



## Port Health & Environmental Services Committee

**Date:** TUESDAY, 27 NOVEMBER 2018  
**Time:** 11.00 am  
**Venue:** COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

**Members:**

Jeremy Simons (Chairman)	Graeme Harrower
Deputy Keith Bottomley (Deputy Chairman)	Christopher Hill
Deputy John Absalom	Deputy Tom Hoffman
Caroline Addy	Deputy Wendy Hyde
Alderman Nick Anstee	Deputy Jamie Ingham Clark
Alexander Barr	Shravan Joshi
Adrian Bastow	Vivienne Littlechild
Deputy John Bennett	Andrew McMurtrie
Peter Bennett	Andrien Meyers
Tijs Broeke	Deputy Brian Mooney
John Chapman	Deputy Joyce Nash
Peter Dunphy	Henrika Priest
Mary Durcan	Jason Pritchard
Deputy Kevin Everett	Deputy Richard Regan
Anne Fairweather	Deputy Elizabeth Rogula
Alderman David Graves	Mark Wheatley

**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 25 September 2018.  

**For Decision**  
(Pages 1 - 10)
4. **MINUTES**  
To agree the public minutes and summary of the meeting held on 8 November 2018.  

**For Decision**  
(Pages 11 - 14)
5. **OUTSTANDING ACTIONS**  
Report of the Town Clerk.  

**For Information**  
(Pages 15 - 18)
6. **CITY CORPORATION MODERN SLAVERY STATEMENT**  
Report of the Chamberlain.  

**For Decision**  
(Pages 19 - 42)
7. **CONSULTATION ON NOISY SATURDAY CONSTRUCTION WORK ACTIVITIES IN THE CITY OF LONDON**  
Report of the Director of Markets and Consumer Protection.  

**For Decision**  
(Pages 43 - 126)
8. **46TH CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT**  
Report of the Director of Markets and Consumer Protection.  

**For Decision**  
(Pages 127 - 134)

9. **GARDEN WASTE RECYCLING TRIAL ON THE BARBICAN ESTATE**  
Report of the Director of Built Environment.
- For Decision**  
(Pages 135 - 138)
10. **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 Information**  
(Pages 139 - 150)
11. **BANKSY ARTWORK - BARBICAN EXHIBITION HALLS**  
Joint report of the Managing Director, Barbican Centre, Director of Built Environment and the Town Clerk.
- For Information**  
(Pages 151 - 160)
12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
Any items of business that the Chairman may decide are urgent.
14. **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**

15. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 25 September 2018.
- For Decision**  
(Pages 161 - 164)
16. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 8 November 2018.
- For Decision**  
(Pages 165 - 168)

17. **DEBTORS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 30 SEPTEMBER 2018**

Joint report of the Director of the Built Environment, Director of Markets and Consumer Protection, and Director of Open Spaces.

**For Information**  
(Pages 169 - 178)

18. **WALBROOK WHARF OFFICES**

Joint report of the Director of The Built Environment, and Director of Markets and Consumer Protection.

**For Information**  
(Pages 179 - 180)

19. **REPORT OF ACTION TAKEN**

Report of the Town Clerk.

**For Information**  
(Pages 181 - 184)

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

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

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 25 September 2018

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Tuesday, 25 September 2018 at 11.00 am

### Present

#### Members:

Jeremy Simons (Chairman)	Alderman David Graves
Deputy Keith Bottomley (Deputy Chairman)	Graeme Harrower
Deputy John Absalom	Christopher Hill
Alderman Nick Anstee	Deputy Tom Hoffman
Alexander Barr	Deputy Wendy Hyde
Adrian Bastow	Deputy Jamie Ingham Clark
Deputy John Bennett	Shravan Joshi
Peter Bennett	Vivienne Littlechild
John Chapman	Andrew McMurtrie
Mary Durcan	Andrien Meyers
Deputy Kevin Everett	Henrika Priest

