Strategy and the JSNA, as well as other data to inform work in the Square Mile.
2	Take the proposal to a champion.	Director of Public Health Dr Penny Bevan has agreed to champion the Declaration for the City.
3	Undertake internal consultations.	Initial steps have been taken with the Health and Wellbeing Advisory Group and further discussions will be undertaken with relevant areas of the City Corporation.
4	Identify the route the council will take to sign up (full council or cabinet).	It is proposed that the Health and Wellbeing Board and Port Health & Environmental Services Committee will approve the signature to the Declaration.
5	Sign up and celebrate	
6	Don't let the Declaration gather dust.	It is proposed that an annual update report is presented to the Health and Wellbeing Board and Port Health & Environmental Services Committee, with more regular updates presented to the Health and Wellbeing Advisory Group.

13. There is no set monitoring or auditing process; local authorities must decide the most appropriate monitoring system.
14. While there is best practice that the City Corporation can draw on from other London boroughs, it is useful to bear in mind that it is unique to other local authorities in that the resident population is very small, compared with its daytime worker population. Local food outlets are geared towards the daytime population, who generally have a high disposable income. Offerings for lower-income City residents can be limited.

## Proposals

15. The Declaration and associated actions will be the responsibility of the Health and Wellbeing Advisory Group (HWAG). The HWAG's responsibilities will include drawing on best practice and expertise to develop and undertake actions in each of the six key areas and to create an action plan to take forward the commitments. The HWAG will lead the monitoring year on year.
16. The Health and Wellbeing Board, along with Port Health & Environmental Services Committee, approves the signature to the Declaration.
17. Officers will present an annual update report on progress of the Declaration to the Health and Wellbeing Board and Port Health & Environmental Services Committee, with more regular updates presented to the Health and Wellbeing Advisory Group.



18. Members endorse the Declaration, where relevant and appropriate, among senior political leadership across the City Corporation.

### **Corporate & Strategic Implications**

19. The above relates to the Department of Community and Children's Services' Business Plan (2017-22) lists a priority objective as health and wellbeing, specifically that "people of all ages enjoy good health and wellbeing".

20. It also relates to the draft Corporate Plan (2018-23), where a corporate outcome within the strategic objective of "contributing to a flourishing society" is that "people enjoy good health and wellbeing".

### **Conclusion**

21. Obesity and overweight is an issue that affects the City of London's resident and worker populations, as part of wider trends seen nationally and across London. The Local Government Declaration on Sugar Reduction and Healthier Eating represents an opportunity to bring together the work that the City Corporation is already doing across departments and to address the issue in a more holistic, long-term and strategic manner, drawing in expertise and resources from across the organisation.

### **Appendices**

Appendix 1 – Local Government Declaration Actions Outline, v1

### **Xenia Koumi**

Project Officer – Business Healthy

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Key area	Action already being taken	Suggested action
1. Tackling advertising and sponsorship	N.a.	Work with Corporate Communications to develop a Corporate Sponsorship Policy
2. Improving the food controlled or influenced by the council and supporting the public and voluntary sectors to improve their food offer	The new corporate catering contract will include the “Food for Life” standard and KPIs relating to healthy eating/ healthier behaviours. Elements of the Healthier Catering Commitment are also included and stringent DfE guidelines have been implemented across all sites as a minimum	Explore the potential to further expand healthier eating/ healthier behaviours through the corporate catering contract
	N.a.	Sharing knowledge and best practice from the corporate catering contract with other local authorities and public-/ third-sector organisations, including, where relevant, commissioned providers, such as Fusion
	CityWell is exploring cooking classes for CoLC staff, to promote healthier eating behaviours	TBC
3. Reduce the prominence of sugary drinks and actively promote free drinking water	There are public water fountains at locations across the City, though not many are aware of them	Promote the location and availability of public water fountains in the City and City of London Corporation-controlled spaces and premises, via existing communications channels
	N.a.	Promoting and supporting the “Sugar Tax” and associated campaigns when it comes into play in April 2018 in locations such as CoLC staff-facing and public-facing outlets

	Public health team has been working with The Gild management to make healthier food and drink more prominent and appealing, compared with unhealthier alternatives	Continue and expand this work, particularly under the incoming contract (see above)
4. Support businesses and organisations to improve their food offer	N.a.	Business Healthy to engage with employers and food retailers in the City to raise the profile of healthier eating/ catering for workers
	N.a.	City Corporation Environmental Health Officers, where relevant, to advise on best practice and to signpost to support. Seek Member approval to get a holistic Healthy Eating Strategy enshrined in the 2018/19 Food Safety Plan (JHWS Action Plan)
5. Public events	N.a.	Setting a good example on healthier eating/ drinking at internal and external meetings and public-facing events at all levels, e.g. Mansion House
	N.a.	Make mothers aware that breastfeeding is welcome at public events and space to breastfeed is provided
6. Raising public awareness	The City of London Corporation continues to commission Club Soda to support City workers and residents who want to adopt a non- and low-alcoholic lifestyle	TBC
	The City Corporation commissions Bags of	TBC

	Taste to run classes on healthy and affordable cooking for adult and young residents	
	City Corporation L&D team host Insight Lunches on Nutrition for CoLC staff	TBC
	Information about public campaigns, such as the Eatwell Guide and Change4Life is listed on the corporate website	Look to further run existing/ new healthy eating campaigns for City residents, workers and businesses

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Services	6 March 2018
<b>Subject:</b> Update on the impact of the UK leaving the EU (Brexit) on Port Health & Public Protection	<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 UK is due to leave the European Union on 29 March 2019, although it is anticipated that there will be a transition period before final withdrawal.

Whilst negotiations are underway between the UK and EU concerning the terms of the UK's departure, the outcome remains unclear in relation to the functions undertaken by the Port Health & Public Protection Division (PH&PP), particularly at the borders.

This report outlines the current position relating to Brexit, and the representations made by PH&PP in line with the key principles previously agreed by your Committee for negotiation with government and relevant agencies. Action has been taken internally and externally to protect and promote your Committee's interests, and further work will be undertaken to highlight the potential impact of Brexit on PH&PP, particularly by collaboration with other interested parties to promote, and lobby for, common policies.

## Recommendations

Members are asked to:

- Note the progress made to date.
- Approve the 'next steps' outlined in paragraphs 17 and 18, with a further report to be provided later in 2018.

## Main Report

### Background

1. Following the outcome of the referendum held in June 2016 in which the UK voted to leave the European Union, on 29 March 2017 the UK triggered of Article 50 of the Treaty of Lisbon. This gave formal notice of withdrawal from the EU, which is due to take place on 29 March 2019. It is likely that there will be a transition period of up to two years.

2. An independent report was commissioned by PH&PP to identify areas of concern regarding the current level of control and the operational implications of potential post-Brexit changes on the work of the Division, particularly in relation to border controls it undertakes at London's ports and at Heathrow Animal Reception Centre (HARC). A summary of the review and its recommendations were reported to your Committee in September 2017.
3. Your Committee agreed that the following key principles should form the basis of the City Corporation's negotiations with government and relevant agencies concerning the functions undertaken by PH&PP:
  - a. The same, or an improved, level of consumer protection should be sought for public, animal and environmental health in terms of any proposed changes to regulatory controls after the UK leaves the EU.
  - b. Any changes to the current legislation should be commensurate with the risk posed by different activities and trades, as it is recognised that some enforcement requirements could be streamlined.
  - c. The UK should continue to recognise EU controls in order to avoid resourcing implications at the UK border; and this would **best** be done as part of a reciprocal agreement with mutual recognition, as this would be more sustainable politically, promote regulatory alignment, and facilitate UK-EU trade.
  - d. Full cost recovery for local authorities and port health authorities to enforce relevant legislation is essential, and this should be extended to include those areas not already covered, particularly if they have to undertake additional controls as a result of Brexit.
  - e. The current checks at UK and EU borders on third country imports should be maintained to facilitate free movement of goods within the EU, and between the EU and the UK, and the UK should maintain access to existing IT and rapid alert arrangements.
4. A further briefing note concerning communications and Brexit was circulated to your Committee on 17 November 2017.
5. The purpose of this report is to update your Committee on the action taken to promote the above principles and to represent PH&PP interests in discussions with government.

### **Current Position**

6. Although negotiations are underway between the UK and the EU, there is still little indication of how animal and port health border controls will be undertaken post-Brexit. However, the government has stated that 'The UK's ambition is to work towards a comprehensive future agreement with the EU, which includes



securing the freest and most frictionless trade possible in goods and services to the benefit of all.'

7. On 1 February the European Commission issued a formal 'Notice to Stakeholders' entitled 'Withdrawal of the United Kingdom and EU Food Law'. The gist of this document is that unless a withdrawal agreement is reached, the UK will become a 'third country'.
8. This would mean that exports to the EU from the UK will be subject to border controls at the point of entry to the EU, and potentially that imports from the EU would be subject to checks at the UK Border in the same way as those from third countries are currently. A significant increase in the work of port health authorities around the country would result, especially at the Channel ports. Given the current trade pattern in the London Port Health area of jurisdiction (the tidal Thames and lower Medway), a 25% increase in workload is estimated.
9. If controls are put in place at South Coast sea ports this may lead to an increase in animals being flown into the U.K. It is difficult to quantify as this will depend on the problems encountered in using the ports, and how Customs clearance processes are undertaken post-Brexit. Furthermore, the existing trade from the EU Member States, which represents around 15% of throughput at HARC, may no longer receive automatic clearance as currently, which enables animals to be collected by their owners within an hour of arrival. Full Customs clearance can take four hours or more and will put extra pressure on HARC at busy periods, as it is already over capacity.

## **Representations and action by PH&PP**

10. In line with the principles outlined above, representations have been made to protect and promote your Committee's interests. This has been done internally and externally, as detailed below.

### **Internal:**

11. A working group has been set up by the Port Health & Public Protection Director and is chaired by him. Membership comprises representatives of the Remembrancer (Parliamentary), the Director of Communications (Corporate Affairs and Media) and the Director of Economic Development. The purpose of the group is to ensure a consistent approach to Brexit by City Corporation representatives; to promote and protect all the City Corporation's many and varied interests in Brexit; and to ensure that Departments affected are aware of the latest developments and outcomes of negotiations.
12. The following actions have been undertaken:
  - **Remembrancer:** Amendments tabled on the EU (Withdrawal) Bill including a specific one on Port Health; representation to select committees, including Communities and Local Government Inquiry into Brexit and Local Government (Appendix 1); input to the Trade Bill and a

follow-up letter to the Minister for International Trade; stakeholder engagement and monitoring of debates. More recently, the House of Lords EU Energy and Environment Sub-Committee has asked the City Corporation to answer some questions.

- **Head of Media (Public Services):** Arrangements were made for appearances in national media and for articles in trade magazines in connection with PH&PP issues, and these continue to be addressed whenever possible. More broadly, the City Corporation's concerns about the impact of Brexit on the Square Mile appear in the media on a day-to-day basis.
- **Head of Corporate Affairs:** A substantial amount of time and resource is being dedicated to engaging politically on the challenges presented by Brexit for the UK based financial and professional services industry and other sectors. Support is provided to the Policy and Resources Chairman to ensure that she is fully briefed on the implications across the City Corporation's interests and that she is engaging politically with the relevant politicians at the right time.

## External

13. There has been PH&PP engagement with a wide range of stakeholders including the following:

- Hosting a visit to the Heathrow Animal Reception Centre by the Secretary of State for Environment, Food and Rural Affairs.
- Two meetings with MPs - the Chairman of the International Trade Committee and former Secretary of State for Environment, Food and Rural Affairs. These were held jointly with the International Meat Traders Association (IMTA).
- Engagement with relevant government departments and agencies, notably with Cross Government Border Co-ordination. The City Corporation is hosting a meeting on behalf of this group on 26 February and an oral update will be provided to your Committee.
- Discussions with trade groups, including IMTA, the UK Major Ports Group, London's port operators and other industry bodies.
- Hosting and chairing the English major ports/airports Port Health group.
- Representation on the Chartered Institute of Environmental Health Brexit Expert Panel and liaison with other professional organisations such as the British Veterinary Association and the Chartered Institute of Trading Standards to promote consumer interests.

14. Whilst it is difficult to gauge the outcome of all the engagement and lobbying that has been undertaken, there appears to be a greater recognition amongst

government departments that without a favourable trade deal, there could be difficulties for importers and exporters, as well potential delays at the UK borders if additional controls need to be undertaken on products from the EU, and there are insufficient resources to do so.

15. On 18 February the House of Commons Environment, Food and Rural Affairs Committee published a report entitled: 'Brexit: Trade in Food', to which PH&PP contributed. It is encouraging that some of the principles outlined in paragraph 3 above are referred to amongst the key recommendations and conclusions, some of which are as below:

- The agriculture industry needs clarity as to the government's long-term vision and future support.
- The UK has an international reputation for high animal welfare, environmental and food standards. These must not be sacrificed on the altar of cheap imports.
- Non-British EU veterinary surgeons are critical to the UK veterinary workforce. The government must set out how it intends to ensure working rights for non-EU vets currently working in the UK..... (N.b. all the City Corporation's vets are from other EU Member states).
- Delays at border inspection posts lead to increased costs, and are a threat to perishable goods. It is imperative that the government sets out to ensure that the right IT systems and infrastructure are in place....
- The UK government must not allow imports that have not been produced to the UK's high standards.

16. Ultimately, it is for relevant government departments and agencies, as the 'Central Competent Authorities' to implement new policies and border control arrangements once post-Brexit agreements are finalised. The City Corporation will work with government departments and industry to ensure that any changes are introduced in a timely manner.

## **Next steps**

17. It has become clear during the above discussions that trade organisations, professional bodies, academics and other groups have similar concerns to the City Corporation about the potential impact of Brexit. A meeting has been arranged with the Remembrancer's and Director of Communications representatives on 28 February to consider whether collaboration with other interested parties could be improved, and how joint working could raise the profile of your Committee's concerns.

18. By collaborating with other organisations, agreeing common position and policy statements, then lobbying jointly, there is the potential to have a greater input to future government policy and border control arrangements. All representations will be in accordance with Committee and corporate policies. A further report will be made to your Committee later in 2018.

## **Corporate & Strategic Implications**

19. The actions outlined above are in accordance those contained in the Departmental Risk Register and also conform to objectives in the Business Plan.
20. As far as financial implications are concerned, there is still insufficient information available to make an assessment of how any proposals will affect PH&PP budgets. However, as part of the ongoing monitoring of Brexit these will be kept under review, and outline proposals have been drawn up to recruit more Port Health staff to meet additional demands.
21. The Government's Brexit related legislation is being monitored by the Remembrancer who will continue to facilitate appropriate representations being made and support PH&PP where possible.
22. The Corporate Affairs Team coordinates the senior political engagement across the City Corporation to ensure consistency in engagement and messaging, related to Professional and Financial services and Culture predominantly. Ultimately, the top line City Corporation position is to support the three Ts: 'Transition, Trade, Talent,' as, under its umbrella, it can encompass all the more technical positions which different departments of the organisation may have.

## **Conclusion**

23. There are a range of potential impacts on PH&PP resulting from the UK leaving the EU, particularly for Animal Health & Port Health. A considerable amount of effort has been made to address these issues with government departments and agencies. This work will continue in collaboration with other interested parties.

## **Appendices**

- Appendix 1: Communities and Local Government Select Committee Inquiry into Brexit and Local Government – Memorandum from the City of London Corporation, December 2017.

## **Background Papers**

- Impact of the UK leaving the EU (Brexit) on Port Health & Public Protection – report to Port Health & Environmental Services Committee, 19 September 2017.
- House of Commons Environment, Food and Rural Affairs Committee: 'Brexit: Trade in Food', Third Report of the Session 2017-19, 18 February 2018.

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**COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE**  
**INQUIRY INTO BREXIT AND LOCAL GOVERNMENT**

**Memorandum from the City of London Corporation**  
*Submitted by the Office of the City Remembrancer*

***Introduction***

1. The City of London Corporation welcomes the opportunity to contribute to the Committee's inquiry into Brexit and local government. Although it is not a local authority, the Common Council of the City has responsibility for local authority, police authority and port health authority services. This submission explores the particular concern over the impact of Brexit on the port health and environmental health functions of the Corporation.
2. In its capacity as the Port Health Authority for the tidal Thames (from Teddington in the west to the North Sea coast to the east) and as the Animal Health Authority for Greater London, the City of London Corporation undertakes controls at the borders at all London's ports, docks and wharves, including Tilbury and London Gateway, and also at the Heathrow Animal Reception Centre. Other port health authorities undertake similar functions, but the City Corporation has the most extensive area and the widest range of responsibilities. While central government, through various departments, is the 'central competent authority' for border controls, front line responsibilities are delegated to 'local competent authorities' for veterinary checks and food imported from third countries (those outside the EU) as well as illegally imported animals.
3. The City of London Corporation has been examining the implications of Brexit for port health authorities. The principal concern is about meeting the needs of the potential increase in workload and consequential delays to the movement of food and animal feed between the UK and the continent if this is not achieved. The City Corporation has estimated that Brexit would see an increase in workload of 25% were imports from the EU subject to the same checks as imports from elsewhere. For other ports with a higher proportion of EU trade, the effect might be considerably greater.

***Risks and Opportunities for Local Government posed by Brexit***

4. Central Government may not fully appreciate the role of local government as a regulator. This lack of appreciation, and any move towards deregulation in respect of animal and public health, could lead to essential controls being overlooked. As indicated above, local government bodies are the local competent authorities for some specialist border controls. These authorities rely on guidance and advice from central government departments and agencies which will need to be maintained post-Brexit. There may also be an expectation that local government will take on more responsibilities post Brexit, but it is essential that any additional responsibility is matched with appropriate funding. Concerns have also been raised about the adequacy of Animal Health controls at some ports and airports are being poorly conducted by some local authorities and the Animal and Plant Health Agency. There is the potential to bring about improvements but, equally, without attention and investment post Brexit, they could deteriorate further.

5. A further concern is that access to training currently provided by the European Commission in relation to food safety enforcement and other professional services could be lost. There is no current equivalent provided by central government departments and agencies. Furthermore, EU nationals are employed widely as Official Veterinarians to undertake veterinary, animal and public health controls. At present, there are insufficient UK qualified veterinarians to replace the EU nationals if they are not permitted to work in the UK under future immigration controls.
6. There is, however, the prospect that Brexit will provide the opportunity for legislation on animal, plant and food health to be updated to ensure that it remains fit for purpose, integrated and risk based and to ensure checks remain proportionate to the potential hazard. Governance arrangements could also be made more relevant at a local level, and able to respond more quickly and effectively to hazards and challenges. For example, at present, high risk imported foods currently need to be declared as such by the European Commission before special measures are introduced to monitor and restrict/ban them. The delay this arrangement can occasion may not be necessary post Brexit.

***Measures to provide more certainty and stability for local government in light of Brexit***

7. Local government should continue to retain its current specialist functions and regulatory controls at the same or an improved standard, so as to retain the current, or an enhanced level of consumer protection. However, local authorities should be informed at the earliest opportunity of any proposed changes to powers exercised or existing measures and standards enforced at a local level, so that local government can plan accordingly. Confirmation is needed that local government will be properly funded for existing and any new responsibilities post Brexit. Similarly, local government must be informed now of any contingency planning that is expected, particularly at the borders, and sufficient funding made available, as otherwise it will be unable to prepare properly and in a timely manner.

***Devolution directly from the EU to local authorities***

8. Local authorities are already charged with delivering improvements to air quality in their areas to meet European Limit Values and this responsibility should be retained, albeit recognising that central government also has a role to play. Food safety and standards in many premises are also enforced at a local level and this should be continued, and potentially expanded, to ensure that those premises that wish to export foods to the EU, and which may require specific approvals in future, can be inspected and given appropriate authorisation promptly and efficiently. Local authorities that currently deliver border controls are well placed to continue doing so, as their staff have the expertise and experience as well as industry confidence.

***Local government's voice in the Brexit negotiations***

9. Local government is only now just starting to be properly consulted, so its role and full range of responsibilities have not been fully understood to date. Government departments, including DExEU should ensure that they consult and consider local authorities in their planning for post Brexit arrangements, particularly if any changes

to existing arrangements are envisaged or proposed. Central government needs to understand, at all levels, the full range of responsibilities undertaken by local government, including at the borders on behalf of the UK and in relation to the health and wellbeing of communities. Border controls administered by local government are overseen by several government departments, so there needs to be a joined-up approach to avoid duplication and promote consistency.

*December 2017*

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<b>Committee(s)</b>	
1) Port Health & Environmental Services Committee 2) Economic Crime Board of the Police Committee 3) Safer City Partnership Strategy Group	1) 6 March 2018 2) 27 April 2018 3) 31 May 2018
<b>Subject:</b> Cryptocurrencies and the City of London	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	1) <b>For Decision</b> 2) <b>For information</b> 3) <b>For information</b>
<b>Report author:</b> Steve Playle, Trading Standards Manager	

## Summary

Operation Broadway is a partnership approach to tackling the problem of investment fraud associated with the City of London that has been operating successfully since 2014. Fraudsters selling non-regulated investment products to consumers across the UK such as wine, diamonds, property bonds and car parking spaces want an association with addresses in the 'Square Mile' to give credibility to their marketing literature and sales pitches.

The latest trend with potential investment fraud is based around what are termed cryptocurrencies. The most well-known such cryptocurrency is called Bitcoin. The landscape with cryptocurrencies is changing on almost an hourly basis but the imagination of the nation has been captured by the prospect of making large sums of money through buying and selling in a relatively short period of time. To illustrate the point, during 2017, the price of one Bitcoin rose from £830 and peaked at £14,800 just before Christmas. The price has fallen back significantly since then. Since Autumn 2017, the media has been full of stories about cryptocurrencies.

Trading Standards believes that criminals will start to exploit the current cryptocurrency frenzy and seek to establish businesses that will defraud consumers and businesses of money. The concern is that, just like with binary options, these criminals will try and associate their fraudulent cryptocurrency businesses with the 'Square Mile'. For this reason, Trading Standards intend to undertake a piece of work and try and ensure that the reputation of the 'Square Mile' is protected as far as possible.

The purpose of this report is to inform Members about this important piece of work and seek Members' endorsement on the proposed way forward.

## **Recommendations**

Members are asked to:

1. note the contents of this report; and
2. endorse the proposal for Trading Standards to take a proactive and innovative approach to dealing with a potential future problem.

