

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Monday, 16 July 2018

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 16 July 2018 at 1.45 pm

### Present

#### Members:

|  |                           |
|--|---------------------------|
| Jeremy Simons (Chairman)                 | Shravan Joshi             |
| Deputy Keith Bottomley (Deputy Chairman) | Deputy Tom Hoffman        |
| Caroline Addy                            | Deputy Wendy Hyde         |
| Alexander Barr                           | Deputy Jamie Ingham Clark |
| Adrian Bastow                            | Vivienne Littlechild      |
| Deputy John Bennett                      | Andrew McMurtrie          |
| John Chapman                             | Andrien Meyers            |
| Peter Dunphy                             | Deputy Joyce Nash         |
| Mary Durcan                              | Henrika Priest            |
| Deputy Kevin Everett                     | Jason Pritchard           |
| Anne Fairweather                         | Deputy Elizabeth Rogula   |
| Alderman David Graves                    | Mark Wheatley             |

John Scott (Chief Commoner), in attendance

### In Attendance

#### Officers:

|                |   |
|----------------|---|
| Sacha Than     | - Town Clerk's Department                       |
| Jenny Pitcairn | - Chamberlain's Department                      |
| Paul Chadha    | - Comptroller & City Solicitor's Department     |
| Jim Graham     | - Department of Built Environment               |
| Steve Presland | - Department of Built Environment               |
| David Smith    | - Director of Markets and Consumer Protection   |
| Jon Averbs     | - Department of Markets and Consumer Protection |
| Xenia Koumi    | - Department of Markets and Consumer Protection |
| Robert Quest   | - Department of Markets and Consumer Protection |
| Colin Buttery  | - Director of Open Spaces                       |
| Gerry Kiefer   | - Open Spaces Department                        |

The Chairman welcomed new Member Jason Pritchard and returning Member Deputy John Bennett to the Committee.

1. **APOLOGIES**

Apologies were received from Deputy John Absalom, Peter Bennett, Tijs Broeke, Graeme Harrower, Christopher Hill, and Mark Wheatley.

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

Vivienne Littlechild and Deputy Joyce Nash declared an interest in respect of Item 4 noting they were both residents of the Barbican.

3. **MINUTES**

**RESOLVED** – That the minutes of the meeting held on 22 May 2018 be approved.

**Matters Arising**

Clean Air Act

The Director of Port Health and Public Protection explained that the draft Clean Air Act had been provided to the Remembrancer's Department for their input; and consultation would be taking place in Autumn 2018 on the refresh of the Air Quality Strategy.

Plastic Free City

The Chairman advised that a press statement had been released launching the Plastic Free City campaign. In response, a Member observed that this had featured within the City View magazine, but that copies of City View had been sent out wrapped in plastic.

Water Refill Points

The Director of Transportation and Public Realm explained that two new water refill points had recently been installed at Aldgate Square and of the ten new points the City Corporation had pledged to install, two had been installed thus far. A report with potential locations for the other refill points would be brought to the Committee in Autumn 2018.

4. **OUTSTANDING ACTIONS**

The Committee received the current list of outstanding actions.

Noise Pollution from the London Underground

The Chairman explained that he had met with Ward Members and the Assistant Director (Public Protection), as well as a resident of Defoe House in June 2018 to listen to the noise coming from the London Underground and a letter was subsequently sent to the Managing Director of London Underground, a copy of which had been provided to Members. A specialist consultant would be employed by the City Corporation to investigate the noise and vibrations caused by sub-surface trains and mitigation measures would be proposed. The Chairman advised this work would take around six months to be completed.

A Member informed the Committee that a petition from residents had been sent to the Mayor of London; a question would be raised at the GLA; and a series of articles would feature in City Matters in relation to the issue of noise pollution.

The Chairman noted that the consultant would be funded by the City Corporation. A Member added this was now a public health matter and had been referred to the Health and Wellbeing Board.

#### Electric Vehicle Charging

The Chairman advised that following a query raised at the last meeting of the Committee on whether electric charging points for vehicles could be placed within Liverpool Street Station, Officers within the Department of the Built Environment had confirmed that this area was outside of the City Corporation's jurisdiction. The Director of Transportation and Public Realm explained that whilst they had examined whether taxi charging points could be installed at this location, this was not part of the proposed plans.

The Director of Transportation and Public Realm explained that TfL had advised that the delayed installation of the charging point at Noble Street would be available from August 2018, and the Team were seeking confirmation of the date for the eight points due to be installed at Baynard House.

#### Low Emissions Neighbourhood

The Chairman advised that a report on Beech Street which was due to be presented before this Committee had been withdrawn following consideration at the Streets and Walkways Sub-Committee. The recommendations had been revised and circulated to Members of this Committee via email in advance of the meeting. In response, the Director of Port Health and Public Protection advised that a report on the Low Emissions Neighbourhood would be presented to the next meeting of the Committee. The Director of Transportation and Public Realm added that with regards to Beech Street, investigations were taking place as to what could be achieved with the existing sub-structures in place, as well as the neighbouring work taking place with the London Borough of Islington, a report on these findings and proposals would be brought before the September Committee meeting.