### In Attendance

#### Officers:

Sacha Than	- Town Clerk's Department
Chandni Tanna	- Town Clerk's Department
Christopher Bell	- Chamberlain's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Warren Back	- City Surveyors' Department
Carolyn Dwyer	- Director of Built Environment
Jim Graham	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
Richard Steele	- Department of the Built Environment
Kristian Turner	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Ruth Calderwood	- Markets and Consumer Protection Department
Beth Humphrey	- Markets and Consumer Protection Department
Tony Macklin	- Markets and Consumer Protection Department
Gavin Stedman	- Markets and Consumer Protection Department
Colin Buttery	- Director of Open Spaces
Gary Burks	- Open Spaces Department
Gerry Kiefer	- Open Spaces Department

The Chairman welcomed the new Transportation and Public Realm Director, Zahur Khan.

The Committee placed on record their thanks and best wishes to Steve Presland, the outgoing Transportation and Public Realm Director for his work over the past 11 years. Members were informed that Mr Presland would remain with the City of London Corporation to oversee the implementation of the new cleansing contract.

The Chairman informed the Committee that the annual fishing experiment had taken place on the previous Saturday and that it had been a successful day.

1. **APOLOGIES**

Apologies were received from Caroline Addy, Tijs Broeke, Peter Dunphy, Anne Fairweather, Deputy Joyce Nash, Jason Pritchard, 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 minutes of the meeting held on 16 July 2018 were agreed as a correct record.

**Matters Arising**

Plastic Free City

The Director of the Built Environment explained that a Plastic Free City project Manager had been appointed, starting work during October 2018. In response to a Members' questions on the plastic wrapping of City View Magazine and whether the envelopes used were recyclable; the Director agreed to look into this further.

Nitrogen Dioxide Concentrations at St. Bartholomew's Hospital

The Director of Port Health and Public Protection explained that officers were continuing to measure the air quality at St. Bartholomew's Hospital and there had been a reduction in Nitrogen Dioxide concentrations. Officers would continue to monitor the site.

Bloomberg

In response to a Member's query on writing to Bloomberg, the Assistant Director of Cleansing explained that a meeting was taking place with their Facilities Management Team on 1 October 2018 to discuss the issues of littering as raised at the previous meeting. The Chairman suggested awaiting the outcome of that meeting before taking any further steps.

4. **OUTSTANDING ACTIONS**

The Committee received the current list of outstanding actions.

### Impact of Brexit

The Director of Port Health and Public Protection advised that DEFRA and the Food Standards Agency were engaging more with the City of London Corporation and whilst there were still a number of unknowns with regard to Brexit, the Corporation had a consultant in place to help with negotiations and lobbying. An update report would be provided to the next meeting of the Committee.

### Electric Vehicle Charging

The Director of Transportation and Public Realm advised that a contract had been awarded for the installation of a charging point at Noble Street and it was anticipated this would be operational in November 2018.

A hub of eight to ten charging points was planned for installation at Baynard House, however the technical details were still being worked on and TfL would need to complete their cost benefit appraisal before making a final decision. The Director of Transportation and Public Realm advised that the points were likely to be operational next summer.

In response to a Member's comments that there were a number of charging points in place on the Islington side of Smithfield Market, the Chairman explained these were not 45 kW rapid charging points and noted that the City of London Corporation would continue to look at opportunities to install charging points.

### Gumdrop

The Assistant Director of Cleansing advised that gum receptacles were not a viable option for the City. In response Members raised the following points:

- a new kind of chewing gum had been invented which does not stain the ground, could the City Corporation's links with government compel companies to sell this;
- would it be possible to treat the paving stones to make it harder for chewing gum to stain the ground;

In response, the Assistant Director of Cleansing explained that the pavements within the City were coated; there were 900 cigarette butt and gum bins within the City, and enforcement activities could be stepped up. It was added that the Chartered Institute of Waste Management and Keep Britain Tidy both lobby government, but it was not known whether any influence could be used to compel companies to sell non-stick gum.