## **Main Report**

### **Background**

1. Operation Broadway seeks to identify investment fraudsters as early as possible in their operational life cycle and disrupt their activities before they have had the chance to become fully established and defraud large numbers of consumers. Trading Standards works very closely with serviced offices and mail forwarding businesses (MFBs) to disrupt criminal activity and protect the reputation of the 'Square Mile'.
2. During 2017, Trading Standards identified issues with a large rogue element in the Binary Options sector and ran a project to identify any binary business that had a footprint within the 'Square Mile'. Out of around 120 such businesses identified, around 90 were found to be 'cybersquatting' and the remainder were visited during the highly successful, high profile Operation Mass in October.
3. Since then, the Financial Conduct Authority (FCA) have taken over responsibility from the Gambling Commission for the regulation of Binary Options and have continued this work, most recently naming and shaming on their website, a list of 90 or so Binary Options businesses right across the UK that have failed to register as required.
4. Investing money safely is one of the most important things that consumers can do. However, there are determined criminals who are dedicated to actively pursuing and persuading consumers to invest in schemes that, on the surface, appear to be great opportunities offering highly attractive rates of return.
5. The reality is that they are nothing but fraudulent scams that will result in consumers losing most, if not all, of their money. Cryptocurrencies are currently completely unregulated, being outside the remit of the FCA or the Bank of England. As a result, if cryptocurrencies are mis-sold, consumers have no recourse to the Financial Services Compensation Scheme and no route to the Financial Ombudsman Service.
6. To give an air of respectability to cryptocurrency scams, it is anticipated that these criminals will associate themselves with an address in the City of London by using the services of a MFB or by renting space from a serviced office provider. This prestigious City address is then used on web sites, in social media or in glossy brochures to help persuade victims that they are dealing with a seemingly reputable business, based in the 'Square Mile'.
7. Most people have now heard of cryptocurrencies but do not quite fully understand them but it is not the intention of this report to do that in any detail. However, cryptocurrencies are hot news now and the media is full of stories virtually every day<sup>1</sup>. There are, at the time of writing this report in mid-February

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1 BBC Panorama - "**Who Wants to be a Bitcoin Millionaire?**" - BBC One, 12 February, 20:30 - <http://www.bbc.co.uk/news/technology-43025787>

2018, around 3000 different types of cryptocurrency. The most well-known is called Bitcoin and anyone who purchased in 2013 would have seen their investment increase 100-fold by the end of 2017. Other popular cryptocurrencies are called Ethereum, Litecoin, Ripple and Monero.

8. Cryptocurrencies started back in 2008 when Bitcoin was created as a reaction to the banking crisis. Bitcoin is decentralised which means that there is no central bank anywhere in the world that controls it. The currency is entirely virtual and, more recently, it has been possible to use it to pay for goods and services from a small number of businesses. There is even a growing network of Bitcoin cash points where the currency can be purchased or Bitcoin code exchanged for cash. Cryptocurrencies are considered to have value because they are considered, rightly or wrongly, to be valuable. It is this public confidence in how valuable they are that causes the price to fluctuate.
9. In relation to traditional bank accounts, your bank has a record of all the names of its customers and how much money they have. With cryptocurrencies, there are multiple identical copies of that record with details of every transaction made available for all to see. This data has to be protected from those that might tamper with it and this is achieved by allowing people to act as the currency's bankers by earning rewards if they get their computers to verify transactions. This is called 'mining'. Once verified, each transaction is stored in blocks of data, called the 'blockchain'.
10. There are many ways that ordinary people can be drawn into the cryptocurrency frenzy. They may wish to acquire cryptocurrency by purchasing some from a dealer (known as a cryptocurrency platform) in exchange for cash, normally through payment via bank account transfer or by debit or credit card. The currency would then be stored in a digital wallet and the purchaser would then hope that the price rises so it can be sold for a profit.
11. Such transactions are completely unregulated, and anyone can set up a cryptocurrency platform. Another route into cryptocurrency is through betting on the price movements. This is called a 'contract for difference' (CFD) and the consumer does not actually acquire any of the currency but can speculate on the price rising or falling. Businesses engaged in CFDs need to be authorised and regulated by the Financial Conduct Authority, one of the partners of Operation Broadway. Another way for consumers to be involved is through investing in what is called an initial coin offering (ICO). This is similar to a traditional share offering but the product being offered is a new cryptocurrency and the issue is not regulated by anybody.
12. There are businesses involved in the cryptocurrency sector that are entirely reputable. There is one platform that is established in the City and meetings have already taken place between Trading Standards and its senior management.
13. However, Trading Standards are already aware of a trickle of complaints about other cryptocurrency businesses that clearly seem to have fraudulent intentions. Issues are also starting to be raised with the City of London Police

via Action Fraud. One of the simplest frauds that is likely to occur, based on our experience of the binary sector, is for a fraudulent cryptocurrency platform to offer to sell currencies, take the money and run.

14. There are several recent indicators that tend to show how potentially dangerous an investment in cryptocurrencies might be. In November 2017, the FCA issued a public warning about the risks of investing in cryptocurrency CFDs. Theresa May at the end of January 2018 said that Britain was looking “very seriously” at cryptocurrencies being used by criminals.
15. In February 2018, both Lloyds and Virgin banks said that they would stop their credit cards being used to purchase cryptocurrencies. Also in February 2018, Facebook has decided to ban Bitcoin and other cryptocurrency advertising and on 12 February 2018, Europol, the European Union Agency for Law Enforcement Cooperation, said it estimates that about 3-4% of the £100bn in illicit proceeds in Europe are laundered through cryptocurrencies.
16. Closer to home in the City, Jon Cunliffe, deputy governor for financial stability at the Bank of England, has said that Bitcoin is too small to pose a risk to the global economy. However, he warned that investors should “do their homework” before backing the currency.

#### **What are Trading Standards planning to do?**

17. Trading Standards has already started to compile a list of cryptocurrency businesses that have a footprint within the ‘Square Mile’. This is a very difficult task because the cryptocurrency landscape seems to be changing literally by the hour. So far, a list of around 40 possible businesses has been identified based on open source research. We are looking to work closely with Action Fraud and see what reports are being received from consumers who have concerns or complaints about other businesses based in the City.
18. Trading Standards Officers have wide ranging powers of entry that allows access to business premises without the need for a Magistrate’s warrant. The intention is to visit all the premises identified and find out exactly who is there. If a business is legitimately present, Trading Standards will consider their trading activity and take the opportunity to examine their trading terms and conditions for fairness. Marketing literature and websites can also be checked to ensure that they are not misleading.
19. Inevitably, as with the binary options sector, there will be a large number of businesses that are squatting at a City address. A visit will provide real evidence of a fraudulent claim of being associated with the ‘Square Mile’ and action can then be initiated to try and take down websites and deal with false information that is stored at Companies House.
20. There is a real opportunity for Trading Standards in the City of London to take a lead dealing with cryptocurrency businesses. We are very well placed to do this due to our Operation Broadway connections with the City of London Police and the Financial Conduct Authority. Ultimately, one potential outcome could

be the development of a code of practice for the legitimate cryptocurrency traders and this would give consumers confidence that they are dealing with a business that will treat them fairly. Clearly, the issues around the volatility of cryptocurrencies will always remain and consumers need to be made aware that this is a very high-risk investment.

21. Ultimately, Trading Standards believes that the Government will introduce a regulatory regime to cover the cryptocurrency sector. However, in the meantime, it is forward thinking, responsive and innovative for the Trading Standards Service to step into the current regulatory vacuum.

### **Corporate & Strategic Implications**

22. The proposal by Trading Standards to carry out work in the cryptocurrency sector fits well with the City of London Corporation's strategic aim to protect the reputation of the Square Mile and also to be of benefit beyond its own boundaries and this is another opportunity to contribute positively to the economic well-being of consumers across the whole of the UK.

### **Conclusion**

23. Trading Standards has identified the potential threats posed by cryptocurrencies. Whilst it is recognised that there will be entirely reputable businesses engaged in this sector, it is inevitable that a significant rogue element will attempt to jump on the bandwagon and try and exploit consumers right across the UK and also try and exploit the reputation of the Square Mile.

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services	6 March 2018
<b>Subject:</b> Street Trading Fees 2018/19	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

The City of London Corporation may set annual fees for issuing a licence to those persons wishing to participate in Street Trading in Middlesex Street and for those persons wishing to apply for a temporary street trading licence.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees will result in a similar income compared with previous years.

## Recommendation

Members are asked to:

- Agree the proposed fees for 2018/19 as set out in Appendix 1

## Main Report

### Background

1. Street Trading within the City of London is now permitted on a temporary basis in addition to those trading on a Sunday in Middlesex Street. The City of London (Various Powers) Act 2013 (the Act) permits temporary Street Trading licences to be granted for up to 21 days in the City of London providing any application complies with the criteria laid down in the Street Trading Policy.
2. The Act also permits the City Corporation to recover charges from those trading in Middlesex Street for:
  - The removal of refuse or other services rendered by the City Corporation to licensees; and

- Expenses incurred by the City Corporation in the administration concerned with granting and issuing the licence, compliance with relevant byelaws and in the cleansing of that part of Middlesex Street in the City where street trading takes place.
- 3. Prior to the legislation coming into force the fees for trading in Middlesex Street were statutorily set at no more than £15 per week plus an annual application fee of £5. The statutory fee can now be set to cover those costs described above although the statutory £5 annual application fee remains.
- 4. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
- 5. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

### **Calculation of Fees for 2018/19**

- 6. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer licence applications/renewals, the costs of investigating compliance with any licence conditions/byelaws and the cost of cleaning the area in Middlesex Street where street trading takes place.

#### Middlesex Street Traders

- 7. In determining the proposed fee structure the following factors have been taken into account:
  - Officer time spent on processing applications and the issue of any licence
  - Officer time spent on the development and maintenance of processes and guidance notes
  - Training of staff as necessary
  - A percentage of the service costs such as accommodation and equipment
  - Administration cost and inspections to ascertain compliance with byelaws.



- Costs connected with cleaning the area in Middlesex Street and associated areas, but only in relation to Middlesex Street Traders licensed by the City Corporation.
8. Costs for 2018/19 were calculated on the above basis and assuming all 55 pitches will be full during the year. Occupancy levels have typically been above 99%.

	Number of Traders	Annual Cost  £	Annual Cost per trader  £	Weekly Equivalent per trader  £
Cost of cleaning Middlesex Street	55	42,900	780	15
Administration/compliance costs of Middlesex Street	55	14,300	260	5
TOTAL		57,200	1,040*	20

\*This does not incorporate the statutory £5 application fee.

9. The Act introduces a procedure which is required to be followed when fees are increased. The Corporation is required to give notice in writing of the proposed charges to all licensed street traders and how they were calculated. Representations concerning the charges can then be made to the Corporation within a minimum period of 28 days from the date of the notice. Only after these have been considered can a further notice be delivered to all licensed street traders informing them of the new fee and when those charges are to be brought into effect.
10. Any proposed increase in the fees will have to undergo this procedure and therefore would not be able to be introduced until 1 October 2018. It is not proposed that fees are increased in 2018/19.

#### Temporary Licences

11. The City Corporation only granted 13 temporary licenses during 2017/18 albeit 11 of these were a monthly market in Paternoster Square. The remaining two licences were for the Nocturne and a five-day Christmas market, also in Paternoster Square.
12. The type and style of the temporary trader can be many, and the circumstances associated with each application numerous. It has therefore been decided that the fee for a temporary licence should be calculated separately for each application. The fee is based on the number of officer hours required to manage the application process and ensure licence conditions are being adhered to. Typically, this is between 1 to 4 hours per application.

13. It is not anticipated that the number of applications in 2018/19 is likely to increase significantly from those received in 2017/18. It is not known at this stage if there will be any additional events, and if so what type, in the Aldgate exemption area. (The area exempted from aspects of the Street Trading Policy in connection with being held only in relation to a specific event).

### **Proposals/Options**

14. If fees are set lower than those recommended the result will be a deficit for 2018/19 as costs of administering the licences will not be fully met from income received.
15. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
16. Any such under or over recovery of costs from 2018/19 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting the fees for 2020/21. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

### **Implications**

16. Setting the recommended fees will result in estimated income for 2018/19 of approximately £60,000, against a budgeted income of £60,000.
17. Setting fees above or below those recommended will have the implications as set out in paragraphs 14 to 16 above.

### **Appendices**

- Appendix 1 – Proposed Fees for 2018/19

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## STREET TRADING FEES 2018-19

### Middlesex Street Licence

Application Fee (statutory)	£5	(refundable if application not granted)
Annual fee from 1 April 2018	£1040	(payable by quarterly invoice)
TOTAL FEE:	£1045	

(n.b. For persons renewing their licence the £5 application fee will be included in the first quarters invoice.)

### Temporary Street Licence

The fee is dependent on a number of factors and will be quoted on receipt of an application form, or following discussion with the applicant prior to the application being submitted. Receipt of the full fee will be required before a temporary licence is issued.

The fee will take into consideration:

- The number of traders
- The size of the trading area
- Whether the trading area has been used before
- The duration of the licence
- Waste disposal arrangements

As an approximate guide, the fee will be calculated on the number of officer hours required to manage the application process and ensure licence conditions are being adhered to. This can range from 1 to 4 hours at £XXX per hour.

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services	<b>6 March 2018</b>
<b>Subject:</b> Massage & Special Treatment Licence Fees 2018/19	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

The City of London Corporation may set annual fees for those premises requiring a licence for Massage and Special Treatments and for those premises seeking to register for acupuncture, tattooing, ear / cosmetic piercing or electrolysis. The report outlines recent case law which has indicated that the process for setting the fees must be robust, that income received through the licensing process cannot exceed the cost of obtaining that income and the administration part of the fee has to be charged separate to the non-administration part of the fee.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects of the licensing process.

The proposed fees will result in similar income compared with previous years.

## Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2018/19 as set out in Appendix 2 (column two).

## Main Report

### Background

1. Part IV of the London County Council (General Powers) Act 1920 permits the City Corporation to set a fee for the administration and inspection costs associated with granting or renewing a licence to permit an establishment to carry on massage or special treatments (MSTs). Examples of the different types of massage and special treatments which require a licence can be seen as Appendix 1.

2. Part V of the Greater London Council (General Powers) Act 1981 permits the City Corporation to set a fee for the administration and inspection costs associated with registering an individual or premises for the practice of acupuncture or the business of tattooing or cosmetic piercing.
3. Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 permits the City Corporation to set a reasonable fee for registering a premises under this Act associated with the practice of electrolysis.
4. Licences are valid for twelve months from the date of grant unless revoked. The licence fee is due for payment at the time of application or prior to renewal.
5. Registrations are valid indefinitely unless suspended or cancelled by an order of court for a contravention of an applicable byelaw.
6. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
7. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

### **Calculation of Fees for 2018/19**

8. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the licence application/renewal and the costs of investigating compliance with any licence conditions.
9. In determining the proposed fee structure for MST premises the following factors have been taken into account:
  - Officer time spent on processing applications including site inspections and the issue of any licence
  - Officer time spent on the development and maintenance of processes and guidance notes
  - Training of staff as necessary
  - A proportion of the service costs such as accommodation, equipment and central recharges

- Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
  - Administration cost and inspections to ascertain compliance with byelaws in relation to the registration of premises and individuals.
10. MST fees for 2018/19 have been calculated on the above basis for each of a number of different types of licence. The majority of proposed fees have stayed the same with the slight increase in a new application for a Massage and Special treatment Licence due primarily to a recalculation of work involved following a change in procedure. Proposed fees can be seen as Appendix 2. All proposed fees are the total fees and include an element for the administrative element of issuing a licence and an element for inspection and compliance with legislation.
11. The forecast number of applications for each type of licence/registration for 2018/19 can be seen in the table below along with the number of licences/registrations that were actually granted during 2016/17 and 2017/18.

	2016/17	2017/18	2018/19
	Actual	Actual	Forecast
New MSTs with lasers	7	5	7
Renewal of MSTs with lasers	16	20	21
New MSTs	7	9	8
Renewal of MSTs	56	56	56
Premises Registration (without MST licence)	2	3	2
Premises Registration (with an MST licence)	4	2	2
Additional registration(s)	0	0	0
Individual Registration	7	12	12

### **Proposals/Options**

12. If fees are set lower than those recommended the result will be a deficit for 2018/19 as costs of administering the licence will not be fully met from income received.
13. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
14. Any such under or over recovery of costs from 2018/19 will be calculated after the end of that financial year and will be carried forward to be taken into

consideration in setting fees for 2020/21. The surplus or deficit on each fee type from 2016/17 has been taken into account when setting the fees for 2018/19. Where this sum is relatively small, i.e. less than £20 per licence, in order to prevent the fees going up one year and down the next, the under or over recovery will be carried over to the next year(s). Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

### **Corporate & Strategic Implications**

15. The proposals within this report meet the requirement to set fees for the licensing of activities within the London County Council (General Powers) Act 1920, the Greater London Council (General Powers) Act 1981 and the Local Government (Miscellaneous Provisions) Act 1982, as they apply to the City of London Corporation.

### **Implications**

16. Setting the recommended fees will result in MST licence estimated income for 2018/19 of £54,000, against a budgeted income of £55,000.
17. Setting fees above or below those recommended will have the implications as set out in paragraph 12-14 above.

### **Appendices**

- Appendix 1 – Examples of Massage and Special Treatments
- Appendix 2 – Proposed Fees for 2018/19

### **Background Papers**

None

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**London County Council (General Powers) Act 1920**  
**Licensing of establishments for massage or special treatment**

**Examples of Massage and Special Treatment**

**a. Massage** including but not limited to acupressure, aromatherapy, ayurveda, body massage, bowen technique, champissage (Indian head massage), facial massage, Grinberg method, holistic massage, manual lymphatic drainage, marma therapy, metamorphic technique, reflexology, rolfing, shiatsu, sports massage, stone therapy, thai massage or tui-na.

**b. Manicure** including but not limited to all forms of manicures, nail extensions or pedicures.

**c. Chiropody**

**d. Light** including but not limited to colour therapy, infra-red, lasers / intense pulse light (IPL), lumi-lift / lumi-facial or ultra-violet tanning (sunbeds).

**e. Electric** including but not limited to endermologie, faradism, foot detox, galvanism, high frequency, lumi-lift / lumi-facial, micro current therapy, scenar therapy or ultra sound.

**f. Vapour** including but not limited to facial steamers, halo therapy or steam room.

**g. Baths** including but not limited to fish pedicures, floatation tank, foot detox, hydrotherapy, sauna, spa or thalassotherapy.

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## Special Treatment Licence Fees 2018/19

### Appendix 2

This document sets out the fees payable for the licensing and/or the registration of:

- premises providing massage or special treatments
- premises that carry on the business of acupuncture, ear piercing or tattooing
- individuals that carry on the practice of, acupuncture, ear piercing or tattooing
- premises that carry on the business of electrolysis.

The fee is made up of 2 parts:

- The Administration element is the cost of processing the application and must be paid at the point the application is made
- The Compliance element is the cost of managing and enforcing the special treatments licensing regime and needs to be paid at the point the licence is granted

**NOTE: Both parts of the fee must be paid before the licence can be granted.** (Important – please read note C)

Application Type	Total Fee	Administration element of fee (See note A below)	Compliance element of fee (See note A below)	Previous Fees 2017/18
<b>New</b> massage and special treatment licence <b><u>to include laser treatment</u></b>	<b>£680</b>	£510	£170	£680
<b>Renewal of a</b> massage and special treatment licence <b><u>to include laser treatment</u></b>	<b>£635</b>	£465	£170	£635
<b>New</b> massage and special treatment licence <b><u>No laser treatment</u></b>	<b>£580</b>	£410	£170	£580
<b>Renewal of a</b> massage and special treatment licence <b><u>(No laser treatment)</u></b>	<b>£520</b>	£350	£170	£520



## Special Treatment Fees 2018/19

<b>Registration</b> to provide acupuncture, tattooing, piercing or electrolysis - <b>premises <u>without</u> an MST licence</b>	<b>£340</b>	£340	N/A (see note B)	£340
<b>Registration</b> to provide acupuncture, tattooing, piercing or electrolysis - <b>premises <u>with</u> an MST licence</b>	<b>£250</b>	£250	N/A (see note B)	£250
<b>Additional Registration(s)</b> (Premises)	<b>£250</b>	£250	N/A (see note B)	£250
<b>Registration</b> of an Individual	<b>£45</b>	£45	N/A (see note B)	£45

### Note A:

The Administration element of the fee is not refundable, even for unsuccessful applications as the fee only covers the administration and inspection costs of processing the application.

If an application is withdrawn prior to the technical inspection, the cost of the technical inspection will be refunded: **£195** for a new licence with no laser treatment and **£312** for a new licence with laser treatment.

If a licence is surrendered during the period in which it is in force, a refund of the Compliance element of the fee will be given for every full month remaining on the licence.

### Note B:

No part of the fee for a registration is refundable, even for unsuccessful applications, as the fee only covers the administration and inspection costs of processing the application.

### Note C:

The local authority is not permitted to charge for both elements of the fee up front. However, in order to assist customers, we will accept payment for the total fee upon application. In these circumstances the Compliance element of the fee will of course be refunded if the licence is not renewed/granted.

If you do pay just the Administration element of the fee up front the Compliance element will have to be paid before the licence is granted and issued.

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services	6 March 2018
<b>Subject:</b> Setting of Statutory Fees for Licensing Houses in Multiple Occupation	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Rachel Pye, Pollution Control Team Manager	

## Summary

A House in Multiple Occupation (HMO) is a property occupied by three or more unrelated people in two or more households and is fully defined under sections 254 & 257 of the Housing Act 2004. The Act places a statutory duty upon the City Corporation to license HMOs and it also includes powers to deal with poor living conditions.

HMOs require a mandatory licence if they are occupied by at least five people, in a building that has at least three storeys, and where at least one person's accommodation is not self-contained.

The existing HMO licence fee, which has not been reviewed in recent years, does not cover the cost of inspecting the property and issuing the licence. As the suggested fee increase is more than 10% this requires Committee approval.

## Recommendation(s)

I recommend that your Committee approves the proposal set out in paragraph 12 that the attached schedule of fees be approved and published, subject to any comments received at your meeting.

## Main Report

### Background

1. The Housing Act 2004 introduced a national licensing scheme which is mandatory for all three storey HMOs occupied by five or more unrelated persons. The legislation became operative on 6th April 2006 and requires landlords to apply for a licence in respect of HMOs that they own and operate.
2. The government have confirmed their intention to expand the mandatory HMO licensing scheme, with the changes expected to come into force in 2018, subject to Parliamentary approval.
3. The proposed changes involve extending mandatory HMO licensing to include most houses and flats occupied by five or more people in two or more

households who share a kitchen, bathroom and/or toilet facilities, regardless of the number of storeys. Across England, it is expected that an extra 160,000 HMOs will need to be licensed. Further work is required to understand how many properties in the Square Mile will require a mandatory licence.

4. HMOs often have poorer physical and management standards than other privately rented properties and due to their occupation have greater risks, e.g. fire. Occupiers of HMOs tend to have the least ability to choose their housing and hence it is necessary that the landlords pay an appropriate fee for enforcement.
5. The existing HMO licence fee of £110 for a 5-year licence, which has not been reviewed in recent years, does not cover the cost of inspecting the property, auditing gas and electrical safety certificates and issuing the licence. As the suggested revision of the schedule of fees represents more than a 10% increase in fees this requires Committee approval.
6. The City currently has eight licensed HMOs, five of which are due for renewal in 2018. A HMO licence is valid for five years.