#### Section 101 Agreements

The Director of Port Health and Public Protection advised that an ice cream van had been seized subject to appeal in August 2018 and nut barrows had also been seized. The Section 101 Agreements were now in place with Southwark with enforcement commencing on Millennium Bridge, which would subsequently be rolled out to the other bridges. Out of hours information for the officers and contact details would be provided to Members. The Chairman added that City of London Police would now assist on both sides of the bridges.

In response to a Member's request that enforcement also take place at Tower Bridge, the Director of Port Health and Public Protection explained that the Team were working closely with Tower Bridge Staff and Tower Hamlets, however, the Section 101 Agreements with Tower Hamlets had not yet been signed. The Chairman added that at present, enforcement from the City Corporation was limited to the South side of the Bridge. A Member noted that there was regular traffic congestion at Tower Bridge due to vans unloading; in

response, the Director of Port Health and Public Protection advised that the enforcement officers only had powers to deal with illegal street trading.

5. **DRAFT CLEAN AIR STRATEGY CONSULTATION**

The Committee considered a report of the Director of Markets and Consumer Protection which set out actions that government intends to take to improve air quality by reducing pollution from a wide range of sources.

In response to a Member's query as to whether the City Corporation had co-operated with other London Boroughs for a combined response for London; the Director of Port Health and Public Protection advised that the response would in addition be submitted to London Councils who would take the City Corporation's views into account.

**RESOLVED** – That the Committee approve the draft response to the Clean Air Strategy, subject to comments received within two weeks of the committee meeting.

6. **BREXIT UPDATE**

The Committee considered a report of the Director of Markets and Consumer Protection which outlined the current position relating to Brexit and the representations made by the Port Health and Public Protection Division (PH&PP), in line with the key principles previously agreed by the Committee for collaboration with Government and relevant agencies.

The Director of Port Health and Public Protection informed the Committee that a White Paper had been published by Government the previous week and three elements would have a direct impact on their work:

- Agrifood proposals at present suggested a common rule book would be used with the UK and the EU. If this were to be the case, officers at the Ports would continue carrying out the same level of checks on EU imports as at present and would not need to conduct the additional work which was required for imports from countries outside of the EU.
- For Consumer Protection and Public Health, it was noted that the proposals would address some of the City Corporation's concerns.
- Live animal trade was an area of concern which had not been addressed in the White Paper.

The Director of Port Health and Public Protection added that funding was in place to engage a consultant who could influence and lobby government on what could be achieved in the areas mentioned. A further report would be provided to the Committee in November 2018.

Members commented they were pleased to see the recognition of European veterinarian qualifications in carrying out agrifood checks and congratulated the team on the work carried out in reaching this stage. However, the Committee was reminded that whilst the White Paper allayed some fears, there was no deal in place and Parliament was yet to approve the proposals, therefore the City Corporation should continue to set out plans for a no deal/worst case scenario.

**RESOLVED** – That the Committee note and endorse the proposals as set out in the report before Members.

7. **AIR QUALITY ANNUAL STATUS REPORT 2017**

The Committee considered a report of the Director of Markets and Consumer Protection which set out the statutory annual status report demonstrating progress in relation to air quality, the full report had been placed in the Members' Room.

In response to a Member's query on why there had been an increase in the Nitrogen Dioxide concentrations at St. Bartholomew's Hospital, the Director of Port Health and Public Protection explained they were working with staff to identify the source and would then take the necessary steps to either eliminate the source or improve dispersion depending on the results.

In response to Members' queries on rising levels of air pollution since 2011 in some areas but not in others and whether the City Corporation was working with the Academy Trusts to tackle air pollution; the Director of Port Health and Public Protection explained that road side locations were more affected by traffic and this had a knock-on effect on air pollution. Members were advised that whilst the City Corporation worked closely with schools, including Sir John Cass Primary School, the issue of air pollution would be dealt with by local councils for schools outside the City.

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

8. **MOSQUITO PROBLEMS AT TUDOR ROSE COURT**

The Committee received a report of the Director of Markets and Consumer Protection which provided an update on action taken in relation to the mosquito problems at Tudor Rose Court.

The Director of Port Health and Public Protection advised that in addition to the washing out of the drains at Tudor Rose Court, seven mosquitoes had been trapped and analysis would take place to identify them. Officers would continue to monitor the area and an oral update would be provided in September 2018 to the Committee.

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

9. **CEMETERY & CREMATORIUM PERFORMANCE 2017/18**

The Committee received a report of the Director of Open Spaces which updated Members on the performance of the Cemetery and Crematorium Performance 2017/18.

In response to a Member's query on the performance measures against targets and whether those needed to be re-examined, the Director of Open Spaces advised that whereas the income target was achieved, the number of services sold was below target, explaining that one memorial could provide £50-60k of income. The Director added that there had been high death rates earlier in the

year, and the figures were trying to illustrate the Cemetery's market share and the financial return; officers would reconsider how this could be reported.

In response to a Member's query on the reduction in volunteer hours and how staff satisfaction was being measured noting that a staff survey had not taken place, the Director of Open Spaces explained that the Department hoped to participate in the Corporation wide staff survey later in the year, but a departmental survey had taken place, the results of which were currently being analysed. The Director of Open Spaces explained that an update would be provided to Members with the results of the annual survey.