This item would now be discharged from the Outstanding Actions report.

### Section 101 Agreements

The Director of Port Health and Public Protection advised that the Section 101 Agreement with Tower Hamlets was in draft form with the Comptroller and City Solicitor's Department. An officer with enforcement powers on the bridges would start work on 1 November 2018. Furthermore, enforcement work had commenced on Millennium Bridge with two carts seized and the traders had not returned since.

### Mosquitoes

The Director of Port Health and Public Protection advise that the steps taken with regards to the mosquitoes had been communicated back to residents via the relevant Member and there had been no further complaints. In response, a Member noted there may be mosquitoes within the Barbican area.

This item would now be discharged from the Outstanding Actions report.

#### 5. **RESOLUTION OF THE PLANNING AND TRANSPORTATION COMMITTEE**

The Committee considered a resolution of the Planning and Transportation Committee inviting a Member of the Port Health and Environmental Services Committee to sit on the Streets and Walkways Sub-Committee.

**RESOLVED** – That Kevin Everett be appointed to the Streets and Walkways Sub-Committee.

#### 6. **PETITION FROM THE BARBICAN RESIDENTS REGARDING TUBE NOISE**

The Committee considered the following petition from residents of the Barbican in relation to operational rail noise from the London Underground which had been referred to it from the Court of Common Council.

##### **Petition:-**

“We, the undersigned residents of the Barbican Estate, conscious of the Mayor’s and Deputy Mayor for Transport’s statement of “complete commitment” to reducing noise pollution arising from TfL’s underground trains and of the Chief Medical Officer’s 2018 identification of noise as second only to air quality as a health damaging pollutant, petition the Mayor to require Transport for London to produce proposals within three months, and to implement measures within six months thereafter, to reduce the high levels of noise and vibration pollution experienced in Barbican homes arising from trains on the sub-surface lines between Barbican and Moorgate stations. Noise levels should be reduced to below the level at which the World Health Organisation judges sleep to be disturbed: that is to a level of 40db outside homes (the equivalent of 19db inside homes).”

The Petition had been presented to the Court by Mary Durcan who thanked Members for the support given, and the work carried out by officers in relation to the survey. Members noted that meetings had taken place with Mark Field MP for the Cities of London and Westminster and GLA Member Unmesh Desai and it was hoped this, alongside the letters from the Committee would have an effect.

The Chairman advised that this matter would be given further consideration at Item Nine.

**RESOLVED** – That the petition be considered by the Committee.

#### 7. **SECTION 101 AGREEMENT WITH THURROCK COUNCIL**

The Committee considered a report of the Director of Markets and Consumer Protection which sought authorisation to enter into an agreement made under s.101 of the Local Government Act 1972 between the City of London Corporation and Thurrock Council.

Members commended the impressive growth in trade at London Gateway noting this was a model of quality work.

In response to a Member's query on increasing capacity, the Director of Port Health and Public Protection advised that the City would be able to meet the increase in throughput, making the Port more efficient and this would minimise the impact of a hard Brexit.

Responding to a Members question on cost benefit analysis, the Chairman noted that the City charges for its services on a cost recovery basis.

**RESOLVED** – That the Committee:

- authorise the City of London Corporation to enter into an agreement under the provisions of s.101 Local Government Act 1972 with Thurrock Council as outlined in this report; and
- authorise the Director of Markets & Consumer Protection, in consultation with the Comptroller & City Solicitor to negotiate and settle the final form of agreement with Thurrock Council, including specific legislation, charging regimes and termination arrangements.

8. **UPDATE ON THE CONSULTATION ON NOISY SATURDAY CONSTRUCTION WORK ACTIVITIES IN THE CITY OF LONDON**

The Committee received a report of the Director of Markets and Consumer Protection informing Members that the consultation undertaken about Saturday working in relation to noisy construction activities was now complete with 725 responses received and detailed analysis underway. A final decision report with recommendations would be presented to the November meetings of this Committee and the Planning and Transportation Committee.