### **Current Position**

7. The City Corporation as the local housing authority has power under section 63 of the Housing Act 2004 to set a fee for applications for licences for houses in multiple occupation (HMOs). The government may make Regulations specifying maximum fees that may be charged, but these have not yet been made. Subject to such Regulations, the Council may take account of all its costs of running the licensing scheme (costs under Part 2 and Chapter 1 of Part 4 of the Housing Act 2004) when setting the licensing fee. The fee should be transparent, accountable and reflect the actual cost of licensing.
8. The Housing Act 2004 allows the Council to set fees to meet the full costs associated with the issuing of a licence in respect of a HMO. The proposed fee structure reflects the total actual costs of operating the licensing scheme. The City's previous fee did not cover these as it was set as an administrative charge of £110 per property when the properties were initially licensed in 2013.
9. The proposed fees have been benchmarked across London using existing analysis carried out by London Property Licensing and reflect the actual cost of licensing and inspection.
10. The fee comprises the cost of one inspection per 5-year licence to assess compliance with the Housing Health and Safety Rating System (HHSRS) including any written recommendations, annual proactive monitoring of the electrical and gas safety checks and the administrative time spent assessing and issuing the 5-year licence.
11. The average fee across London Boroughs for a three-storey shared house containing five single person lettings is now £1119.

## **Proposals**

12. I propose that, subject to comments received at your meeting, the attached schedule of fees be approved and applied.

## **Financial Implications**

13. There are no financial implications as the fees are set at full cost recovery.

## **Corporate and Strategic Implications**

14. The work on HMOs sits within Strategic Aim 2 (SA2) and of the Corporate Plan: 'To provide modern, efficient and high quality local services, including policing, within the Square Mile for workers, residents and visitors' and the following Key Policy Priority 'KPP2 Improving the value for money of our services within the constraints of reduced resources'

## **Conclusion**

15. The City Corporation has produced a refreshed and updated schedule of fees to enable full cost recovery in meeting the statutory power to set a fee for applications for licences for HMOs. Subject to comments received at your meeting, the schedule of fees will be adopted.

## **Appendix 1: Schedule of fees**

### **Contact:**

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## **Appendix 1: Schedule of fees**

### *Mandatory Licence Application Fees*

<i>Number of rooms</i>	<i>New application fee</i>	<i>Renewal fee</i>
Up to 5 lettings	£1050	£1050
6 to 9 lettings	£1,200	£1,200
10 to 14 lettings	£1,350	£1,350
15 to 19 lettings	£1,500	£1,500
20 lettings and above	£1,650	£1,650



<b>Committee</b>	<b>Dated:</b>
Port Health and Environmental Services Streets and Walkways	<b>6 March 2018</b>
<b>Subject:</b> Low Emission Neighbourhood: Update on proposals for an ultra-low emission street	<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

In July 2016 the Mayor of London awarded the City of London Corporation £990,000 over three years to implement a Low Emission Neighbourhood (LEN) in the Square Mile. The project formally commenced in September 2016. The work forms part of a package of measures that the City Corporation delivers to improve air quality and support the Mayor of London with his Air Quality Strategy.

Several small projects have been successfully delivered within the LEN. However, the funding was awarded to the City Corporation on the basis that there would be a 'transformational' element to the scheme. The original intention was to improve air quality in Beech Street, and support the introduction of zero emission taxis, by delivering a scheme based on an Ultra-Low Emission Vehicle (ULEV) traffic restriction.

A feasibility study has been undertaken to assess the impact of different traffic restriction scenarios to improve air quality in Beech Street. Due to the significant impact that the traffic restrictions would have had on Transport for London and neighbouring borough's street networks, in addition to the work underway for the Cultural Mile and Centre for Music, delivery of an ultra-low emission vehicle traffic restriction in Beech Street will not be possible within the timescales of the LEN. Moor Lane is therefore under consideration for similar traffic restrictions to enable the City Corporation to deliver the Mayor of London's requirements for receiving the LEN funding.

## Recommendation

Members are asked to support the proposal for the development of options for an ultra-low emission vehicle traffic restriction in Moor Lane. The principle of using ULEV only streets more widely will be considered as part of the Corporate Transport Strategy. This is currently being developed and is expected to be consulted upon in Autumn 2018, with a view to adoption in Spring 2019.

Given the ongoing problem with poor air quality in the City, Members are asked to note that a range of measures will be necessary, including encouraging the use of zero and ultra-low emission vehicles in the Square Mile, to reduce unacceptable levels of nitrogen dioxide in several areas of the City.

## Main Report

### Background

1. The Mayor of London awarded the City of London Corporation £990,000 over three years to implement a Low Emission Neighbourhood (LEN). This followed a successful application for funding submitted in April 2016. The finding covers the period September 2016 to March 2019.
2. The aim of the LEN is to pilot initiatives that will lead to a measurable improvement in local air quality. This includes encouraging and supporting the transition to ultra-low and zero emission vehicles. It is intended that the most successful, cost beneficial measures would be rolled out across the City. Where measures involve restricting traffic, then careful consideration of the implications such as congestion, road safety, access/egress and network resilience will be given to ensure that such change can be accommodated.
3. The funding was awarded to the City Corporation on the basis that there would be a 'transformational' element to the scheme. This was outlined in the City Corporation application for funding as a reduction in traffic volumes and the introduction of an Ultra-Low Emission Vehicle (ULEV) restriction in Beech Street. Ultra-low emission vehicles are defined as emitting less 75 g/km of carbon dioxide from the tailpipe. They include electric, plug-in hybrid, fuel cell and range extended vehicles, such as the new taxi for London. Some conventional hybrid vehicles also meet this emission limit. The Greater London Authority is looking to the City of London Corporation to lead the way, and set an example that could be replicated in other areas of local concern across London.
4. Beech Street was chosen due to the high levels of pollution and the local concerns about air quality in the vicinity. As many taxis use Beech Street, restricting access to the new zero emission (range extended) taxi may provide an additional incentive for taxi drivers to purchase or lease the new taxi. Further support and encouragement will be provided through the LEN by zero emission taxi ranks and rest bays, and electric charging infrastructure.
5. This course of action supports the delivery of Action 32 in the City Corporation Air Quality Strategy 2015: *Options for implementing measures to significantly reduce the impact on pedestrians of air pollution in Beech Street will be considered.*
6. The City Fringe Low Emission Neighbourhood, being implemented by the London Boroughs of Hackney and Islington, is consulting on plans to implement [Ultra Low Emission Streets](#). This covers nine roads, in two zones, in the City Fringe area. The aim is for implementation by Summer 2018. It is a time-based scheme that includes pedestrian and cycle zones during peak hours. The only vehicles allowed to enter would be ULEVs.

## **Beech Street Feasibility Study**

7. In January 2017, the City Corporation invited applications from consultants to undertake a feasibility study to assess the impact of different traffic restriction scenarios to improve air quality. The work was completed in October 2017. A copy of the full report is available in the Member's reading room.
8. The study considered six traffic access restriction scenarios and assessed their impact on air quality, together with the potential for displacement of traffic on the surrounding roads. The scenarios were:
  - I. ULEV only: full two-way access restriction
  - II. ULEV in zero emission mode only: full two-way access restriction
  - III. No diesel vehicles: full two-way ban on diesel vehicles
  - IV. One-way westbound traffic only (eastbound closure)
  - V. ULEV only between Aldersgate and Golden Lane
  - VI. One-way westbound and ULEV only
9. An options assessment exercise was undertaken. All six scenarios were scored against multiple criteria. The options assessment for each scenario, together with the predicted air quality impact, is attached as Appendix 1. Colour copies of the Appendix will be available at the Committee meeting.
10. Option VI scored the highest, followed by Option I. Option II and Option VI would deliver the most significant reductions in NO<sub>2</sub> concentrations, with the modelling forecasting a reduction down to 39 - 42 µg/m<sup>3</sup> as an annual average. In 2017, the annual average nitrogen dioxide concentration in Beech Street was 80 µg/m<sup>3</sup>. This is a slight reduction from 2016 when it was 85µg/m<sup>3</sup>, and 2015 when it was 89 µg/m<sup>3</sup>. Annual average concentrations of nitrogen dioxide in the City need to be no greater than 40 µg/m<sup>3</sup>, below which it is considered there are no impacts on health.
11. Traffic modelling of a potential ULEV for Beech Street demonstrated that 80% of current motorised vehicles would be restricted. Further broad traffic modelling demonstrated that the traffic impact would be significant and potentially wider ranging than the current Bank Junction scheme. The model identified traffic impacts on neighbouring borough's and TfL's road networks. Given these issues, together with the evolving proposals for the Cultural Mile and the Centre for Music, it became clear that delivery of a ULEV only traffic restriction in Beech Street would not be deliverable within the life of the LEN programme.
12. In addition, studies are under way to improve the whole of Beech Street include proposals for alternative traffic restrictions and improving pedestrian conditions and the public realm, as well as improving air quality. The timescale for the wider Beech Street work is beyond that of the LEN project. Consequently, delivery of a scheme to improve air quality in Beech Street as part of the LEN project would not be possible by March 2019, which marks the end of the LEN funding.

13. An alternative to Beech Street, that could be delivered within the timescales required by the LEN was therefore sought. It was agreed with the Department of Built Environment and Transport for London, who is overseeing the LEN work programme, that Moor Lane could be considered. The reason for selecting Moor Lane is that it has a relatively high proportion of taxis that use the street and, as the traffic displacement impacts would be smaller, only limited traffic analysis is required. It is possible therefore that it could be delivered by March 2019.
14. In 2017 the annual average nitrogen dioxide concentration in Fore Street was  $41\mu\text{g}/\text{m}^3$  and in Silk Street,  $42\mu\text{g}/\text{m}^3$ . So, although monitoring doesn't take place in Moor Lane itself, the air quality will be very similar. A ULEV scheme in Moor Lane will not deliver the same air quality benefits as Beech Street, and not fulfil all of the original aims of the LEN. However, it would still have some benefit by trialing the concept and effectiveness of a ULEV only street, and potentially provide an incentive for the uptake of zero emission capable taxis.
15. Initial work has commenced to progress Moor Lane as the alternative scheme. Officers from the Department of Built Environment are due to appoint consultants to undertake feasibility and traffic impact assessment within the next month. The intention is that public consultation would be undertaken before Summer 2018. Subject to the necessary approvals, and outcome of a public consultation exercise, it is anticipated that implementation could commence towards the end of 2018, with launch of the scheme expected in early 2019.

## **Financial Implications**

16. The City Corporation has been awarded £900,000 over three years to for the Low Emission Neighbourhood programme. This has been matched by the City Corporation from a variety of sources such as Local Implementation Plan money, department underspend, City businesses, Transport for London, staff time and Planning obligations under Section 106 of the Town and Country Planning Act 1990.
17. Transport for London has approved the alteration to the original programme to consider Moor Lane as a ULEV only street rather than Beech Street. Consequently, the City Corporation will still receive the allocated funding for the third and final year of the LEN project.
18. Should Moor Lane become a ULEV only street in early 2019, the operation costs for the first year would be covered by the LEN funding. The scheme would then be assessed to consider whether it should be continued given its cost, local impact and effectiveness.

## **Corporate & Strategic Implications**

19. The LEN project supports the aims and objectives of the City of London Air Quality Strategy 2015–2020, in addition to many other corporate policies and strategies. It also goes towards addressing air quality, which has been identified as a corporate risk.

## **Conclusion**

20. Funding has been awarded to the City Corporation by the Mayor of London to implement a Low Emission Neighbourhood in the City. It was awarded on the basis that there would be a 'transformational' element to the scheme. It was envisaged that this would be delivered by the introduction of 'Ultra Low Emission Vehicle and Access Only' restriction in Beech Street, which would lead to significant improvements in air quality in this heavily polluted street and support the aims of the City Corporation Air Quality Strategy.
21. Due to the significant impact that the traffic restrictions would have on TfL's and neighbouring borough's street networks, in addition to the work underway for the Cultural Mile and Centre for Music, it is clear that delivery of an ultra-low emission vehicle traffic restriction in Beech Street will not be possible within the timescales of the LEN. Moor Lane is therefore under consideration for similar traffic restrictions to enable the City Corporation to deliver the Mayor of London's requirements for receiving the LEN funding.

## **Appendices:**

Appendix 1: Beech Street ULEV options assessment, with air quality impact

## **Further information**

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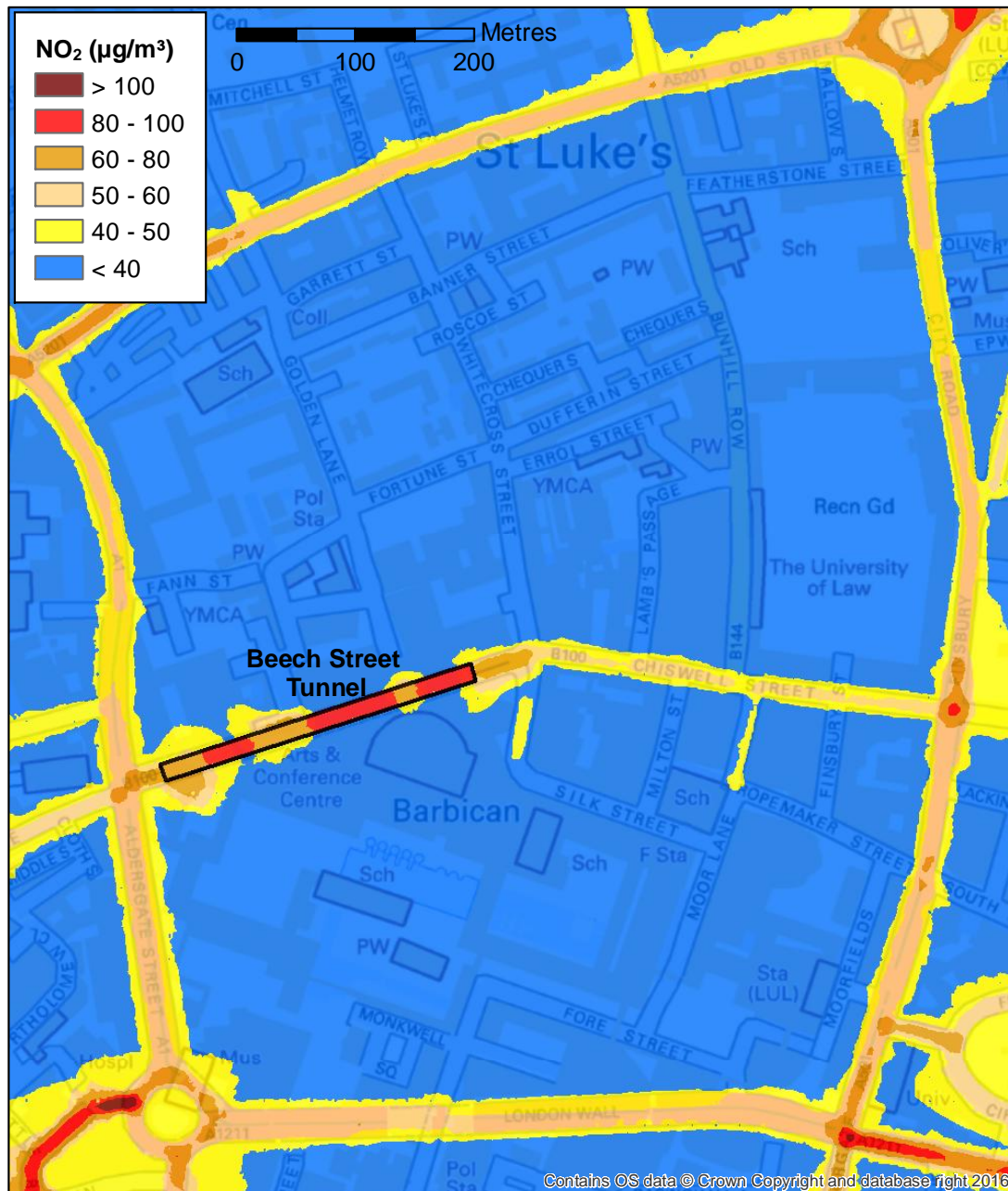
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# SHORTLIST OPTIONS ASSESSED

## APPENDIX

à The shortlisted options assessed were:

1. **ULEV only (<75g/km)**
  - Full 2 way access restriction - ULEVs only (i.e. vehicles that emit less than 75g/km)
2. **ULEV in zero emission mode only**
  - Full 2 way access restriction ULEVs in zero emission mode
3. **No Diesel vehicles**
  - Full 2 way 'no diesel vehicles' – diesel ban
4. **One-way only (westbound), all-vehicles**
  - One way westbound traffic (eastbound closure) – no traffic type restrictions westbound
5. **ULEV only (<75g/km) from Golden Lane**
  - Retain access for all vehicles as far as Golden Lane + (1.) Full 2 way access restriction - ULEVs only (i.e. vehicles that emit less than 75g/km)
6. **ULEV only (<75g/km) and one-way only (westbound)**
  - One way westbound traffic (eastbound closure) – westbound ULEVs only (i.e. vehicles that emit less than 75g/km)



## Annual average NO<sub>2</sub> concentration for 2019 ULEZ baseline scenario

### Scenario Modelling Assumptions

- Some trip reductions: 7% private cars, 8% vans, 4% coaches. (based on TfLs ULEZ Consultation report)
- For the air quality modelling the ULEZ 2020 forecast fleet compositions have been used as a proxy onto 2019

### Air Quality Modelling Updates

- As part of the model verification CERC reduced the traffic speed assumptions in Beech Street from 21 km/hr (as included in the LAEI) to 10km/hr to match the measured and modelled concentrations; which has the effect of increasing emissions.
- Have now applied the same assumption to Beech Street 2019 scenarios for consistency, slightly increasing concentrations across all scenario.
- Note that we have assumed that none of the 2019 future scenario proposals have any impact on the average traffic speed (and consequently emissions).





## Scenario Modelling Assumptions

### Beech Street

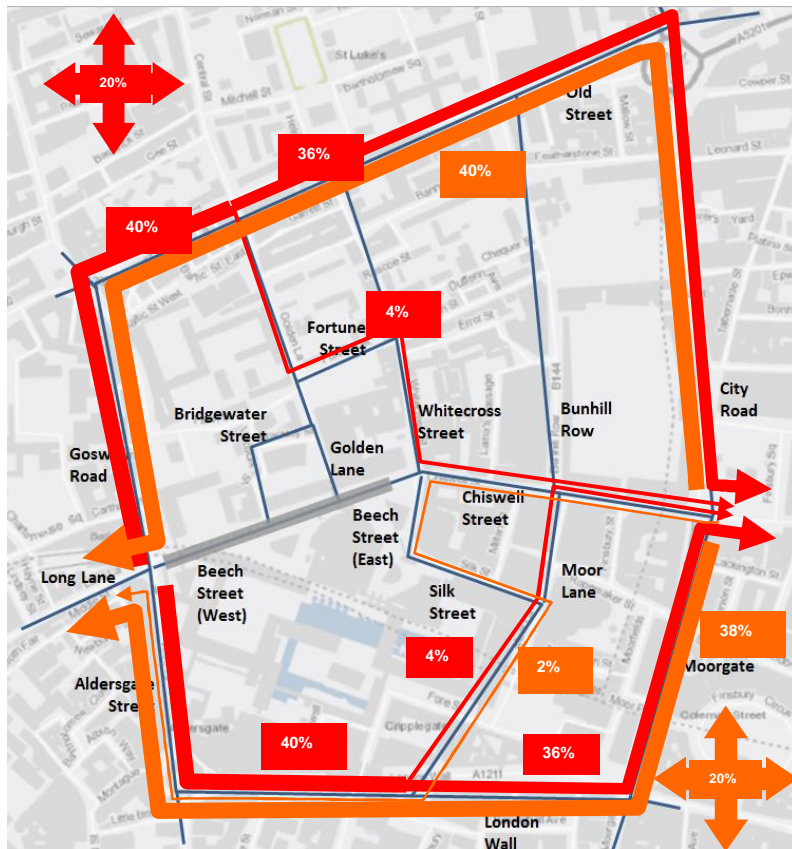
Compliant baseline traffic flows:

- **Cars** - assumes 5% will be compliant, so retain access. Based on forecast ULEV uptake in 2020, and allowing for particularly high forecast localised uptake (Forecast share of total car stock the City 13.8% by 2025, WSP/EE 2015 study for TfL)
- **Private Hire** – assumes the same as cars but with an additional 2% uptake, due to incentive schemes and already high levels of petrol hybrid ownership (24%).
- **Black Taxis** – assumes 30% will be ZEC, based on TfL's forecast that 27% of the fleet will be ZEC by 2020, and likely to be higher in the City.
- **Vans/LGV** – assumes limited numbers of compliant vehicles (2%) due to more limited availability of models on the market.
- **Buses** – are all assumed to comply. Route 153 to be EVs and double deck buses (Route 76) to be hybrids by 2019/20.
- **Compositions of compliant vehicles** reflects forecast fleet of 75g/km or less vehicles (i.e. a proportion are hybrids)

### Wider Network

Redistribution of displaced traffic from Beech Street around the wider network

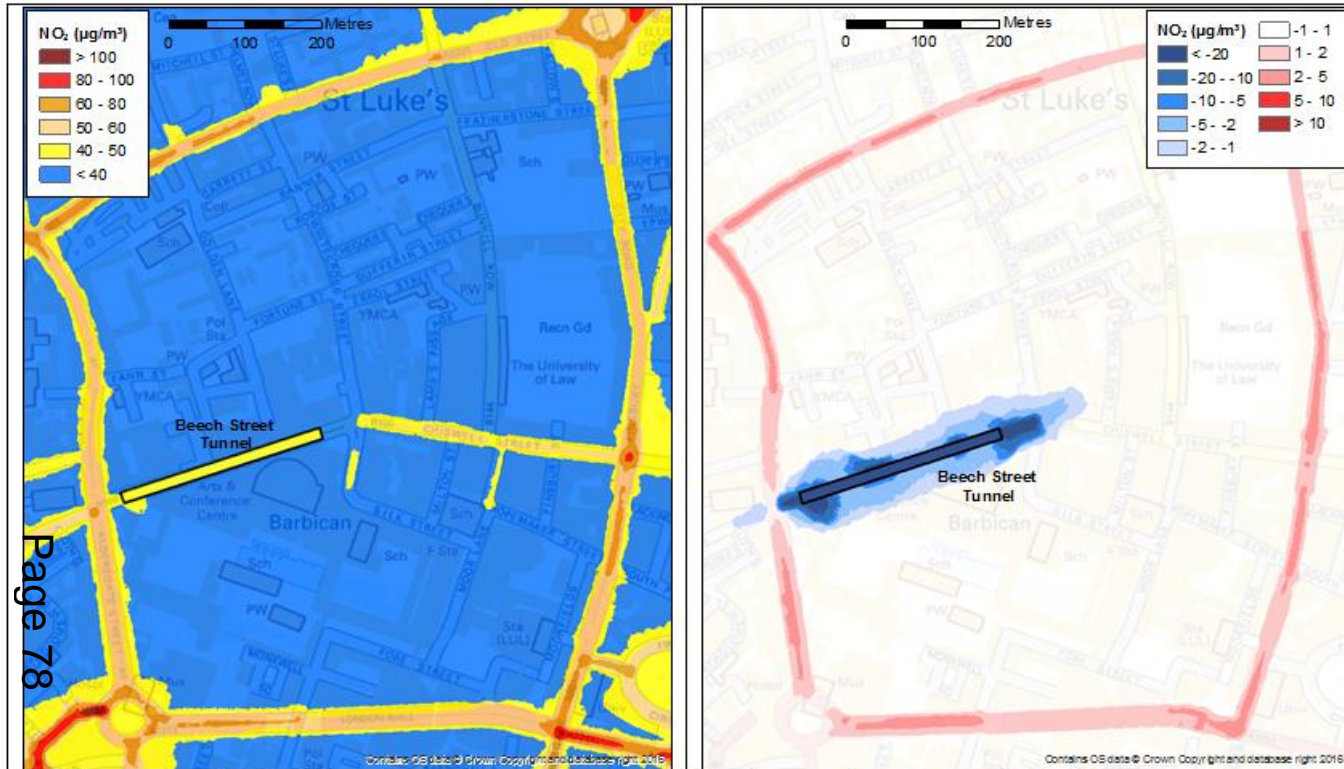
- **Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- **Westbound traffic**
  - 40% via City Road/ Old Street
  - 38% via Moorgate/ London Wall, 2% via Chiswell Street/ Moor Lane/ London Wall
- **Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling



# SCENARIO 1 – ULEV ONLY(<75G/KM)

9

## Scenario 1



Annual average NO<sub>2</sub> (left) and change in annual average NO<sub>2</sub> concentration from 2019 base ULEZ scenario (right)

### Headline Traffic Flow Changes

#### Westbound

- from 4,264 to 855 vehicles (24 hrs)
- **3,409** vehicles redistributed

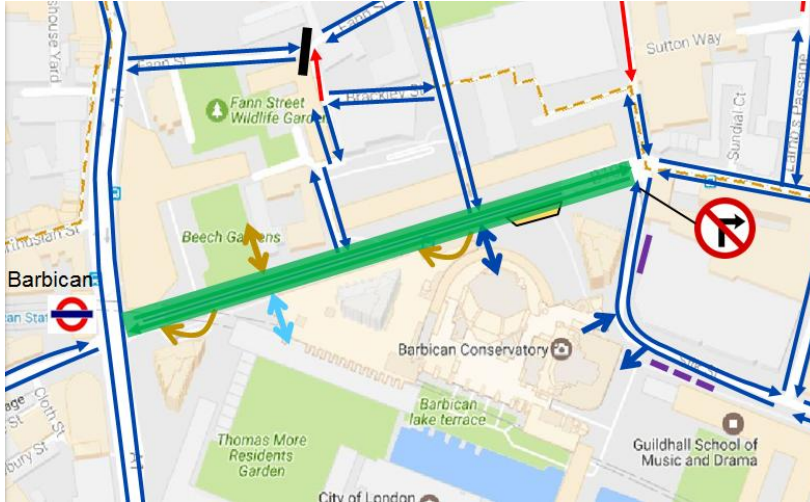
#### Eastbound

- from 3,673 to 624 vehicles (24hrs)
- **3,048** vehicles redistributed

- **Effectiveness** - Significant improvement in air quality - only fractionally over limits. Directly promotes ULEV uptake. Significant reduction in exposure to pedestrians/ cyclists throughout.
- **Deliverability/ timescales** – Requires DfT Authorisation of ‘ULEV’, suitable access options & related advanced restriction signs on approaches. Agreement of additional enforcement codes.
- **Stakeholders** - Minimal disruption to local residents/ businesses. Non-regular visitors and deliveries/collections may face additional administration.
- **Risk** - Likely to require bespoke software to be developed.
- **Wider Impacts** - Few compliant vehicles so results in significant redistribution. 8% increase in annual NO<sub>x</sub> emissions on surrounding roads - though relatively dispersed. Fits with wider transport strategies but is not consistent with congestion reduction.
- **Flexibility/ Scope for up-scaling** - Limited fixed infrastructure, can be redeployed elsewhere. Repeatable elsewhere over small areas.

Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
9	9	8	5	5	6	6	6	1	3	3	4	6	7



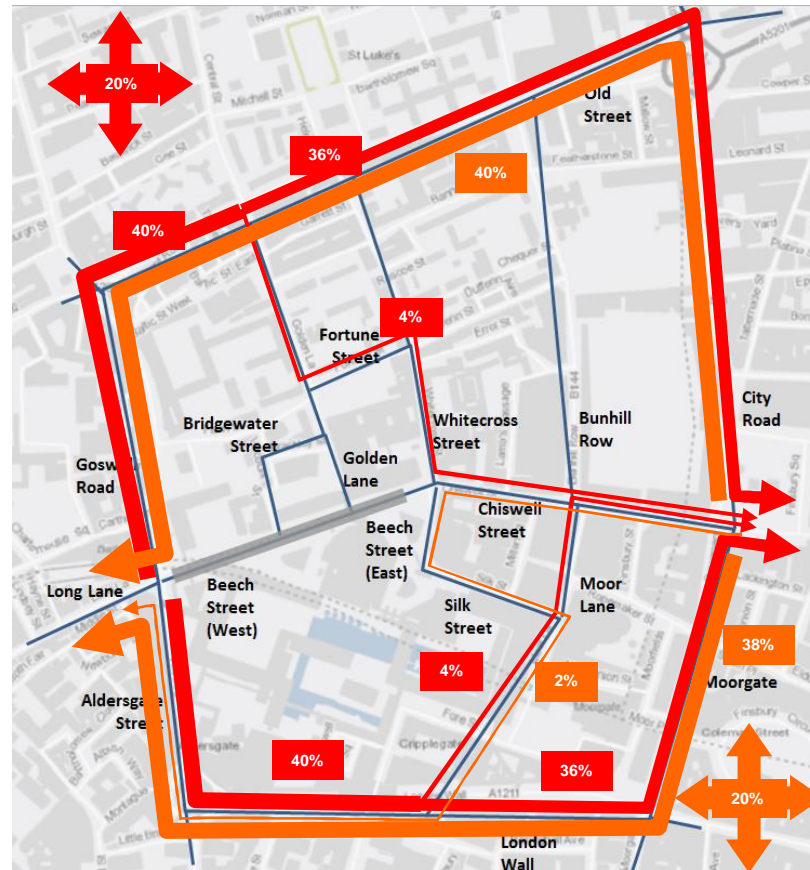


## Scenario Modelling Assumptions

### Beech Street

Compliant baseline traffic flows:

- As per S1, except it is assumed 20% of compliant ULEV cars and private hires would not be able to comply with ZEC requirements
- Composition of compliant vehicles assumes all are operating in EV mode.



### Wider Network

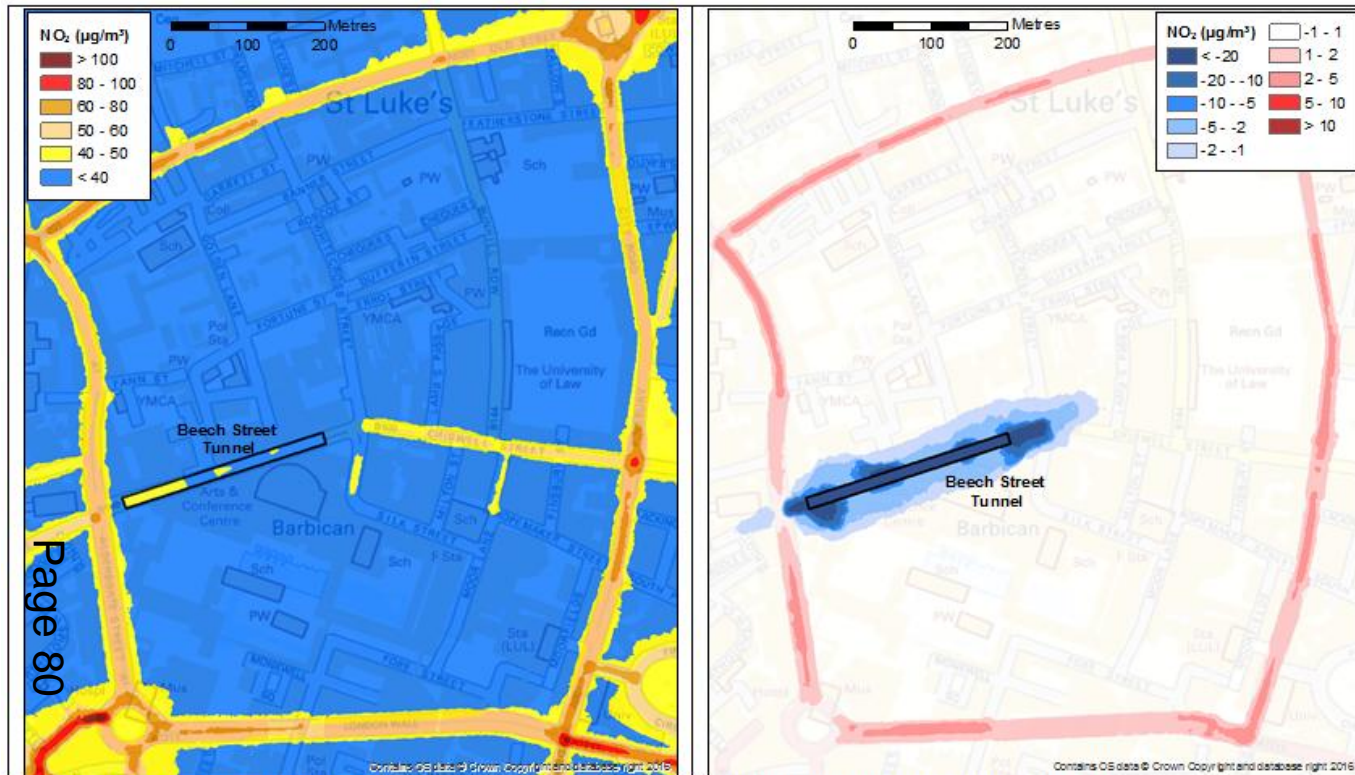
Redistribution of displaced traffic from Beech Street around the wider network

- Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- Westbound traffic**
  - 40% via City Road/ Old Street
  - 38% via Moorgate/ London Wall, 2% via Chiswell Street/ Moor Lane/ London Wall
- Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling

# SCENARIO 2 - ULEV IN ZERO EMISSION MODE ONLY

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## Scenario 2



Annual average NO<sub>2</sub> (left) and change in annual average NO<sub>2</sub> concentration from 2019 base ULEV scenario (right)

### Headline Traffic Flow Changes

#### Westbound

- from 4,264 to 837 vehicles (24 hrs)
- **3,427** vehicles redistributed

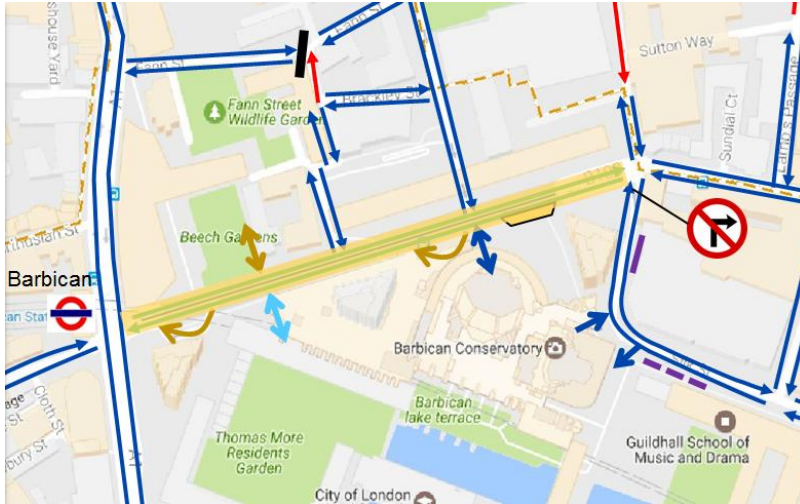
#### Eastbound

- from 3,673 to 605 vehicles (24hrs)
- **3,068** vehicles redistributed

- **Effectiveness** - Significant improvement in air quality - partly within limits and only fractionally over at the eastern end. Directly promotes ULEV uptake (BEVs+non-mild hybrids). Significant reduction in exposure to pedestrians/ cyclists throughout.
- **Deliverability/ timescales** - Creating brand. Approval likely to take longer. Feasibility subject to agreement with TfL/GLA.
- **Stakeholders** - Fewer vehicles permitted than under ULEV only schemes. Minimal disruption to local residents/ businesses. Non-regular visitors and deliveries/ collections more effected.
- **Cost** - Likely higher set up and operation costs in developing new ZEZ brand and dynamic emissions sensors are deployed.
- **Risk** - Greater technological risk, particularly if dynamic emissions sensors are used to enforce restrictions.
- **Wider Impacts** - Fewest compliant vehicles so results in the greatest redistribution. 8% increase in annual NO<sub>x</sub> emissions on surrounding roads - relatively dispersed.
- **Flexibility/ Scope for up-scaling** - Limited fixed infrastructure. Greater scope for scaling up in principle, dynamic emissions may be cost prohibitive.

Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
10	10	10	2	5	3	2	6	1	3	3	4	5	7





## Scenario Modelling Assumptions

### Beech Street

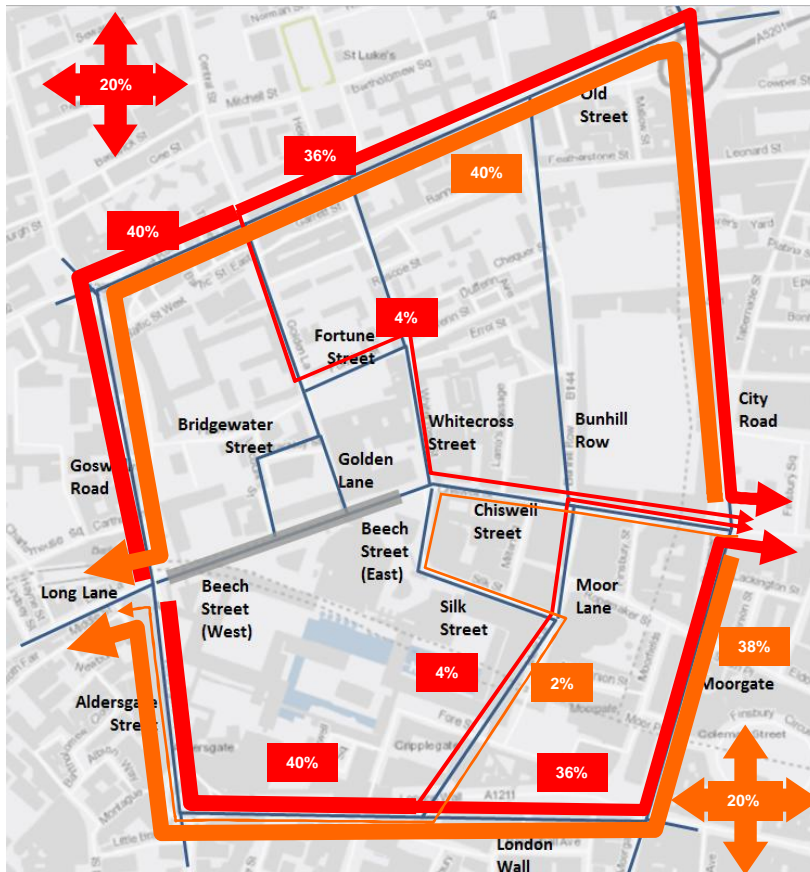
Compliant baseline traffic flows:

- Assumes 49% of cars will be compliant based on forecast proportion of diesels in feet, and the same for private hire but with an additional 2% uptake, due to incentive schemes/ petrol hybrid ownership.
- Taxis – assumes only the 30% that have switched to ZEC will be compliant, and that the rest are diesels as per forecast fleet compositions.
- Vans, LGVs, and HGVs – are all assumed to be diesels except the 2% EVs.
- Composition of compliant vehicles reflects forecast fleet for vehicles excluding diesels in 2019 (i.e. petrol, hybrids and EVs).

### Wider Network

Redistribution of displaced traffic from Beech Street around the wider network

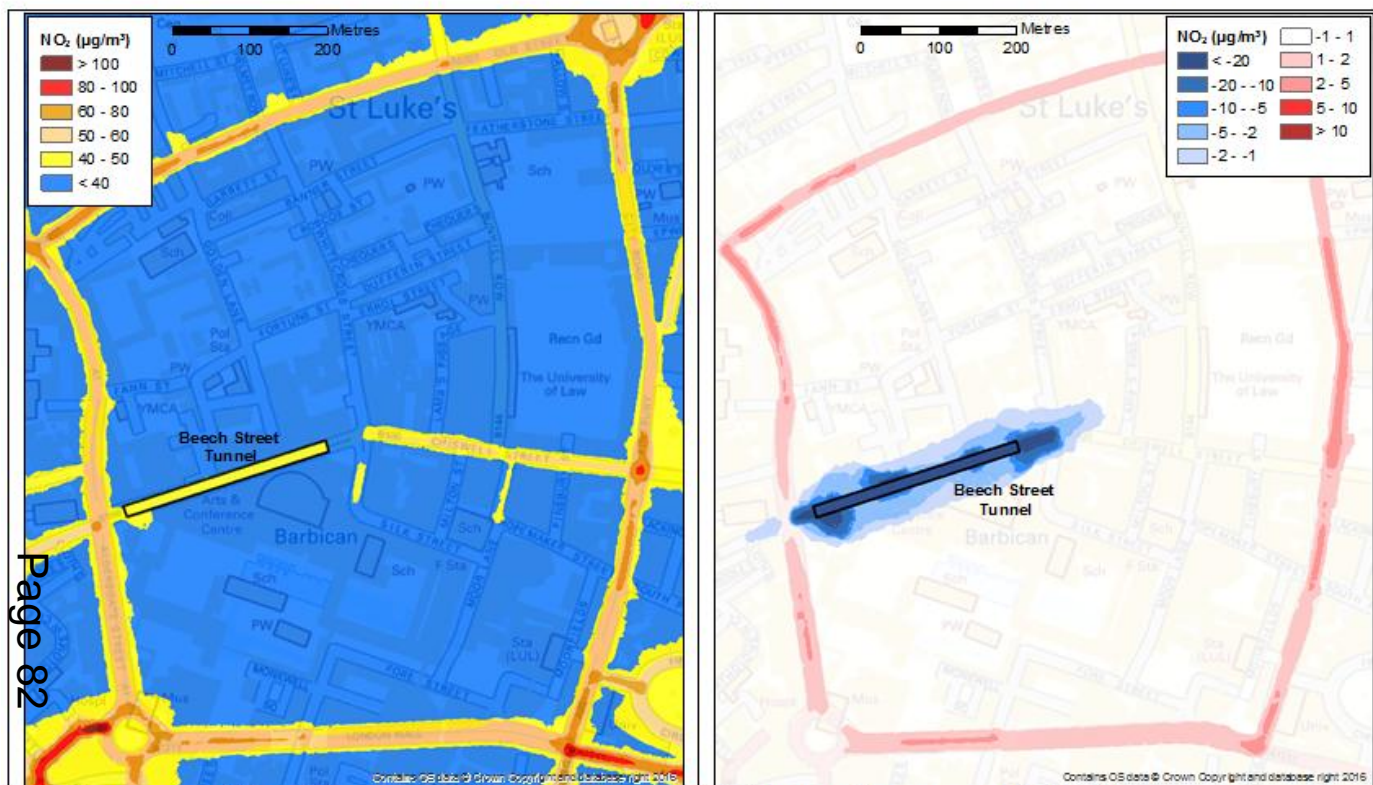
- Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- Westbound traffic**
  - 40% via City Road/ Old Street
  - 38% via Moorgate/ London Wall, 2% via Chiswell Street/ Moor Lane/ London Wall
- Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling



# SCENARIO 3 - FULL 2 WAY 'NO DIESEL VEHICLES'

13

## Scenario 3



Annual average NO<sub>2</sub> (left) and change in annual average NO<sub>2</sub> concentration from 2019 base ULEZ scenario (right)

### Headline Traffic Flow Changes

#### Westbound

- from 4,264 to 1,943 vehicles (24 hrs)
- 2,321 vehicles redistributed

#### Eastbound

- from 3,673 to 1,684 vehicles (24hrs)
- 1,988 vehicles redistributed

**Effectiveness** - Significant improvement in air quality. Limited direct promotion of ULEVs - though may work in combination with other incentives. Significant reduction in exposure to pedestrians/ cyclists throughout

**Deliverability** - DfT authorisation of sign required, and suitable access options & related advanced restriction signs on approaches and agreement of additional enforcement codes.

**Stakeholders** - Minimal disruption to local residents/ businesses. Non-regular visitors and deliveries/collections may face some additional administrative burden on businesses, though fewer vehicles are effected than in other scenarios.

**Risk** - Likely to require bespoke software to be developed.

**Wider Impacts** - Results in redistribution of 51% of cars and most vans, LGVs. 7.3% increase in annual NO<sub>x</sub> emissions on surrounding roads - though relatively dispersed.

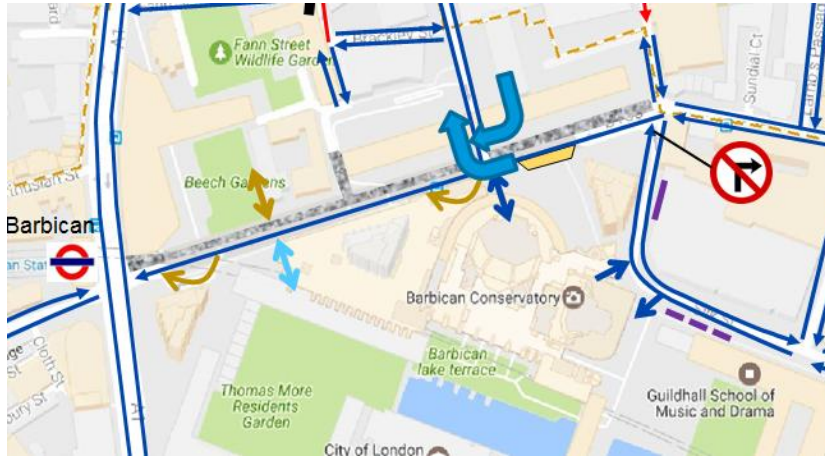
- Flexibility/ Scope for up-scaling** - Limited fixed infrastructure, can be redeployed elsewhere. Repeatable elsewhere over small areas.

Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
8	3	8	3	6	6	6	6	3	4	3	4	6	7



# SCENARIO 4 - ONE-WAY ONLY (WESTBOUND)

14

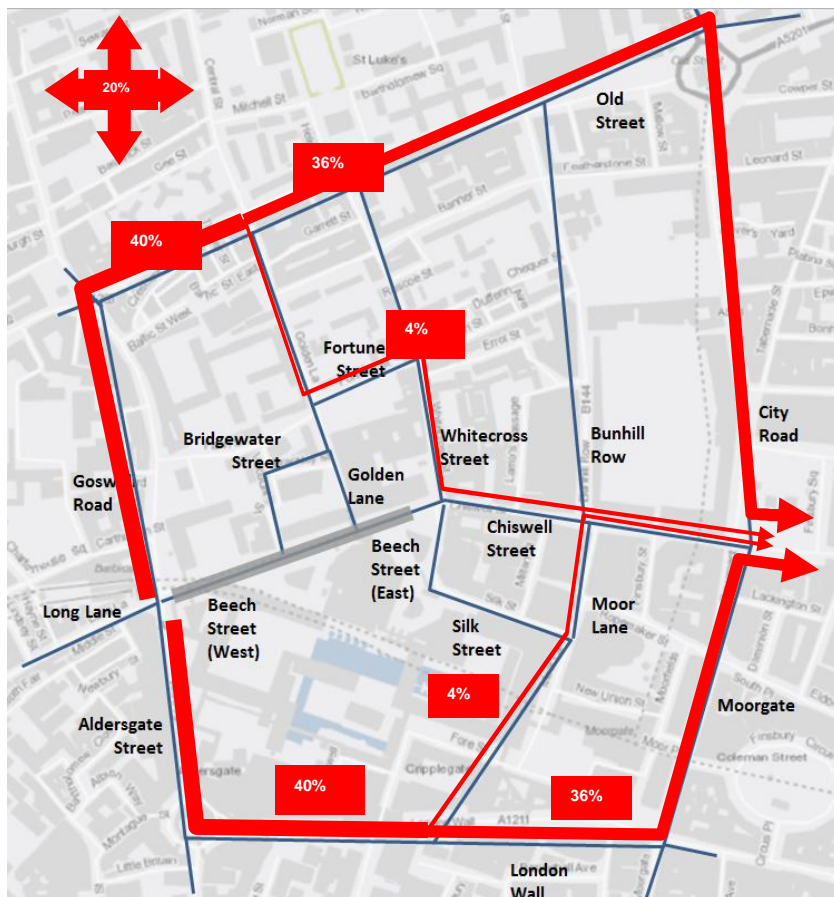


## Scenario Modelling Assumptions

### Beech Street

Compliant baseline traffic flows:

- Assumes all accesses currently only accessible to eastbound traffic would be reconfigured, and that westbound flows/profiles are unchanged.
- Composition of compliant vehicles reflects forecast fleet for vehicles in 2019 (accounting for the ULEZ).