Responding to the volunteer question, the Director of Open Spaces advised that in previous years there had been specific projects which were not taking place at present and that may explain the reduction in hours but would ask the Superintendent of the Cemetery to look into this. Members asked that the target be re-examined.

In response to further queries on overall successful performance and the missed target for Health and Safety investigations, the Director of Open Spaces advised that it was difficult to advise on the success of each year as death rates vary, but a neighbouring crematorium was closed in 2014 resulting in additional business. With regards to the reporting of incidents, it was explained that this point had been raised at a Corporate Health and Safety meeting and the process had since changed with steps being taken to avoid a missed target in future.

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

**10. REVENUE OUTTURN 2017/18**

The Committee received a joint report of the Chamberlain, the Director of the Built Environment, the Director of Markets and Consumer Protection, and the Director of Open Spaces which compared the revenue outturn for the services overseen by the Committee in 2017/18 with the final budget for the year.

Responding to a Member's request for further details a breakdown of the £317k overspend, the Chamberlain offered to circulate this to the Committee. Members also asked that if the methodology had been changed, to be provided with those details too.

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

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

The Chairman asked the following question on behalf of a Member who was not present;

“Could an update be provided with regards to on-street shredding vehicles and whether this process could take place at Walbrook Wharf?”

In response the Director of Transportation and Public Realm explained that some companies required their staff to be present when shredding of confidential waste took place and consideration was being given to this when exploring whether Walbrook Wharf could become a shredding site. The Director advised on the actions being pursued which included the following:

- The Clean City Awards scheme criteria were being refreshed;
- The Air Quality team were engaging with City businesses to advise on the issue and encouraging companies to shred confidential waste off street;
- Officers were engaging with the British Security Industry Association to gain their support.

A Member asked the following question on behalf of staff at the City Magistrates Court;

“Cigarettes were being littered outside the Court, mainly by staff from the Bloomberg building which does not allow smoking in the forecourt, could officers investigate?”

The Director of Transportation and Public Realm advised of two immediate measures which could be implemented; through the Clean Streets Partnership discussions taking place at a high level on best practice and behaviour, and education materials could be distributed. If this action was not effective, enforcement such as fines could be issued.

Discussion took place amongst Members on how the matter could best be addressed, and a Member asked that if any discussions were to take place with Bloomberg, could Members of the Ward of Cordwainer be involved. In response to the discussion, the Director of Transportation and Public Realm explained that he would look into this issue and would confirm if assistance was required.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
Fixed Penalty Notices

The Chairman advised that the report on fixed penalty notices at Item 15 had been moved to the public session and would be considered at this point in the meeting. The Committee considered a report of the Director of the Built Environment which sought approval of increasing the charge for Fixed Penalty Notices.

In response to a Member’s query on the range of offences, their associated costs and how this is addressed by neighbouring boroughs, the Director of Transportation and Public Realm advised that littering was taken seriously by local authorities with some issuing fines of up to £150 to act as a deterrent. The Director of Transportation and Public Realm added that 440 offences had taken place within the City which included graffiti and littering, and he would provide the Member with a breakdown of those offences.

In response to Members' questions, the Director of Transportation and Public Realm advised that the £80-£150 fine would take effect from April 2019 and confirmed it would be enforced strictly.

A Member observed that the bins within the City were sometimes overflowing and this should be addressed if charges were being increased. Responding, the Director of Transportation and Public Realm advised that the smart bins did send an email when they were almost full, and the Team endeavoured to address this as quickly as possible.

**RESOLVED** – That the Committee:

- a) approve a Fixed Penalty Notice (FPN) charge of minimum £80 per FPN issued if paid within 10 days and a maximum of £150 if not paid within 10 days for the offences listed in the report as the new FPN fee structure for litter offences;
- b) request the Director of the Built Environment to instruct Street Environment Officers to issue FPNs at the approved level; and
- c) approve implementing a communication and publicity campaign to publicise the increase in the penalty structure.

#### Consultations

The Chairman reminded Members they had two weeks from today to submit their comments to the Air Quality Team regarding the DEFRA consultation. The Team would then collate comments and submit the response. The Chairman added the Saturday Working Consultation would end on 7 August 2018.

#### Dates

The fishing experiment would take place on 22 September 2018 and the cemetery visit on 30 October 2018. The Chairman asked the Town Clerk to circulate the time of the Cemetery visit to Members.

### 13. **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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### 14. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 22 May 2018 be approved.

### 15. **CHARGING STRUCTURE FOR FIXED PENALTY NOTICES UNDER ENVIRONMENTAL PROTECTION ACT 1990 AS AMENDED 1 APRIL 2018**

This report was considered at Item 12.

16. **HEATHROW ANIMAL RECEPTION CENTRE (HARC) UPDATE**

The Committee received a report of the Director of Markets and Consumer Protection which provided an update on income generating opportunities.

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

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

There were no questions.

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

There was one item of business.

**The meeting ended at 3.12 pm**

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Chairman

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