### Wider Network

Redistribution of displaced traffic from Beech Street around the wider network

- **Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- **Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling

# SCENARIO 4 - ONE-WAY ONLY (WESTBOUND)

15

## Scenario 4



Annual average NO<sub>2</sub> (left) and change in annual average NO<sub>2</sub> concentration from 2019 base ULEZ scenario (right)

### Headline Traffic Flow Changes

#### Westbound

- from 4,264 to 4,264 vehicles (24 hrs)
- 0 vehicles redistributed

#### Eastbound

- from 3,673 to 0 vehicles (24hrs)
- 3,673 vehicles redistributed

- **Effectiveness** - Improvement in air quality - remains well over limits. No promotion of ULEV uptake. Exposure amongst pedestrians/ cyclists is still well over legal limits throughout.
- **Deliverability** - Standard TMO protocols and consultations. Reconfiguration of access arrangements. Measures could be implemented on a temporary basis relatively quickly in principle.
- **Stakeholders** - Some reductions in accessibility from the east.
- **Cost** - Potentially higher upfront capital costs to implement, but lower ongoing costs
- **Risk** - Conventional engineering.
- **Wider Impacts** - Results in the least redistribution of traffic onto the wider network, and none westbound. 3.8% increase in annual NO<sub>x</sub> emissions on surrounding roads - though relatively dispersed
- **Flexibility/ Scope for up-scaling** - Could be implemented as a trial closure. Once completed is relatively inflexible, limited scope for repeating more widely.

Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
5	0	5	7	5	2	9	6	4	5	4	6	4	1



# SCENARIO 5 - ULEV ONLY FROM GOLDEN LANE (<75G/KM) <sup>16</sup>

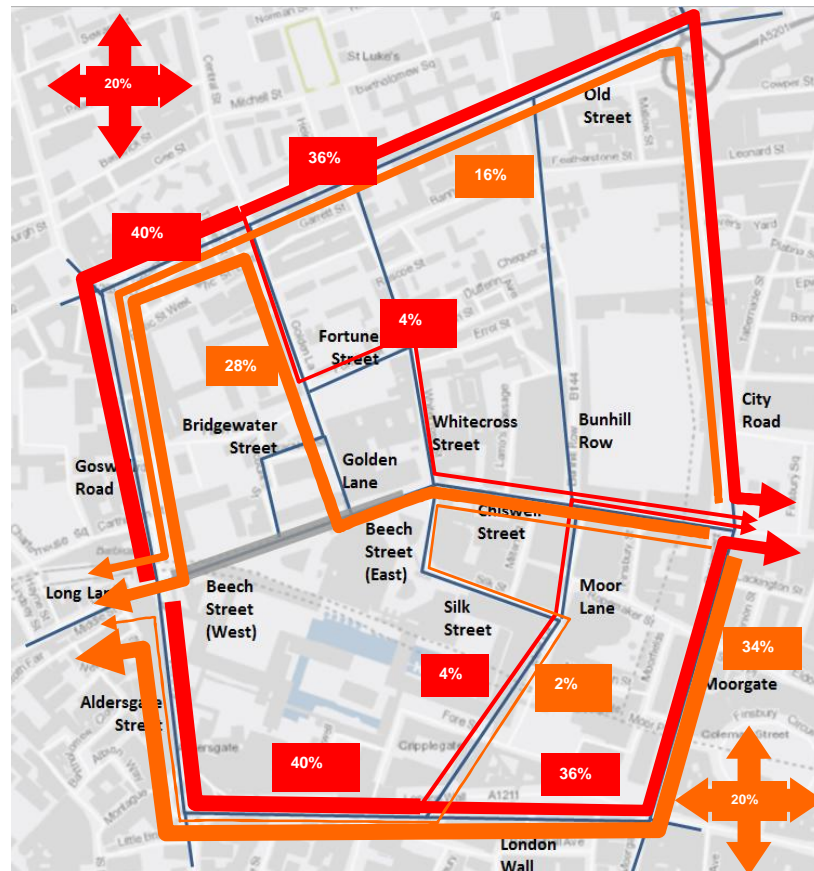


## Scenario Modelling Assumptions

### Beech Street

Compliant baseline traffic flows:

- As per S1, except Beech Street East flows are assumed to be as per the 2019 Base with ULEZ flows



### Wider Network

Redistribution of displaced traffic from Beech Street around the wider network

- Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- Westbound traffic**
  - 16% via City Road/ Old Street
  - 28% via Chiswell Street/ Golden Lane
  - 34% via Moorgate/ London Wall, 2% via Chiswell Street/ Moor Lane/ London Wall
- Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling

# SCENARIO 5 - ULEV ONLY FROM GOLDEN LANE (<75G/KM) <sup>17</sup>

## Scenario 5



Annual average NO<sub>2</sub> (left) and change in annual average NO<sub>2</sub> concentration from 2019 base ULEZ scenario (right)

### Headline Traffic Flow Changes

#### Westbound

- from 4,264 to 855 vehicles in the western section, and unchanged from 4,009 in the eastern section (24 hrs)
- 3,409** vehicles redistributed from western section, **0** from east

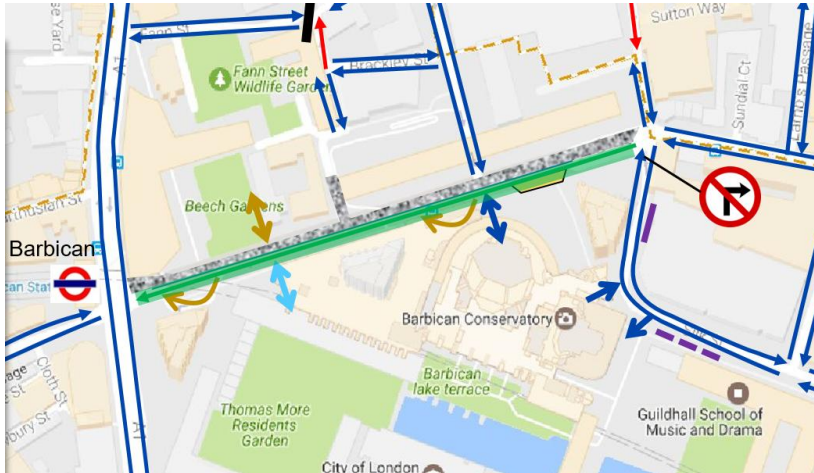
#### Eastbound

- from 3,673 to 3,673 vehicles in the eastern section, and from 2,933 to 583 in the western section (24hrs)
- 0** vehicles redistributed from eastern section, **2,350** from west section.

- Effectiveness** - Significant improvement in air quality - only fractionally over limits on western end. Eastern end remains well over limits. Directly promotes ULEV uptake. Significant reduction in exposure to pedestrians/ cyclists - though well over legal limits on the unrestricted eastern end.
- Deliverability** - Golden Lane/ visitor car park junction may need to be re-designed, but not complex. DfT Authorisation of 'ULEV' required, and suitable access options & related advanced restriction signs on approaches.
- Stakeholders** - Fewer vehicles restricted than under ULEV only schemes applied to the full extent of the street.
- Risk** - Likely to require bespoke software to be developed.
- Wider Impacts** - Few compliant vehicles so results in significant redistribution - particularly westbound traffic via Golden Lane. 6.7% increase in annual NOx emissions on surrounding roads - though relatively dispersed so only small increases.
- Flexibility/ Scope for up-scaling** - Limited fixed infrastructure, can be redeployed elsewhere. Repeatable elsewhere over small areas.

Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
7	8	6	6	5	6	6	6	2	4	3	4	6	7



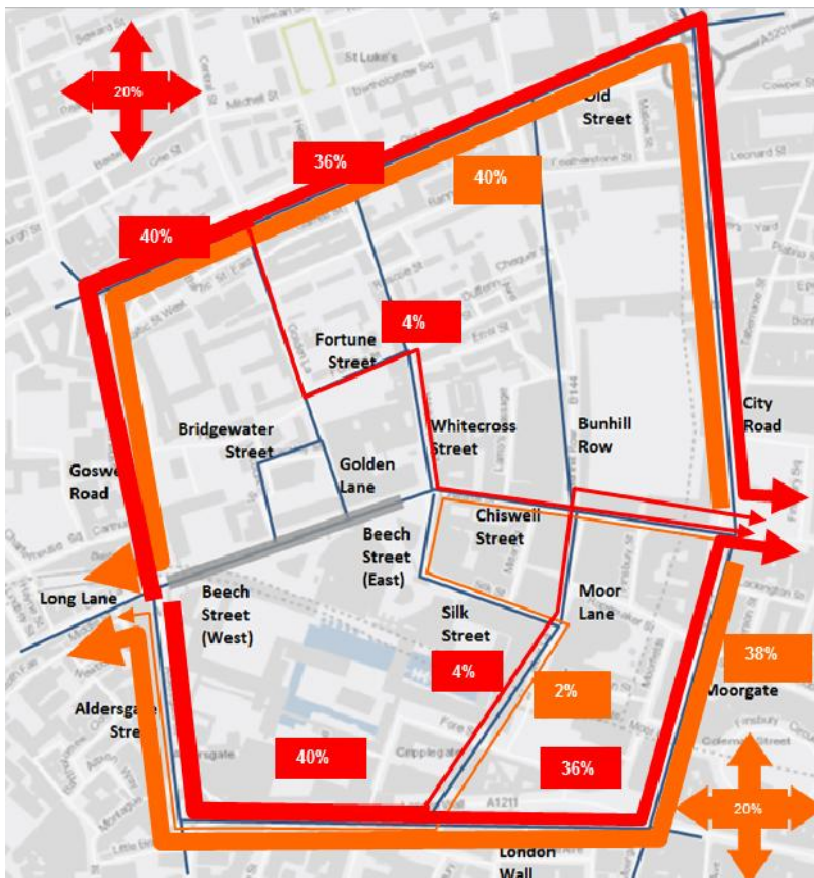


## Scenario Modelling Assumptions

### Beech Street

Compliant baseline traffic flows:

- As per S1, except all eastbound traffic is restricted as per S4, with the street operating one-way westbound only for ULEVs.

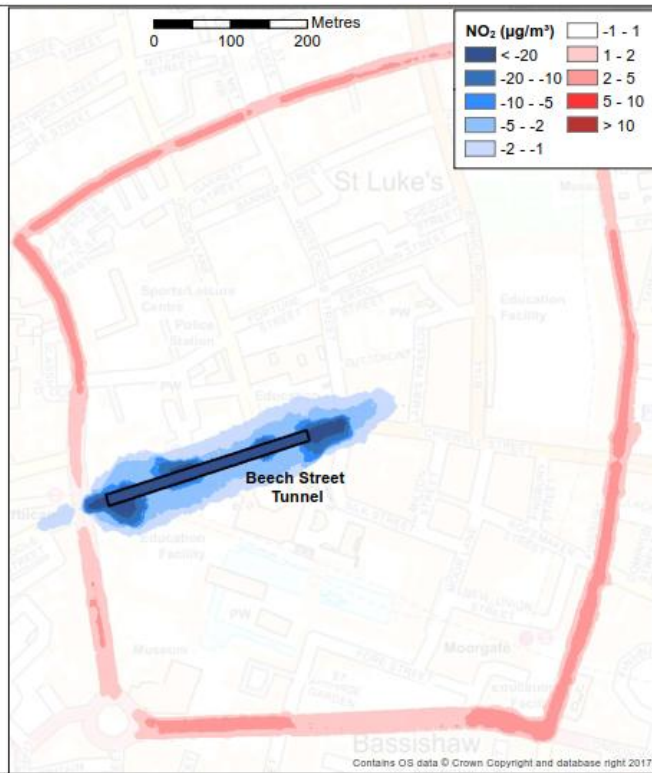
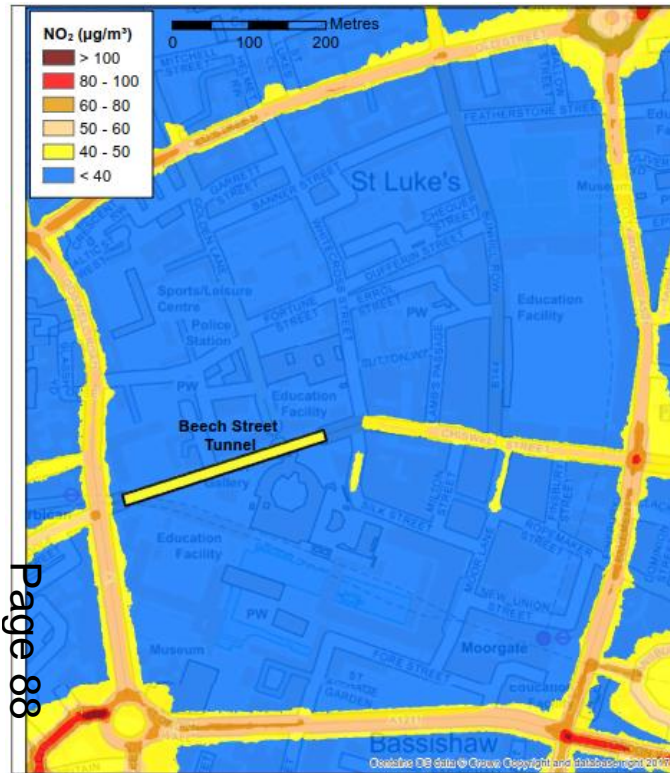


### Wider Network

Redistribution of displaced traffic from Beech Street around the wider network

- Eastbound traffic**
  - 40% via Goswell Road, 36% continuing via Old Street/ City Road, 4% routing via Golden Lane/ Fortune Street/ Whitecross Lane
  - 40% via Aldersgate Street, 36% on via London Wall/ Moorgate, 4% via London Wall/ Moor Lane/ Chiswell Street
- Westbound traffic**
  - 40% via City Road/ Old Street
  - 38% via Moorgate/ London Wall, 2% via Chiswell Street/ Moor Lane/ London Wall
- Redistributed beyond localised network**
  - 20% is assumed to be redistributed beyond the localised network, based on the June 2016 Beech Street modelling

# SCENARIO 6 - ULEV ONLY (<75G/KM) WESTBOUND ONLY 19



- **Effectiveness** - Significant improvement in air quality - only fractionally over limits. Directly promotes ULEV uptake. Significant reduction in exposure to pedestrians/ cyclists.
- **Deliverability/ timescales** – Requires DfT Authorisation of 'ULEV', suitable access options & related advanced restriction signs on approaches. Agreement of additional enforcement codes. Lane closure requires standard TMO protocols and consultations. Reconfiguration of access arrangements. Measures could be implemented on a temporary basis relatively quickly in principle.
- **Stakeholders** - Some reductions in accessibility from the east.
- **Risk** - Conventional engineering, but likely to require bespoke software to be developed for enforcement.
- **Wider Impacts** - Few compliant vehicles so results in significant redistribution. 8.8% increase in annual NOx emissions on surrounding roads - though relatively dispersed. Good fit with the Cultural Hub proposals, but not consistent with congestion reduction.
- **Flexibility/ Scope for up-scaling** - Could be implemented as a trial closure Once completed is relatively inflexible, limited scope for repeating more widely.

## Headline Traffic Flow Changes

### Westbound

- from 4,264 to 855 vehicles (24 hrs)
- **3,409** vehicles redistributed

### Eastbound

- from 3,673 to 0 vehicles (24hrs)
- **3,673** vehicles redistributed

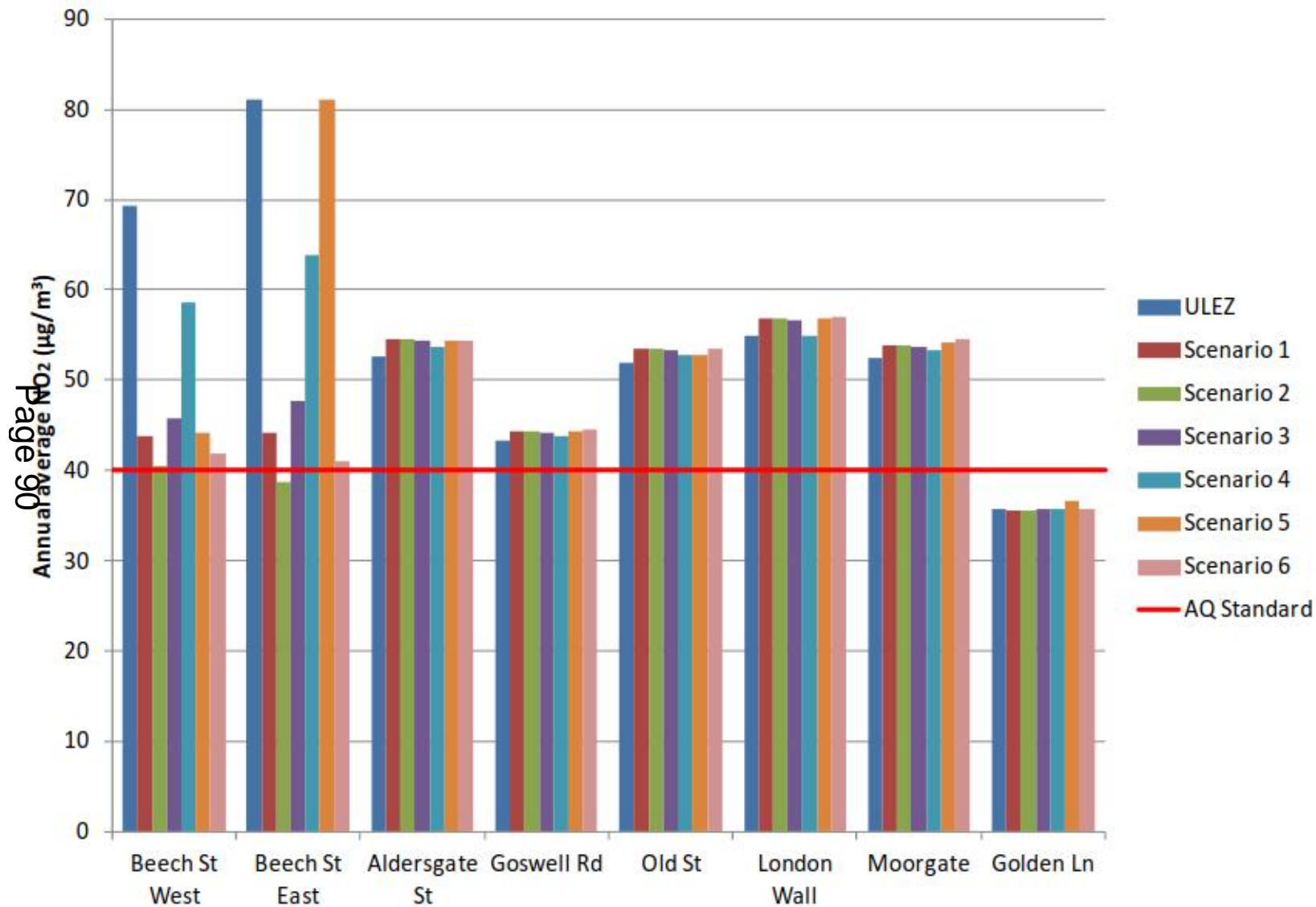
Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/ schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
9	9	9	4	5	5	5	5	1	2	6	6	4	5

# AIR QUALITY MODELLING – SUMMARY COMPARISON

Measured NO <sub>2</sub> concentrations at Beech Street		NO <sub>2</sub> - Annual average
Air Quality Standard		< 40
Measured 2015		89
Measured 2016		84
2016 with Beech Street zero emissions		42
2019 Base (with ULEZ)	West	69
	East	81
Scenario 1 - ULEVs only	West	44
	East	44
Scenario 2 - ULEVs in zero emission mode only	West	40
	East	39
Scenario 3 - Full 2 way 'no diesel vehicles'	West	46
	East	48
Scenario 4 - One way westbound traffic	West	59
	East	64
Scenario 5 - Retain access for all vehicles as far as Golden Lane	West	44
	East	81
Scenario 6 - ULEV Only one way westbound traffic	West	42
	East	41

- à Concentrations of NO<sub>2</sub> fall as a consequence of the ULEZ and changing fleet composition in 2019, but remains above the air quality standard of 40 µg/m<sup>3</sup>.
- à Even with emissions from Beech Street reduced to zero in 2016, likely to still exceed the air quality standard
- à Scenario 2 is the most effective, closely followed by Scenario 6.
- à Scenarios 1, 3 and part of 5 all achieve significant reductions.
- à Scenarios 4 and part of 5 fall short of the desired improvements in air quality.





- Scenario 2 is the most effective in reducing Annual NO<sub>x</sub> emissions in Beech Street (-96%).
- Scenarios 6, 1 and 3 are also highly effective
- Scenarios 1, 6 and 2 correspondingly result in the largest increases in Annual NO<sub>x</sub> emissions on the wider network (+8%)
- Though the impact of the displaced traffic on air quality on the wider network is marginal.
- Beech Street tunnel traps and amplifies the impacts of emissions – so not a zero sum equation.

# MULTI CRITERIA ASSESSMENT - STRATEGIES 22

Multi-Criteria Assessment			1	2	3	4	5	6	7	8	9	10	11	12	13	
			Likely effectiveness in achieving objective			Deliverability		Cost	Risk	Health & Safety	Wider Impacts				Flexibility/ Scope for up-scaling	
			Air quality	Promotion of ULEV uptake, particularly amongst taxis	Health and welfare improvements, reduced exposure	Timescales, consents, permissions	Acceptability to stakeholders – inconvenience	Capital, operation and maintenance	Technological maturity, technical obsolescence, legal issues		Impact on the transport network performance	Air quality impacts of displaced traffic	Fit with wider transport strategies/schemes	Streetscene impacts	Flexibility/ versatility	Scope for up-scaling
Unweighted Score	Weighted Score	Shortlisted Scenarios	15.0%	15.0%	10.0%	15.0%	15.0%	5.0%	2.5%	2.5%	5.0%	2.5%	5.0%	2.5%	2.5%	2.5%
73.0	61.8	1.) ULEV Only (<75g/km)	9	9	8	5	5	6	6	6	1	3	3	4	6	7
67	59	2.) ULEVs in zero emission mode	10	10	10	2	5	3	2	6	1	3	3	4	5	7
68	51	3.) Full 2 way ‘no diesel vehicles’	8	3	8	3	6	6	6	6	3	4	3	4	6	7
Page 94	45	4.) One way westbound	5	0	5	7	5	2	9	6	4	5	4	6	4	1
	58.5	5.) ULEV Only (<75g/km) from Golden Lane	7	8	6	6	5	6	6	6	2	4	3	4	6	7
	75	6.) ULEV Only (<75g/km) Westbound only	9	9	9	4	5	5	5	5	1	2	6	6	4	5

- à **Scenario 1** (ULEV Only) performs well in both the weighted and un-weighted assessment, scoring well on effectiveness in realising strategic objectives, without the added delivery challenges of S2.
- à **Scenario 2** (ULEVs in zero emission mode) performs well, particularly in its effectiveness at realising strategic objectives, but is less deliverable, more costly and higher risk.
- à **Scenario 3** ('no diesel vehicles') is highly effective in addressing air quality, whilst displacing less traffic. But contributes little towards a key strategic objective for promoting ULEV uptake.
- à **Scenario 4** (One-way only (westbound)) delivers relatively poorly against all key objectives, despite scoring more favourably in deliverability, risk and with lesser wider impacts.
- à **Scenario 5** (ULEV Only from Golden Lane) is partly successful in achieving the key objectives, and potentially more deliverable with fewer private accesses to manage within the scheme, but may result in undesirable re-routing via Golden Lane.
- à **Scenario 6** ULEV Only (<75g/km) Westbound only performs best in both the weighted and un-weighted assessment, scoring well on effectiveness in realising strategic objectives, and fit with wider strategies by facilitating the Cultural Hub proposals.

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<b>Committee:</b>	<b>Date:</b>
<b>Port Health and Environmental Service</b>	06/03/2018
<b>Subject:</b> Final Departmental Business Plan 2018/19 - Department of the Built Environment	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer	<b>For Approval</b>
<b>Report author:</b> Elisabeth Hannah	

## Summary

This report presents for information the final high-level business plan for the Department of the Built Environment for 2018/19.

## Recommendation

Members are asked to approve the Department of the Built Environment's final high-level business plan for 2018/19 and provide feedback.

## Main Report

### Background

1. As part of the new framework for corporate and business planning, departments were asked to produce standardised high-level, 2-side business plans for the first time in 2017/18. These were presented as drafts to Service Committees in January/February and as finals for formal approval in May/June 2017. Members generally welcomed these high-level plans for being brief, concise, focused and consistent statements of the key ambitions and objectives for every department.
2. For 2018/19, departments were again asked to produce high-level plans in draft, which were presented to Service Committees in November and December 2017 alongside the departmental estimate reports, so that draft ambitions could be discussed at the same time as draft budgets. This represented the first step towards integrating budget-setting and priority-setting.
3. Discussions are also taking place on aligning other key corporate processes with business planning, such as workforce planning and risk management. Achieving this will represent a significant step towards the City of London Corporation being able to optimise its use of resources. The next step will be the presentation of the budget alongside the refreshed Corporate Plan at the Court of Common Council on 8 March.
4. With these key documents in place, and a new corporate performance management process in development, the City Corporation will be able to drive departmental activities to deliver on corporate priorities and allocate resources in full knowledge of where it can achieve most impact on the issues and opportunities faced by the City, London and the UK.

5. Following the presentation of draft high-level business plans to Service Committees in November and December, a further refinement was made to the format to update departmental ambitions to refer to the Corporate Plan outcomes. Members should therefore start to see closer alignment between the departmental business plans and the Corporate Plan outcomes.
6. Work is also taking place on reviewing the content and format of the supporting detail that will sit beneath the high-level business plans. This includes: information about inputs (e.g. IT, workforce, budgets, property and assets); improved links to risk registers; value for money assessments, and schedules of measures and key performance indicators for outputs and outcomes. This will be a key element in the move towards business planning becoming a joined-up service planning process that links directly to Corporate Plan outcomes.

### **High-level plan**

7. This report presents at Appendix 1, the final high-level plan for 2018/19 for the Department of the Built Environment.
8. The high-level plan for the Department of the Built Environment (Appendix 1) presents a strategic approach to achieve our vision of 'Creating and facilitating the leading future world class city'. This supports the draft Corporate Plan and ensures we continue to deliver excellent services. Programmes specifically related to the work of this Committee are highlighted below.
9. The high-level plan for the Built Environment presents our strategic aims and objectives for the future, focusing on our portfolio of programmes and strategic ambitions which support the Place, Prosperity and People Groups. The plan brings together the very specific operational services that enable the Business City to flourish.
10. The coloured shapes give Members the ability to follow the links to the Corporate Plan throughout the plan. This approach also gives the reassurance that the work of the Department is supporting departmental and corporate aims and objectives.
11. The high-level plan is supported by the Department's statutory duties. For this Committee, our regulatory team, based in the Cleansing team ensure the City provides residents, visitors and workers with a clean and safe environment by taking enforcement action on activities such as fly posting, graffiti and littering including smoking related litter. Providing waste and recycling information and advice for City businesses and residents. Commercial sites in the City of London can also join the Clean City Awards Scheme, to share best practice in waste management and apply for an annual award. We ensure excellent customer service and a high-quality environment and this team currently provides the first line of response to all 'out of hours' noise complaints and some other areas of enforcement on behalf of the Department of Markets and Consumer Protection.
12. The following programmes contain specific projects relating to the work of this Committee:
  - Cleansing and Waste programme: New cleansing and waste contract

- Eastern City Cluster/Future Public Space: Cleansing supports the healthy streets agenda, particularly around the management of the Eastern City Cluster estate and maintaining the quality of current and future public spaces.

## **Corporate & Strategic Implications**

13. The work of the Cleansing and Waste team which is in the remit of this Committee, supports the department in achieving our Corporate Plan, in particular:

- Contributing to a flourishing society
- Our physical spaces have clean air, land and water and support a thriving and sustainable natural environment

## **Conclusion**

14. This report presents the final high-level plan for 2018/19 for the Department of the Built Environment for Members to approve and provide feedback.

## **Appendices**

- Appendix 1 – Draft high-level business plan 2018/19

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**Department of the Built Environment**

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Creating and facilitating the leading future world class City

The corporate outcomes we aim to impact on are:

- ★ Shape outstanding environments
- ▲ Our spaces are digitally and physically well-connected and responsive
- Our spaces inspire excellence, enterprise, creativity and collaboration
- ◆ We are a global hub for innovation and enterprise
- ◆ Support a thriving economy
- ◐ Contributing to a flourishing society
- ✚ Our physical spaces have clean air, land and water and support a thriving and sustainable natural environment

The coloured shapes show how 'our ambitions' flow through the 'what we do', 'our top line objectives and Portfolio Programmes

What we do is:

- Help promote and position the City to compete with other world class cities ★▲●◆◐✚
- Ensure the City is a welcoming, safe and inclusive place for visitors, workers and residents ★▲●
- Improve public spaces to provide a thriving urban centre ●◆◐
- Secure and support innovation to advance technological solutions to major challenges ★▲◆◆
- Lead the way in creating a smarter City which supports modern workforces ★▲◆◆
- Enable the development of high class architecture to ensure high quality choice of business space ★▲●◆✚
- Develop innovative approaches to safeguarding and sustaining our heritage, built and natural environment ●◆◐

2018-19 budget:

	Exp £'000	Inc £'000	Net £'000
Local Risk	(34,085)	16,000	(18,085)
Central Risk	(14,625)	20,286	5,661
Recharges	(18,161)	2,802	(15,359)
Total	(66,871)	39,088	(27,783)

DBE 2018/19 capital programme forecast spend is £25.3m (based on project manager forecasts in Oracle)

Future estimated CIL income for 2018/19 totals £7.56m and DBE allocation is £4.3m

Our top line objectives are:

- Advancing a flexible infrastructure that adapts to increasing capacity and changing demands. ★▲✚◆
- Promoting the construction of high quality, inspiring buildings which attract diverse uses and users ★●
- Developing a smarter approach through use of data and technology ◆◐
- Enabling digital connectivity that meets business and lifestyle needs ★▲✚◆
- Creating an accessible city which is stimulating, safe and easy to move around in ▲◐✚
- To lead and initiate research into microclimate issues for the benefit of London and the UK, and to minimise impact of climate change ●✚
- Empowering a rich and thriving social and cultural offer ★▲●◆◆
- Improving quality of life for workers, residents and visitors ★▲●◆✚

What we'll achieve:

- Member decision on Bank Experimental Scheme – Q2 ★▲
- Member approval of the following strategies: Culture Mile Look & Feel strategy, Road Danger Reduction strategy, Eastern City Cluster strategy – Q2 ●◆✚
- Completion of Aldgate Highway Changes and Public Realm Improvements – Q2 ●
- Deliver safe and easy pedestrian access to and from the three Crossrail stations as well as preventative security measures –Q3 ▲◐✚
- Implement new lighting schemes across three of the City's river bridges – Q2 ●◆◐
- Contract for new Cleansing and Waste provider– Q3 ✚
- 8 taxi electric charging points installed – Q1 ★▲
- Introduction of a consolidation service for the Guildhall – Q1 ✚
- Facilitation of significant planning applications to deliver the Future City ★▲
- Fully embed processes and procedures for Planning Performance Agreements by Q2 ★▲✚



As a Department we have developed a Portfolio of Programmes which will help us deliver our Business plan ambitions and outcomes. The Programmes and 'live' prioritised Projects are listed below.

1. **Cultural Mile programme:** Look & Feel Strategy for the Culture Mile area, Culture Mile and City wayfinding review, Culture Mile 'Pop Up's', Beech Street
2. **Smarter City programme:** Creating networks and collaboration; establishing good practice; facilitating innovation; and preparing for new disruptive technologies
3. **Protective Security Measures Programme:** Projects still to be finalised
4. **Strategic Transport programme:** City Transport strategy, delivering the freight strategy and 'traffic in the City' reduction plan
5. **Strategic Infrastructure programme:** Crossrail, Thames Tideway
6. **Road Danger Reduction and Active Travel programme:** Road Danger Reduction Strategy, road danger reduction annual plan delivery, Bank Junction interim safety scheme
7. **Future Public Space programme:** New public square at Aldgate, churchyard enhancements, long term transformation of Bank Junction
8. **Cleansing and Waste programme:** New cleansing and waste contract
9. **Eastern Cluster Estate Management programme:** Eastern City Cluster area strategy, area security scheme, 22 Bishopsgate.
10. **Policy and Strategy programme:** Local plan, pedestrian and other modelling
11. **Foremost Services programme:** Building control options review, development services review

#### How we plan to develop our capabilities this year:

- Continue to develop and expand effective partnerships
- Agree a new Waste and Cleansing contract
- Continue to strategically link in with the People, Place, Prosperity Steering groups and Summit Group Develop our presence through communication and promotion
- Advance a consistent approach to programme and project management including clear project prioritisation.
- Embrace and implement new technologies to modernise and enhance business processes through social media, hackathons and digital data sharing
- Develop succession plans and a talent management programme to meet Future City needs
- Embed and support our apprenticeships to meet City needs
- Develop strategies to strengthen resilience and ensure we have the right people in the right place at the right time with the right skills
- Establish a more courageous and radical approach to problem solving and service improvement
- Better understanding of international cultural differences and changing business needs

#### What we're planning to do over the coming years

- Managing intensification, diversification of the City and the changing nature of its workforce
- Ensure we have the expertise within the department to deliver a future world class city
- Build on our intellectual capital to develop smart solutions
- Provide relevant, high quality end to end services for City developments
- Create a new public and performance space, piloting latest technologies and innovations
- Facilitate relocation of Museum of London and the Centre for Music
- Develop behavioural change campaigns to drive a cleaner and more sustainable environment eg a campaign to reduce use of disposable water bottles
- Ensure efficient use of property and continue to develop and support more effective ways of working

#### What we'll measure:

- Achievement of the City's efficiency savings with a balanced budget
- Reduction in the amount of freight using the City's streets
- The increase in the number of cyclists using the City's streets
- The increase in businesses using consolidation centres
- Reduction in the number people killed or seriously injured in road traffic accidents
- The % of City land that has unacceptable levels of litter, detritus, graffiti and flyposting with the aim of the % being less than 2%
- Increase in office floorspace stock and employment
- The SME presence and broader range of occupiers in the City with the intention to increase and strengthen it
- The improvement of public permeability by new routes, open space, greenery and high level access
- Increased number of apprenticeships

<b>Committee:</b> Port Health & Environmental Services	<b>Date:</b> 06 March 2018
<b>Subject:</b> Department of the Built Environment (Cleansing Services) Business Plan Progress Report for Period 1 (August – November) 2017	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Jim Graham, Department of the Built Environment	

## Summary

1. This report sets out the progress made during Period 2 (August – November) against the 2015/18 DBE Business Plan for Public Conveniences, Waste Collection, Street Cleansing, Waste Disposal and Transport Services. It details what has been achieved, and the progress that has been made against the departmental objectives and key performance indicators.
2. At the end of the November 2017, the Department of Built Environment was £25k (0.5%) underspent against the local risk budget to date of (£4.659m), over all the services now managed by the Director of Built Environment covering the Port Health & Environmental Services Committee. Appendix B sets out the detailed position for the individual services covered by this department.
3. Overall the Director of Built Environment is currently forecasting a minimal year end overspend of (£53k) (0.8%) for her City Fund services.

## Recommendations

Members are asked to:

- note the content of this report and the appendices
- receive the report.

## Main Report

### Background

1. The 2015-18 Business Plan of the Department of the Built Environment was approved by this committee on 05 May 2015. As agreed, periodical progress reports will be provided. A high-level business plan for 2017-18 was approved by this committee on 09 May 2017 which did not address any changes to the KPI targets set out in the previous plan.

### Key Performance Indicators

2. During Period 2 (August – November) of this Business Plan, the management team is monitoring five Key Performance Indicators (KPIs) relevant to the work of this Committee (shown in Appendix A). Performance against the departmental KPIs was mixed, with performance against NI191 (the amount of residual domestic waste per household) remaining only slightly under target for the quarter, NI192 (percentage of domestic waste recycled) continuing to be significantly under target, and TPR1 (the number of failing KPIs on the Street

Cleansing, Waste Collection and Ancillary Services contract) failing for the second period in a row, however again this was only for one month out of the four.

3. Based on the results of this period the overall figure for NI191 for the year would be within 35kg of the rigorous local target. This does not consider any upward adjustment of the housing stock figure used to calculate this KPI which may take place during the year as new residential properties are added.
4. The steady progress of the Recycling Action Plan put in place to improve NI192 performance has continued, with the bin chipping project now completed. Preliminary results from the Barbican trial show have indicated that further data collection is required. The results of the trial, which will indicate the best areas to target specific campaigns and interventions aimed at improving recycling rates, will be available in the summer. The on-street food waste trial in Cloth Fair is still underway.
5. Over the past 18 months there had been a persistent failure in the management and administration of the contract and a failure to pass sufficient contract Key Performance Indicators to satisfy TPR1. This has resulted in financial penalties for Amey.
6. Following Amey putting in place an experienced and dedicated local contract management team the progress seen in the last three months of the first period continued through August, September and October. Amey were fully out of financial penalties with only one KPI failure for each month. Performance has not remained stable with two KPI failures in November. Officers will continue to support Amey in achieving the required performance standard through enhanced mentoring and training support.
7. In November 2017 senior Amey managers met with officers from the City and explained that, even by moving out of penalty deductions, they were unable to sustain the losses being made on the contract. Amey subsequently exercised their right to terminate the contract early with 18 months' notice. Amey have made a commitment to maintaining the high standard of street cleanliness during the remaining period of the contract and officers will continue to closely monitor and assist as necessary.

### **Objective Updates**

8. Alongside overseeing the necessary improvements in the performance of the Refuse Collection, Street Cleansing and Ancillary Services contract officers considered the option to extend the contract for another eight years from 2019. A separate report was brought to this committee for a in November. As Amey exercised their right to terminate the contract, Officers have started the necessary preparations to retender the contract for April 2019.

### **Achievements**

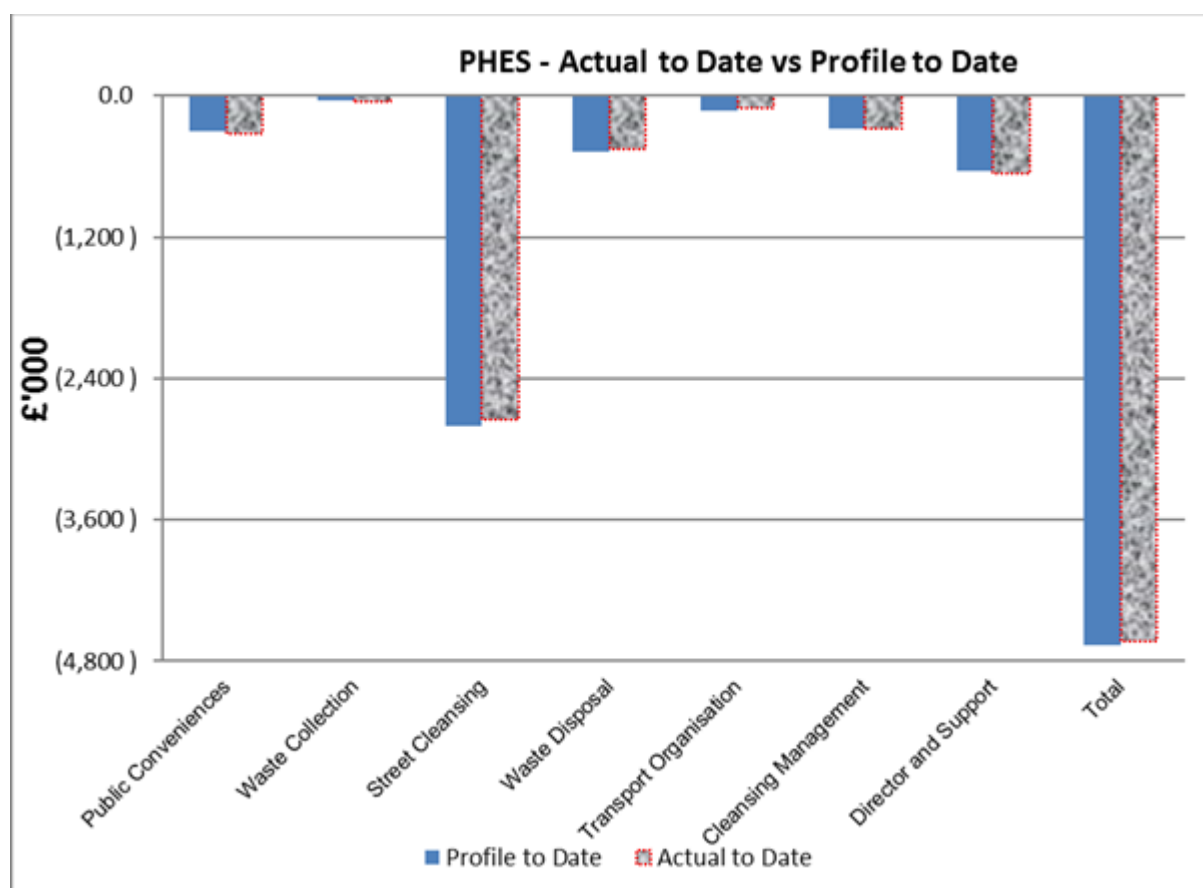
9. The Square Mile Challenge, launched in April challenging businesses, workers, visitors and residents in the City of London to recycle half a million coffee cups during the month, was awarded the Most Effective Communication Campaign at the CIWM Resource and Sustainability Awards. The campaign continues to deliver successes with over 4 million coffee cups recycled by November 2017.



10. Our NI 195 scores from Keep Britain Tidy, which indicate the percentage of streets with unacceptable levels of litter, detritus graffiti and flyposting, have remained consistently low at 0.96%, even with the difficulties experienced with the contract over the past year.
11. We have maintained our Gold Standard accreditation with Transport for London Fleet Operator Recognition Scheme (FORS) which acknowledges excellence in all aspects of safety, fuel efficiency, economical operations and vehicle emissions. This scheme recognises over 4,500 fleets that operate throughout London with only just over 100 of these organisations currently achieving Gold. The FORS scheme is closely linked with CLOCS (Construction, Logistics and Cycle Safety), TfL's work-related road risk scheme for lorries, which requires high levels of safety equipment and training for drivers. The City has exceeded the requirements of this scheme in fitting side guards, additional mirrors, audible alarms and cameras to all eligible City vehicles.

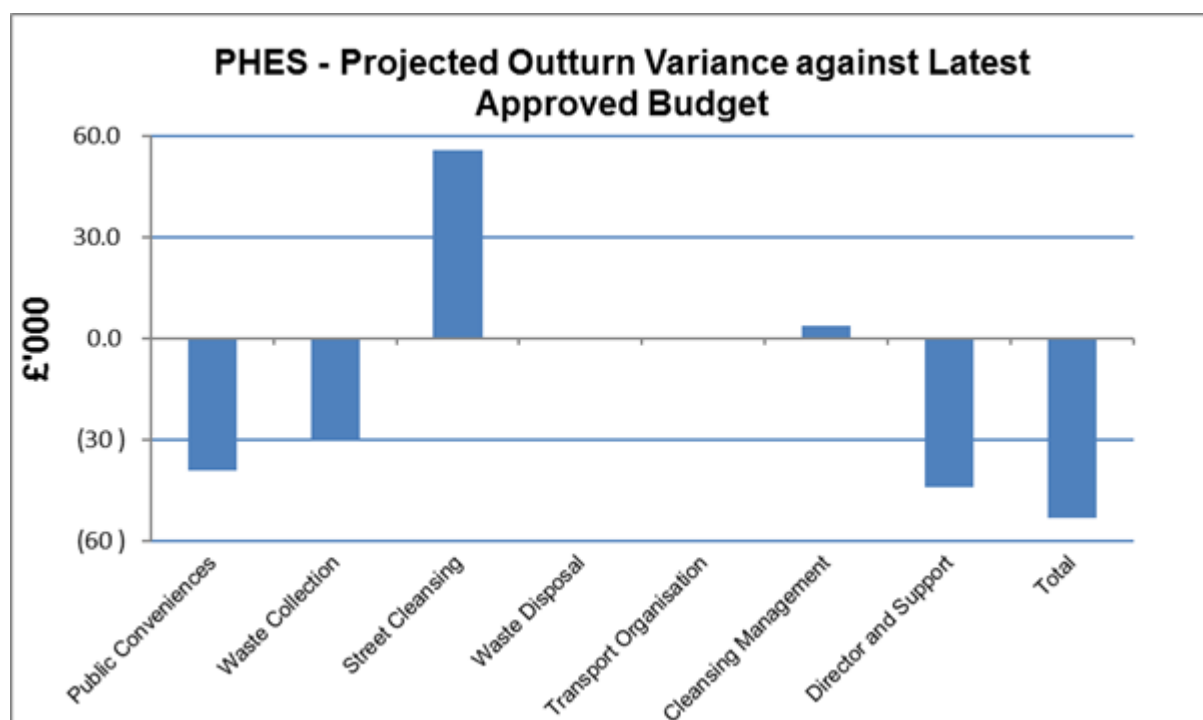
### Financial and Risk Implications

12. The end of November 2017 monitoring position for Department of Built Environment services covered by Port Health & Environmental Services Committee is provided at Appendix B. This reveals a minimal net underspend to date for the Department of £25k (0.5%) against the overall local risk budget to date of (£4.659m) for 2017/18.



1. Graph shows the actual local risk net position against the profiled budget to date for each Division.
2. DBE total actual to date spend of (£4.634m) is £25k under the profiled budget to date of (£4.659m).
3. A position above the baseline is favourable i.e. overall net income for the Department.
4. A position below the baseline is unfavourable i.e. overall net expenditure for the Department.

13. Overall the Director of Built Environment is currently forecasting a minimal year end overspend position of (£53k) (0.8%) for her City Fund services.



1. Zero is the baseline latest approved budget for each Division of 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 Department is forecasting an overspend of (£53k) at year end.
14. The reasons for the significant budget variations are detailed in Appendix B, which sets out a detailed financial analysis of each individual division of service relating to this Committee, for the services the Director of Built Environment supports.
15. The better than budget position at the end of November 2017 is mainly due to underspends within Street Cleansing service due to a reduction in service costs from reconfiguring spend from the Innovation Fund to meet the 2018/19 savings target (implemented early) and additional refunds identified for prior year contract overcharges.
16. This favourable position to date has been partly offset by additional Director & Support costs relating to extra staffing costs, London Real Estate Forum subscription costs, funding of study trips and conference expenses.
17. The Director of Built Environment anticipates this current better than budget position will reverse by year end, due to the additional Director & Support costs detailed above and further minimal overspends within Public Conveniences relating to increased salary costs and reduced barrier income and further costs for Waste Collection relating to the purchase of recycling bins and Lord Mayor show costs.

## **Appendices**

- Appendix A – Period 2 KPI results
- Appendix B – Finance Report
- Appendix C – Debts Over 120 Days

## **Background Papers**

DBE Business Plan 2015-18

### **Contact:**

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## Appendix A – Period 2 KPI results

### Departmental Key Performance Indicators

	This indicator is performing to or above the target.
	This indicator is a cause for concern, frequently performing just under target.
	The indicator is performing below the target.

		Target 17/18	Period 1	Period 2	Period 3	Overall
<b>Transportation &amp; Public Realm</b>						
NI 191	To reduce the residual annual household waste per household.	373.4kg	136.26kg	133.36kg		269.62kg
NI 192	Percentage of household waste recycled.	47%	28.62%	29.51%		29.06%
NI 195	Percentage of relevant land and highways from which unacceptable levels of litter, detritus, graffiti and fly-posting are visible.	2%	0.63%	0.96%		0.79%
TPR1	No more than 1 failing KPIs, per month on new Refuse and Street Cleansing contract.	<4 per period	7	5		12
<b>Comments:</b> <b>NI191:</b> This figure is only slightly over the target for the year and may be brought down with any upward adjustment of the housing stock figure used to calculate this KPI. <b>NI192:</b> Work continues to increase the percentage of waste recycled as set out in the Recycling Action Plan. There has been a successful food waste campaign in October seeing increases of up to 30% in the participating estates. <b>TPR1:</b> Officers are working with Amey to resolve the issues causing the failure of this KPI, predominantly stemming from a change in Amey's contract management. Officers are also assisting where necessary to ensure that the overall standard of cleanliness is not adversely affected and that major events are successfully delivered.						
DM7	To manage responses to requests under the Freedom of Information act within 20 working days. (Statutory target of 85%)	85%	99.25%	95%		97%

## Appendix B – Finance Report

### Department of Built Environment Local Risk Revenue Budget - 1st April to 30th November 2017 (Expenditure and unfavourable variances are shown in brackets)

	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>Port Health &amp; Environmental Services (City Fund)</b>												
Public Conveniences	(508)	(641)	341	(300)	(658)	332	(326)	(26)	(508)	(547)	(39 )	
Waste Collection	(92)	(670)	626	(44)	(691)	637	(54)	(10)	(92)	(122)	(30 )	
Street Cleansing	(3,766)	(3,069)	264	(2,805)	(3,006)	257	(2,749)	56	(3,766)	(3,710)	56	1
Waste Disposal	(709)	(834)	363	(471)	(832)	375	(457)	14	(709)	(709)	0	
Transport Organisation	(157)	(194)	71	(123)	(170)	60	(110)	13	(157)	(157)	0	
Cleansing Management	(434)	(275)	0	(275)	(275)	0	(275)	0	(434)	(430)	4	
Director and Support	(976)	(653)	12	(641)	(674)	11	(663)	(22)	(976)	(1,020)	(44 )	2
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>(6,642)</b>	<b>(6,336)</b>	<b>1,677</b>	<b>(4,659)</b>	<b>(6,306)</b>	<b>1,672</b>	<b>(4,634)</b>	<b>25</b>	<b>(6,642)</b>	<b>(6,695)</b>	<b>(53 )</b>	

#### Notes:

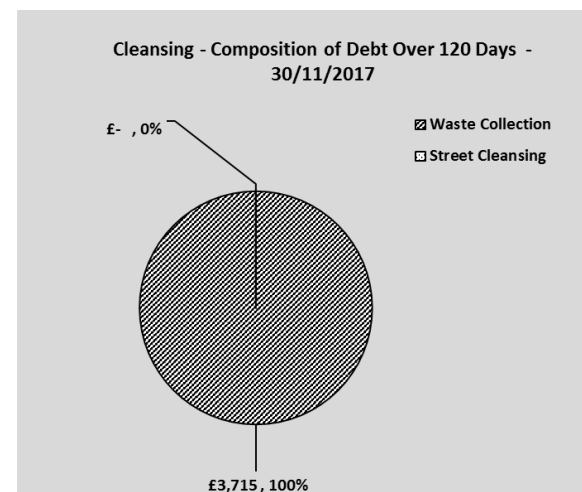
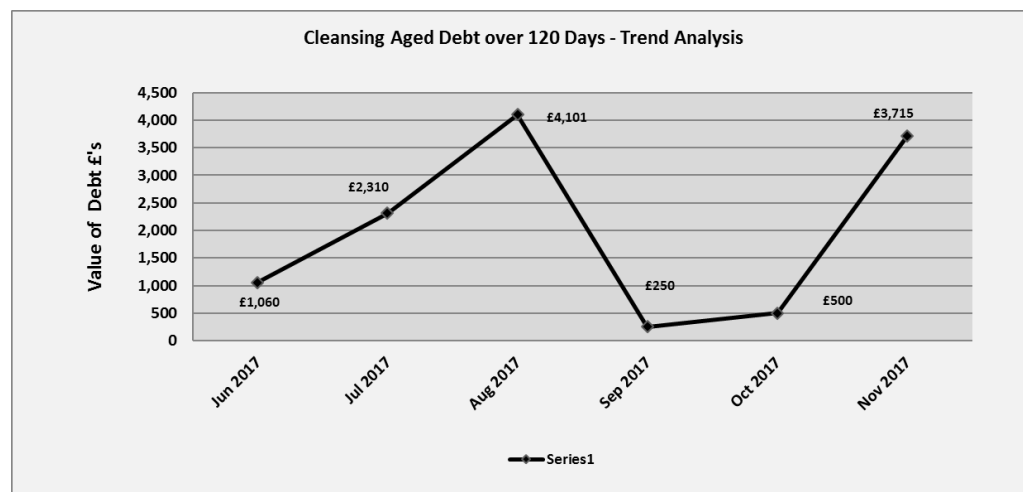
- Street Cleansing** - projected underspend mainly relates to a reduction in service costs from reconfiguring spend from the Innovation Fund to meet the 2018/19 savings target (implemented early) & additional refund identified for prior year overcharge.
- Director & Support** - projected overspend mainly relates to additional costs for new Gigabit City Project Officer post, London Real Estate Forum subscription and New York study trips within the Department.

## Appendix C – Debts Over 120 Days

### Cleansing Aged Debt Over 120 Days - as at 30th November 2017

Department	Debts Exceeding 120 Days					
	30-Jun	31-Jul	31-Aug	30-Sep	31-Oct	30-Nov
Cleansing	£ 1,060	£ 2,310	£ 4,101	£ 250	£ 500	£ 3,715

Composition of Debt - 30/11/2017	
Waste Collection	£ 3,715
Street Cleansing	£ -
	<b>£ 3,715</b>



<b>Committee:</b>	<b>Date:</b>
Port Health and Environmental Services Committee	6 March 2018
<b>Subject:</b> Decisions taken under delegated power since the last meeting of the Committee	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>
<b>Report author:</b> Sacha Than, Town Clerk's Department	

## Summary

This report advises Members of action taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman, since the last meeting of the Committee, in accordance with Standing Order No. 41(b).

## Recommendation:

Members are asked to note the report.

## Main Report

### Standing Order No. 41(b) - Consultation Response: Changes to the Low Emission Zone and Expansion of the Ultra-Low Emission Zone

#### Background

1. At the Port Health and Environmental Services Committee on 16 January 2018, authority was delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to provide a written response in relation to proposed changes to the Ultra Low Emission Zone (ULEZ) to improve air quality in London
2. This Transport for London (TfL) consultation is seeking views on proposals to:
  - 1) Introduce tougher emissions standards for the Low Emission Zone from 2020, so that they affect heavy vehicles London wide; and
  - 2) Expand the ULEZ from central London up to, but not including, the North and South Circulars in 2021 for light vehicles (excluding taxis), so that all vehicles in this inner London area are subject to emissions standards.

#### Action taken

3. It was agreed by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Port Health and Environmental Services Committee, that a final letter be sent to the Mayor of London before the closing date of 28 February 2018, please see Appendix 1 for the response which was sent on 20 February 2018.

## **Conclusion**

4. In accordance with Standing Order No. 41 (b), Members are asked to note the decisions taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman, since the Committee's last meeting on 16 January 2018.

## **Appendices**

Appendix 1- The City of London Corporation's response to Changes to the Low Emission Zone and Expansion of the Ultra-Low Emission Zone

### **Standing Order No. 41(a) - Section 101 Agreements – Amendments to the Terms of Reference and Scheme of Delegations**

#### **Background**

1. At the Port Health and Environmental Services Committee of 21 November 2017, as part of measures to combat illegal street trading, Members agreed that the City Corporation should enter a s.101 Agreement with the London Borough of Southwark which would allow City Corporation officers to take enforcement action against illegal street traders on the area of Millennium Bridge that falls within the L.B. of Southwark.
2. The Committee further agreed that if officers were to negotiate a similar agreement with the London Borough of Tower Hamlets, they had the Committee's permission to enter into a s.101 Agreement with the Borough.
3. The Comptroller and City Solicitor advised that the entering into of s.101 Agreements should be authorised by the Court of Common Council and that the Scheme of Delegations be amended delegating the new enforcement functions to Port Health Committee and specified chief officers.
4. The Committee has already given its approval to enter into s.101 agreements, but approval was also required to amend the terms of reference and Scheme of Delegations (See Appendices B and C).

#### **Action taken**

5. It was agreed by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Port Health and Environmental Services Committee, that the amendments as provided by the Comptroller and City Solicitor terms of reference and Scheme of Delegations be approved.

## **Conclusion**

6. In accordance with Standing Order No. 41 (a), Members are asked to note the decisions taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman, since the Committee's last meeting on 16 January 2018.

## **Appendices**

Appendix A- Report of the Director of Markets and Consumer Protections



Appendix B - Amended Terms of Reference for the Port Health and Environmental Services Committee

Appendix C - Amended Scheme of Delegations for the Director of Markets and Consumer Protection and Director of the Department of the Built Environment

**Background papers**

- None

**Contact:**

Sacha Than

Committee and Member Services Officer

Town Clerk's Department

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**Town Clerk & Chief Executive**  
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**Date** 20 February 2018

*Dear Sadiq*

## **Consultation: Changes to the Low Emission Zone and Expansion of the Ultra-Low Emission Zone**

Thank you for the opportunity to comment on the proposed changes to the Low Emission Zone (LEZ) and expansion of the Ultra-Low Emission Zone (ULEZ).

### **Low Emission Zone**

The current London Low Emission Zone covers the whole of Greater London and requires heavy vehicles (HGVs, buses and coaches) to meet a Euro IV Particulate Matter (PM) standard and all vans and minibuses to meet a Euro 3 PM standard. The proposal is to tighten the emission standard for heavy vehicles to a Euro VI standard from 26 October 2020.

From April 2019, all diesel vehicles will be required to meet the Euro VI standard in the Congestion Charge Zone. This includes the City of London. Consequently, this additional proposal will have a negligible impact on air quality in the Square Mile. However, given the significant reduction in emissions of NOx from heavy vehicles delivered by the Euro VI standard, the City of London Corporation supports the proposal. As stated in previous consultation responses, this is subject to a certified retrofit system being available to allow heavy vehicles to be fitted and tested for Euro VI compliance before the start date.

### **Ultra-Low Emission Zone expansion**

The second proposal in the consultation is to extend the ultra-low emission zone requirements up to the north and south circular roads for light vehicles (cars, vans, minibuses and motorcycles) from 25 October 2021. This would result in inner London being subject to Euro 6/VI standards for diesel vehicles and Euro IV for petrol. Again, as the City will already be within the ULEZ from April 2019, the proposals will have negligible impact on air quality in the Square Mile.

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 @johnbarradell

The City Corporation is supportive of proposals to expand the ULEZ. However, given the number of people and small businesses likely to be affected by an expanded zone, additional cost-benefit information should be made available. Details of any financial support to assist people and small organisations that will struggle to comply with ULEZ requirements should also be made available.

### **Simplification of the schemes**

The existing and proposed LEZ and ULEZ scheme is quite confusing with different zones, emission standards, compliance dates, daily charges and penalties. It would benefit from some simplification.

### **TfL Buses**

The City Corporation is pleased to see additional measures to reduce emissions from buses and welcomes the proposals that all Transport for London buses operating in the Congestion Charge Zone will meet Euro VI standard by 2019, and all single deck buses be zero tailpipe emission by 2020.

### **Private Hire Vehicles**

As stated in previous consultation responses, we would like to see additional measures to remove diesel private hire vehicles from the PHV fleet in the shortest possible time, and suggest that no new diesel PHVs are licenced for use in London. These are some of the vehicles that travel the greatest distance in London and alternatives to diesel are readily available.

### **Zero Emission Zone**

The City Corporation supports the Mayor's wider ambition to deliver a zero-emission zone in central London from 2025 and would like to be kept informed of progress.

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee Court of Common Council	Urgency 8 March 2018
<b>Subject:</b> Section 101 Agreements – Amendments to the Terms of Reference and Scheme of Delegations	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Steve Blake, Assistant Director Public Protection	

### Summary

At the Port Health and Environmental Services Committee of 21 November 2017, as part of measures to combat illegal street trading, Members agreed that the City Corporation should enter a s.101 Agreement with the London Borough of Southwark which would allow City Corporation officers to take enforcement action against illegal street traders on the area of Millennium Bridge that falls within the L.B. of Southwark, the area just to the south of London Bridge and the south side of Tower Bridge.

The Committee further agreed that if officers were to negotiate a similar agreement with the London Borough of Tower Hamlets, they had the Committee's permission to enter into a s.101 Agreement with the Borough.

In February 2018, the Comptroller and City Solicitor advised that the entering into of s.101 Agreements should from now on be authorised by the Court of Common Council and that the Scheme of Delegations be amended delegating the new enforcement functions to Port Health Committee and specified chief officers. Those delegations would be subject to the s.101 agreement/s being entered into. The Committee has already given its approval to enter into s.101 agreements, but approval will also be required to amend the terms of reference and Scheme of Delegations.

The terms of reference of the Port Health and Environmental Services Committee were considered and approved by Members at their meeting of 16 January 2018, the proposed amendments are attached at Appendix A to this report for your consideration. If approved, the final terms of reference will be brought before the 15 March 2018 Policy and Resources Committee and the 19 April Court of Common Council as part of the overall review of all Committees' terms of reference.

The proposed amendments to the Scheme of Delegations are attached at Appendix B and will be brought before the 7 March 2018 Committee for approval.

### Recommendations

It is recommended that:

- the terms of reference of the Committee, be approved for submission to the Court in April 2017; and
- the proposed amendments to the Scheme of Delegations be approved as set out in Appendix C.

## **Appendices**

- Appendix B – Terms of Reference
- Appendix C – Scheme of Delegations

### **Steve Blake**

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Markets and Consumer Protection

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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, the street trading enforcement functions in the London Local Authorities Act 1990 including any decision as to whether the s.101 arrangements should be discontinued, 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.

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## **DIRECTOR OF MARKETS & CONSUMER PROTECTION**

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

### **Markets**

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

### **Delegations to other Officers**

4. The above matters (1, 2 and 3) are also delegated to the Superintendents of Billingsgate Market, Smithfield Market and Spitalfields Market to be exercised either at the direction of or in the absence of the Director of Markets & Consumer Protection.

## **Port Health and Public Protection Division**

### **Administrative**

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

### **Delegations to other Officers**

8. The above matters (5, 6 and 7) are also delegated to the Port Health and Public Protection Director at the direction of or in the absence of the Director of Markets & Consumer Protection.

### **Legislative**

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

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

	Legislation	Delegated Function
1.	Accommodations Agencies Act 1953	Institution of Proceedings and other enforcement methods
2.	Administration of Justice Act 1970	Institution of Proceedings and other enforcement methods
3.	Agriculture Act 1970 (as amended)	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 67 – to enforce this part of the Act within the respective area; and the health authority of the Port of London shall have the like duty as respects the district of the Port of London</li> </ul>
4.	Agricultural Produce (Grading & Marking) Act 1928 Agricultural Produce (Grading & Marking) Amendment Act 1931	Institution of Proceedings and other enforcement methods
5.	Animal Boarding Establishment Act 1963	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Authorising of Officers to carry out inspections</li> <li>c. Granting of Licences</li> </ul>
6.	Animal Health Act 1981 including all Orders and Regulations made thereunder	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 52(1) – Appointment of Inspectors and other Officers as required for the execution and enforcement of the Act</li> </ul>
7.	Animal Health & Welfare Act 1984	Institution of Proceedings and other enforcement methods.

	Legislation	Delegated Function
8.	Animal Welfare Act 2006	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 51 – Appointment of Inspectors and other Officers as required</li> <li>c. Service of Notices under Section 10</li> </ul>
9.	Anti-Social Behaviour Act 2003	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 48 – Issue of Notices</li> <li>c. Section 43 – Issue of FPNs</li> <li>d. Authorisation of Officers</li> </ul>
10.	Breeding of Dogs Acts 1973 (as amended) & 1991. Including any regulations made thereunder and Breeding and Sale of Dogs (Welfare) Act 1999 (amendment to the 1973 Act)	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 2 – Authorisation of Officers</li> <li>c. The Granting of Licences</li> <li>d. Setting of Fees</li> </ul>
11.	Building Act 1984 Including all Orders & Regulations made thereunder	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Section 126 – Authorisation of Officers</li> <li>c. Part 1 and Schedule 3 – Granting all authorisations and consents and issuing of notices</li> </ul>
12.	Cancer Act 1939	Institution of Proceedings and other enforcement methods
13.	Children & Young Persons Act 1933 (as amended by Protection of Children (Tobacco) Act 1986	Institution of Proceedings and other enforcement methods

	<b>Legislation</b>	<b>Delegated Function</b>
14.	Children & Young Persons (Protection from Tobacco) Act 1991 Including all Orders and Regulations made thereunder	Institution of Proceedings and other enforcement methods
15.	Christmas Day (Trading) Act 2004	a. Institution of Proceedings and other enforcement methods b. Section 3(2) – Appointment of Inspectors c. Section 2(1) – Granting of Consents
16.	City of London Sewers Act 1848 (as amended in 1851 and 1897)	a. Powers of Inspection under Sections 70 and 71 b. Issuing of notices Sections 61 and 75
17.	City of London (Various Powers) Act 1954 – Section 4	Institution of Proceedings and other enforcement methods
18.	City of London (Various Powers) Act 1971 – Section 3	Institution of Proceedings and other enforcement methods
19.	City of London (Various Powers) Act 1973	To exercise the power to dispense with or relax any requirement of a sanitation byelaw
20.	City of London (Various Powers) Act 1977	Authorisation of Officers under Section 22
21.	City of London (Various Powers) Act 1987 – Part 3	a. Grant and renewal of annual licences b. Institution of Proceedings and other enforcement methods c. Section 26 – Designation of areas
22.	Clean Air Act 1993 Including any Regulations made	a. Institution of Proceedings and other enforcement

	Legislation	Delegated Function
	thereunder	<p>methods</p> <p>b. Section 56 - Authorisation of Officers</p> <p>c. Sections 24, 36 &amp; 58 - Serving of notices</p> <p>d. Section 15 - Granting of approvals</p> <p>e. Section 35 – Powers of entry</p>
23.	Clean Neighbourhoods and Environment Act 2005	<p>a. Power to make dog control orders</p> <p>b. Issue Fixed Penalty Notices</p> <p>c. Setting the level of fees</p> <p>d. Authorising Officers</p>
24.	Companies Act 2006 Including any regulations made thereunder	Institution of Proceedings and other enforcement methods
25.	Consumer Credit Act 1974 Including any regulations made thereunder	<p>a. Institution of Proceedings and other enforcement methods</p> <p>b. Authorisation of Officers under Sections 162 &amp; 164</p>
26.	Consumer Protection Act 1987 Including any regulations made thereunder	<p>a. Institution of Proceedings and other enforcement methods</p> <p>b. Authorisation of Officers under Sections 28 &amp; 29</p> <p>c. Part 2 – Serving of Notices</p>
27.	Control of Pollution Act 1974	<p>a. Institution of Proceedings and other enforcement methods.</p> <p>b. Part 3 and Section 93 – serving of notices</p>
28.	Copyright Designs & Patents Act 1988	Institution of Proceedings and other enforcement methods
29.	Courts & Legal Services Act 1990	a. Institution of Proceedings

	Legislation	Delegated Function
		and other enforcement methods b. Authorisation of Officers under Section 106(6)
30.	Criminal Justice Act 1988	Institution of Proceedings and other enforcement methods
31.	Criminal Justice & Public Order Act 1994	Institution of Proceedings and other enforcement methods
32.	Dangerous Wild Animals Act 1976	a. Institution of Proceedings and other enforcement methods b. Section 3 – Authorisation to carry out inspections c. Section 1 – Granting of Licences
33.	Education Reform Act 1988	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers under Section 215
34.	Enterprise Act 2002	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Serving of Notices d. Applying for Orders
35.	Environment Act 1995	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
36.	Environment Protection Act 1990 (Part 3)	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Issuing Notices

	Legislation	Delegated Function
37.	Estate Agents Act 1979	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Issuing Notices
38.	European Communities Act 1972	Institution of legal proceedings, granting of authorisations/permissions, issuing of notices and authorisation of Officers in respect of regulations made under the provisions of S.2(2) European Communities Act 1972 insofar as they apply to the Common Council of the City of London in its capacity as a local authority, weights and measures authority, food authority or port health authority.
39.	Explosives Act 1875 – Section 69	Discharge of duties
40.	Fair Trading Act 1973	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
41.	Farm & Garden Chemicals Act 1967	Institution of Proceedings and other enforcement methods
42.	Fireworks Act 2003	Institution of Proceedings and other enforcement methods
43.	Food and Environmental Protection Act 1985	Institution of Proceedings and other enforcement methods
44.	Food Safety Act 1990	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers



	Legislation	Delegated Function
		<ul style="list-style-type: none"> <li>c. Issue of Notices</li> <li>d. Appointment of Public Analysts for the City of London Corporation acting as a Food Authority and/or a Port Health Authority</li> </ul>
45.	Forgery & Counterfeiting Act 1981	Institution of Proceedings and other enforcement methods
46.	Fraud Act 2006	Institution of Proceedings and other enforcement methods
47.	Gambling Act 2005	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Authorisation of Officers</li> <li>c. Granting applications, variations and transfers of premises licences</li> <li>d. Granting provisional statements</li> <li>e. Endorsement of temporary use notices</li> <li>f. Issuing club gaming permits</li> <li>g. Issuing of club machine permits</li> <li>h. Granting and renewing family entertainment centre permits; Licensed Premises Gaming Machine permits; Prize Gaming permits</li> </ul>
48.	Greater London Council (General Powers) Act 1967	<ul style="list-style-type: none"> <li>a. Institution of Proceedings and other enforcement methods</li> <li>b. Issue of Certificates of Registration</li> </ul>
49.	Greater London Council (General Powers)	a. Institution of Proceedings

	Legislation	Delegated Function
	Act 1981	and other enforcement methods b. Authorisation of Officers c. Issue of Notices
50.	Greater London Council (General Powers) Act 1984, Part 6	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Granting of refusing registration
51.	Hallmarking Act 1973	Institution of Proceedings and other enforcement methods
52.	Health Act 2006	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Issue of Notices
53.	Health and Safety at Work Act 1974 Including any Regulations made thereunder	a. Institution of Proceedings and other enforcement methods b. Appointment of Inspectors c. Issue of notices
54.	House to House Collections Act 1939 (Regulations 1947)	a. Institution of Proceedings and other enforcement methods b. Granting of Licences
55.	Housing Act 1985	a. Institution of Proceedings and other enforcement methods b. Issue of Notices c. Granting of Licences
56.	Housing Act 2004	a. Institution of Proceedings and other enforcement methods b. Issue of Notices c. Authorisation of Officers

	Legislation	Delegated Function
		d. Power to make Orders e. Exercising the licensing functions
57.	Insolvency Act 1986	Institution of Proceedings and other enforcement methods
58.	Intoxicating Substances (Supply) Act 1985	Institution of Proceedings and other enforcement methods
59.	Knives Act 1997	Institution of Proceedings and other enforcement methods
60.	Legal Services Act 2007	Institution of Proceedings and other enforcement methods
61.	Licensing Act 2003 Various provisions relating to granting or refusal or enforcement	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Granting premises licences, variations to premises licenses and transferring premises licences d. Issuing provisional statements e. Granting club premises certificates, and variations to club premises certificates f. Issue of Notices g. Renewal of personal licences h. Determining representations
62.	Local Government (Miscellaneous Provisions) Act 1976	a. Institution of Proceedings and other enforcement methods b. Issue of Notices

	Legislation	Delegated Function
63.	Local Government (Miscellaneous Provisions) Act 1982	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Granting of registrations
64.	London County Council (General Powers) Act 1920 – Part 4	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
65.	London Local Authorities Act 1990	a. Institution of Proceedings and other enforcement methods under Section 34 remedies in sections 34, 38, 38A, 38B and 38C in respect of street trading offences b. Authorisation of Officers c. Granting, renewing, revoking or varying of licences under Part 3
66.	London Local Authorities Act 2007	Institution of Proceedings and other enforcement methods
67.	Malicious Communications Act 1988	Institution of Proceedings and other enforcement methods
68.	Medicines Act 1968 Including any Regulations and Orders made thereunder	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
69.	Motorcycle Noise Act 1987	Institution of Proceedings and other enforcement methods
70.	National Lottery ETC Act 1993	Institution of Proceedings and other enforcement methods
71.	Noise Act 1996	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Issue of Notices

	<b>Legislation</b>	<b>Delegated Function</b>
72.	Olympic Symbol etc. (Protection) Act 1995	Institution of Proceedings and other enforcement methods
73.	Performing Animals (Regulation) Act 1925	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
74.	Pet Animal Act 1951	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Granting of Licences
75.	Poisons Act 1972	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
76.	Pollution Prevention & Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2010	a. Institution of Proceedings and other enforcement methods b. Undertaking of functions relating to permits c. Carrying out of Enforcement Actions d. Authorisation of Officers under Regulation 32 of the 2010 Regulations
77.	Prevention of Damage by Pests Act 1949	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Issue of Notices
78.	Prices Acts 1974	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
79.	Property Misdescriptions Act 1991	a. Institution of Proceedings and other enforcement methods

	Legislation	Delegated Function
		b. Authorisation of Officers
80.	Protection against Cruel Tethering Act 1988	Institution of Proceedings and other enforcement methods
81.	Protection from Harassment Act 1997	Institution of Proceedings and other enforcement methods
82.	Public Health (Control of Disease) Act 1984	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Power to make Orders d. Applying to Courts for Closure Orders
83.	Public Health (Aircraft) Regulations 1979	Authorisation of Officers
84.	Public Health (Ships) Regulations 1979	Authorisation of Officers
85.	Public Health Act 1936	a. Institution of Proceedings and other enforcement methods b. Issue of Notices
86.	Public Health Act 1961	Issue of Notices
87.	Riding Establishments Acts 1964 and 1970	a. Institution of Proceedings and other enforcement methods b. Granting of Licences and provisional Licences
88.	Road Traffic Act 1988 Including any Regulations made thereunder	Institution of Proceedings and other enforcement methods
89.	Scrap Metal Dealers Act 1964	a. Institution of Proceedings and other enforcement methods b. Authorisation of suitable Officers

	Legislation	Delegated Function
90.	Site Waste Management Plan Regulations 2008	a. Institution of Proceedings b. Issue of Notices and Authorisation of Officers
91.	Solicitors Act 1974	a. Institution of Proceedings and other enforcement methods b. Powers of Entry
92.	Sunbeds (Regulation) Act 2010	a. Institution of Proceedings and other enforcement methods b. Powers of Entry
93.	Sunday Trading Act 1994	a. Institution of Proceedings and other enforcement methods b. Appointment of Inspectors c. Consents
94.	Tobacco Advertising & Promotion Act 2002	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
95.	Trade Descriptions Act 1968	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers
96.	Trade Marks Act 1994	Institution of Proceedings and other enforcement methods
97.	Unsolicited Goods & Services Act 1971	Institution of Proceedings and other enforcement methods
98.	Video Recordings Act 1984	Institution of Proceedings and other enforcement methods
99.	Water Industry Act 1991	a. Institution of Proceedings and other enforcement

	Legislation	Delegated Function
		methods b. Authorisation of Officers c. Issue of Notices and Notifications d. Granting of Consents
100.	Weights and Measures Act 1985	a. Institution of Proceedings and other enforcement methods b. Power to appoint Inspectors
101.	Zoo Licensing Act 1981	a. Institution of Proceedings and other enforcement methods b. Authorisation of Officers c. Granting, renewing, revoking, alteration and transferring of licenses d. Making zoo closure directions



# **DEPARTMENT OF THE BUILT ENVIRONMENT**

## **DIRECTOR OF THE BUILT ENVIRONMENT**

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

### **Authority**

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

### **Charges**

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

### **Transportation & Public Realm**

4. To implement, waive or vary charges relating to traffic management and /or the Public Highway and/or pipe subways such as parking dispensations, private apparatus in the highway, temporary road closures and traffic orders, scaffolding, hoarding and fencing licences, and charges for pipe subways (including under S.73 of the London Local Authorities Act 2007) .
5. To grant permission or consent with or without conditions or refusing to grant permission or consent as the case may be with respect to applications made to the City of London Corporation:
  - a. under Part II of the Road Traffic Act 1991, relating to dispensations from, or, the temporary suspension of, waiting and loading regulations or parking places regulations made in accordance with the Road Traffic Regulation Act 1984;
  - b. under Section 7 of the City of London (Various Powers) Act 1973, relating to new buildings;
6. To sign appropriate notices indicating that consent or refusal has been given, as the case may be under (a) above.
7. To sign and serve notices or granting of consents under the Highways Act 1980, City of London (Various Powers) Act 1900 and the City of London Sewers Act 1848 relating to the management and maintenance of streets within the City.

8. To exercise powers under the Road Traffic Regulation Act 1984 in respect of temporary traffic orders.
9. To issue notices and, as necessary discharge the City of London Corporation's obligations under Part III of the New Roads and Street Works Act 1991, relating to the co-ordination and execution of street works by public utility companies and other licensed operators.
10. To enter into agreement with companies and statutory companies to allow the placement of plant within the pipe subways inherited from the Greater London Council in accordance with the London County Council (General Powers) Act 1958 and to determine applications for consent to place electricity substations in the street pursuant to the Electricity Act 1989
11. To enter into agreements with other traffic authorities to jointly exercise the City of London Corporation's traffic order making functions or to delegate those functions to them or to accept their delegations of those functions in accordance with S.101 Local Government Act 1972.
12. To enter into agreements with other highway authorities under section 8 of the Highways Act 1980.

### **Water and Sewers**

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

### **Highways and Transport**

18. To make all Traffic Orders under sections 6, 9, 10, 23 and 45 of the Road Traffic Regulation Act 1984, and to make modifications to or to revoke any experimental Traffic Regulation Order (following consultation with the Commissioner of Police for the City of London) where deemed necessary

in the interests of safety, convenience or the expeditious movement of traffic.

19. To exercise powers under Part V of the Highways Act 1980 dealing with highway improvements.
20. To make representation or lodge objection, as appropriate, to applications for a Public Service Vehicle Operator's Licence, under Section 14A of the Public Passenger Vehicles Act 1981 or for a London Local Service Licence, under section 186 of the Greater London Authority Act 1999 and authorising in writing the appropriate officers in his Department to put forward objection or recommendation on behalf of the City of London Corporation at any Inquiry or Appeal arising out of an application for either of the recited licences.
21. To agree details of railway works in the City of London under the Transport and Works Act 1992.
22. To issue projection licences on, over or under streets pursuant to schemes where planning permission has already been agreed or renewing existing licences.
23. To be responsible for all functions under the Traffic Management Act 2004 and Regulations made thereunder that relate to the City of London Corporation as a local highway and local traffic authority.
24. To agree consents for temporary highway activities pursuant to the Crossrail Act 2008.
25. To exercise through Civil Enforcement amongst other things, parking management and parking enforcement functions, under the Road Traffic Regulation Act 1984, the Road Traffic Act 1991, the London Local Authorities Acts 1995 – 2012 (LLAA), and the Traffic Management Act 2004 (TMA).

### **City Walkway**

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

### **Cleansing**

27. The institution of proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part II, Part III and Part IV.
28. To institute proceedings and other enforcement remedies in respect of the Health Act 2006, section 6, 7, 8, 9 and 10.
29. To institute proceedings and other enforcement remedies in respect of offences under the Refuse Disposal (Amenity) Act 1978.

30. To institute proceedings and other enforcement remedies in respect of offences under the City of London (Various Powers) Act 1987.
31. To institute proceedings and enforcement remedies in relation to Part VI of the Anti-Social Behaviour Act 2003.
32. To institute proceeding and enforcement remedies in relation to Part I-IV of the Anti-social Behaviour, Crime and Policing Act 2014.
33. To serve notices and institute enforcement remedies in relation to the Town and Country Planning Act 1990 sections 225A - 225K.
34. To institute proceedings in relation to the Regulation of Investigatory Powers Act 2000.
35. To institute proceedings in relation to the Control of Pollution Act 1974.
36. To issue notices under section 6 London Local Authorities Act 2004 (abandoned vehicles). [See my previous comments.]
37. To institute proceedings in relation to the Environment Act 1995.
38. To institute proceedings in relation to the London Local Authorities Act 1995.
39. To institute proceedings in relation to the London Local Authorities and Transport for London Act 2003.
40. To institute proceedings and other enforcement remedies in respect of street trading offences under the London local Authorities Act 1990 as amended, and authorise duly appointed officers to act under that enactment.

39.41. To institute proceedings in relation to the Local Government (Miscellaneous Provisions) Act 1976.

40.42. To institute proceedings in relation to the Highways Act 1980.

### **Delegations to other Officers**

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

Transportation and Public Realm Director – Items 4 - 41

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

Assistant Director (City Transportation) – Item 18

## **TOWN PLANNING**

The following functions are delegated to the Chief Planning Officer & Development Director:

### **A) Development Management**

[41.43.](#) To determine applications for outline, full and temporary planning permission under Part III of the Town and Country Planning Act 1990 subject to the applications being in accordance with policy, not being of broad interest and there being no more than 4 planning objections.

[42.44.](#) To make non-material changes to planning permission pursuant to Section 96A of the Town and Country Planning Act 1990.

[43.45.](#) To determine applications for Listed Building Consent under the Planning (Listed Buildings & Conservation Areas) Act 1990; subject to the applications not being of broad interest and there being no more than 4 relevant objections.

[44.46.](#) To advise the Secretary of State for Communities and Local Government of what decision the City of London Corporation would have made on its own applications for listed building consent if it had been able to determine them, subject to the same criteria as 43.

[45.47.](#) To determine submissions pursuant to the approval of conditions, under the Town & Country Planning Act 1990 and the Planning (Listed Buildings & Conservation Areas) Act 1990 and in relation to clauses set out in approved Section 106 Agreements.

[46.48.](#) To make minor changes to conditions in respect of planning permissions and listed building consents which have been conditionally approved by the Planning & Transportation Committee.

[47.49.](#) To determine applications for planning permission and listed building consent to replace an extant permission/consent granted on or before 1<sup>st</sup> October 2010, for development which has not already begun with a new permission/consent subject to a new time limit pursuant to Article 20 of the Town and Country Planning (Development Management Procedure) Order 2015 and Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended and provided no more than 4 planning objections have been received.

[48.50.](#) To determine applications for Certificates of Lawfulness of existing and proposed use or development in accordance with sections 191 and 192 of the Town and Country Planning Act 1990.

[49.51.](#) To determine applications for Advertisement Consent pursuant to Regulations 12, 13, 14, 15 and 16 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- ~~50-52.~~ To determine applications for prior approval under the Town and Country Planning (General Permitted Development) Order 2015.
- ~~51-53.~~ To make observations in respect of planning and related applications submitted to other Boroughs, where the City of London Corporation's views have been sought and which do not raise wider City issues.
- ~~52-54.~~ To serve notices under Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.
- ~~53-55.~~ To determine the particulars and evidence to be supplied by an applicant for planning permission pursuant to section 62 of the Town and Country Planning Act 1990.
- ~~54-56.~~ To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.
- ~~55-57.~~ To issue and serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 and Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- ~~56-58.~~ To issue a letter of assurance under Section 172A of the Town and Country Planning Act 1990.
- ~~57-59.~~ To serve notices under Section 215 of the Town and Country Planning Act 1990.
- ~~58-60.~~ To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990.
- ~~59-61.~~ To decline to determine a retrospective application for planning permission under Section 70C of the Town and Country Planning Act 1990.
- ~~60-62.~~ To seek information as to interests in land under Section 330 of the Town and Country Planning Act 1990, and as applied by Section 89 of the Planning (Listed Buildings & Conservation Areas Act) 1990, and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- ~~61-63.~~ To institute proceedings pursuant to Section 224 of the Town and Country Planning Act 1990.
- ~~62-64.~~ To serve Notice of Intention to remove or obliterate placards and posters pursuant to Section 225, of the Town and Country Planning Act 1990. [This has been amended as the other enforcement remedies contained in sections 225A to K are the subject of a separate delegation.]
- ~~63-65.~~ To agree minor variations to agreements pursuant to sections 106 and 106A of the Town and Country Planning Act 1990 and to authorise section 106 covenants in respect of planning applications (and where the planning application is such that it may be determined by the Chief Officer (or other appropriate officer authorised by them) under this Scheme of Delegation).

~~64-66.~~ To agree minor variations to agreements pursuant to section 278 of the Highways Act 1980.

~~65-67.~~ To make payments to other parties where required by the terms of an agreement made under section 106 of the Town and Country Planning Act 1990 or section 278 of the Highways Act 1980.

~~66-68.~~ To determine City Community Infrastructure Levy contributions pursuant to the Community Infrastructure Levy Regulations 2010 (as amended).

~~67-69.~~ To pass Community Infrastructure Levy contributions to other parties pursuant to section 216A of the Planning Act 2008 and regulations made thereunder.

~~68-70.~~ To determine applications to discharge requirements and approve details pursuant to the Thames Tideway Tunnel Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections.

## **B) Trees**

~~69-71.~~ To authorise works, including their removal, to trees in Conservation Areas and works in relation to a tree the subject of a Tree Preservation Order (T.P.O.)

~~70-72.~~ To determine applications made under sections 206 (2) and 213 (2) of the Town and Country Planning Act 1990, to dispense with the duty to plant replacement trees

## **C) Churches**

~~71-73.~~ To respond to consultation made under the provisions of the Mission and Pastoral Measure 2011, the Faculty Jurisdiction Rules 2015, the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, the Care of Cathedrals Measure 2011 and the Code of Practice relating to exempted denominations procedures agreed by the Secretary of State.

~~72-74.~~ The City of London Corporation's functions under the City of London (St. Paul's Cathedral Preservation) Act 1935.

## **D) Environmental Impact**

~~73-75.~~ To carry out the following functions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) :

- a. formulating "screening opinions" under Regulation 5;

- b. requiring developers to submit an environmental statement to validate an application under Regulation 10;
- c. formulating “scoping opinions” under Regulation 13;
- d. providing relevant information to developers who propose to prepare an environmental statement under the provisions of Regulation 15 (4);
- e. requiring the submission of further information pursuant to regulation 22
- f. requiring the local authority to submit an environmental statement in respect of applications for local authority development under Regulation 25;
- g. formulating a “screening opinion” in matters of planning enforcement under Regulation 32.

### **E) Crossrail**

~~74~~76. To agree Crossrail contributions, agree viability assessments and instruct the Comptroller & City Solicitor to secure any necessary planning obligations in respect of Crossrail contributions pursuant to Section 106 of the Town and Country Planning Act 1990.

~~75~~77. To make payments of Crossrail contributions received by the City of London Corporation to the Mayor and/or Transport for London on the basis of the Implementation Protocol between the Mayor, Transport for London and the local planning authorities, subject to such payment being agreed by the Chamberlain.

~~76~~78. *Delegated authority be granted to the Chief Planning and Development Director to determine such applications as outlined in the report relating to the programme for requests for approval;*

~~77~~79. This authority would not be exercised in respect of more major applications or where objections have been received, without prior consultation with the Town Clerk, in consultation with the Chairman and Deputy Chairman; and

~~78~~80. It be noted that any proposals in respect of over-station development would not be subject to these provisions and would be the subject of the normal planning application process.

~~79~~81. The following functions are delegated to the Policy & Performance Director:

### **F) Local Plans, Naming and Numbering**

~~80~~82. To carry out sustainability appraisal of Local Development Documents under Section 19(5) of the Planning and Compulsory Purchase Act 2004 and to exercise functions under the Environmental Assessment of Plans and Programmes Regulations 2004 including carrying out strategic environmental assessment (including assessments under the Habitats Directive (Council Directive 92/43/EEC)), preparing, publishing and



consulting upon screening reports, scoping reports, sustainability commentaries and sustainability appraisal reports.

~~81-83.~~ To carry out public consultation in the preparation of Local Development Documents in accordance with the Statement of Community Involvement and the duty to cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004.

~~82-84.~~ To carry out surveys under Section 13 of the Planning & Compulsory Purchase Act 2004.

~~83-85.~~ To provide any documents necessary to support consultations on Local Development Documents and submission of Local Plans.

~~84-86.~~ To prepare and publish monitoring reports on an annual basis in accordance with Section 35 of the Planning & Compulsory Purchase Act 2004

~~85-87.~~ To make observations on consultation documents issued by central and local government, statutory bodies etc., where the observations are in accordance with the City's general policy position.

~~86-88.~~ To carry out public consultation in the preparation or revision of the Community Infrastructure Levy, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Statement of Community Involvement.

~~87-89.~~ To exercise powers under the London Building Acts (Amendment) Act 1939 – Part II relating to street naming and numbering of property.

### **G) Land Charges**

~~88-90.~~ To maintain a register and index of Local Land Charges pursuant to section 3 of the Local Land Charges Act 1975, including the amendment and cancellation of registrations pursuant to the Local Land Charges Rules 1977 and to set search fees pursuant to Section 8 of the Local Land Charges Act 1975 and Section 150 of the Local Government and Housing Act 1989 and relevant Rules and Regulations made there under.

~~89-91.~~ To make searches and issue search certificates pursuant to section 9 of the Local Land Charges Act 1975.

### **H) Lead Local Flood Authority**

~~90-92.~~ To exercise the City of London Corporation's functions as Lead Local Flood Authority in relation to the Flood and Water Management Act 2010 (other than the functions delegated to the District Surveyor).

### **Delegations to other Officers**

In addition the following functions are also delegated to the following Officers:

Director of the Built Environment – Section A to H

In the absence of the Chief Planning & Development Director sections A to E, and Paragraph 85 are delegated to Assistant Directors (Development).

Then to: The Policy & Performance Director.

In the absence of the Policy & Performance Director Sections F – H are delegated to the Assistant Director (Policy).

Then to: Chief Planning & Development Director.

### **Statutory Authorities**

Officers of the department are authorised to exercise the following powers in accordance with the responsibilities of the post:

- a. Sections 178(1), 196A(1), 196B, 209(1), 214B(1), 214B(3), 214C, 219(1) and 225, 324 and 325 of the Town and Country Planning Act 1990 (as amended),
- b. Sections 42(1), 88(2), (3), (4) and (5) and 88(A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- c. Sections 36 and 36A of the Hazardous Substances Act 1990.

## **DISTRICT SURVEYOR**

The following functions are delegated to the District Surveyor:

[91-93.](#) To grant permission or consent, with or without conditions or, refuse to grant permission or consent, as the case may be, with respect to applications made to the City of London Corporation under the London Building Acts 1930-1982, The Building Act 1984 and The Building Regulations 2010 (as amended).

[92-94.](#) To sign and serve any notices required to be given by the City of London Corporation under the London Building Acts (Amendment) Act 1939, Part VII, Section 62 relating to dangerous structures within the City of London.

[93-95.](#) To exercise the City's Lead Local Flood Authority function as a statutory consultee to the local planning authority on surface water drainage issues.

[94-96.](#) To sign and serve any notices and consents required to be given by the City of London Corporation under the London Building Acts (Amendment) Act 1939, Part IV, Section 30 relating to special and temporary structures etc. erected within the City of London.

[95-97.](#) In accordance with the Party Wall etc. Act 1996, Section 10 (8) select the third surveyor if required to do so.

### **Delegation to other Officers**

The functions of the District Surveyor are also delegated to the Director of the Built Environment and the Assistant District Surveyors.

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