In response to a Member's request that advice on the business and economic impacts of any proposals be sought, the Director of Port Health and Public Protection advised that all aspects of any recommendations would be considered.

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

9. **UPDATE ON THE ISSUE OF OPERATIONAL RAIL NOISE FROM LONDON UNDERGROUND AFFECTING THE BARBICAN ESTATE**

The Committee received a report of the Director of Markets and Consumer Protection which updated Members on the work carried out thus far with regards to the rail noise emanating from the London Underground and its impact on residents of the Barbican Estate. The initial measurements of noise and vibration had been completed and would be used to inform a strategy and

options for mitigation with a further report being brought before the Committee in January 2019.

In response to Members' comments on how different flats could be affected by the rail noise and a query on how the properties were chosen to measure noise levels, the Director of Port Health and Public Protection advised that some of the properties had been suggested by Members, some had been used previously for readings and were subsequently chosen again to ensure the measurements were consistent, and finally some were chosen as the residents had raised complaints in the past. Members were informed that the work was ongoing with further measurements to take place once current track replacement work was completed, and if they were aware of any residents who would like their properties to be used for readings, to let officers know.

In response to a Members' request, the Director of Port Health and Public Protection agreed to provide an interim progress report for the next meeting of the Committee. A Member queried whether clarity could be provided on whether TfL could use section 122 of the Railways Act 1993 as a statutory defence, the Director agreed to look into this further.

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

10. **LOW EMISSION NEIGHBOURHOOD ANNUAL UPDATE**

The Committee received a report of the Director of Markets and Consumer Protection which provided an update of activity over the past 12 months on the Low Emission Neighbourhood project.

**RESOLVED** – That the Committee note the report and support the activities of the project.

11. **BEECH STREET: TRANSPORT AND PUBLIC REALM IMPROVEMENTS**

The Committee considered a report of the Director of the Built Environment in relation to the plans to improve the public realm in Beech Street, the first stage of which requires the removal of traffic. The Director of the Built Environment advised that the Committee was receiving the transport and public realm aspect of the project, and discussions would be taking place between the Chairmen of the Policy and Resources Committee and the Planning and Transportation Committee, and the Deputy Mayor for Transport with the objective of seeking GLA support for the project and to seek assistance in identifying ways in which the project approvals for the traffic can be moved forward faster.

The Chairman noted the length of time for traffic modelling work and asked whether interim measures could be introduced to truncate the process. The Director of the Built Environment explained it was not possible to provide a date on when measures could be introduced as TfL have a fixed audit process which needs to be followed, but officers were looking at whether an abridged model could be considered. In addition, consideration was being given to the eastbound and westbound traffic, the closures of which, would have different implications.

A Member noted the other projects taking place at Old Street and London Wall to reduce traffic and asked whether the City of London Corporation had the opportunity to liaise with the relevant authorities on those schemes, it was added that the westbound traffic caused the most issues at Beech Street and due consideration should be given to this.

Responding, the Director of the Built Environment advised that officers were in communication with both the London Borough of Islington and TfL on the schemes and were providing input. Members were advised that further information would be provided on the Old Street project in due course. With regards to the traffic on Beech Street, the City Surveyor confirmed that introducing a closure for westbound traffic would be more effecting at reducing noxious emissions than an eastbound closure. However, this would in turn cause a greater impact as traffic would reassign over a wider area.

**RESOLVED** – That the Committee endorse the development of two options for reducing traffic in Beech Street.

12. **DRINKING FOUNTAINS - DELIVERING ADDITIONAL WATER REFILL POINTS IN THE CITY'S PUBLIC REALM**

The Committee received a report of the Director of the Built Environment which provided an update on plans to install additional water refill points in the City's public realm. A paper providing 19 potential locations for the water refill points was tabled.

The Director of Transportation and Public Realm advised that two water refill points had been installed within the Aldgate area, and consideration was being given to installing eight further sites from the list of locations tabled before Members.

In response to a Member's query on measuring success, the Director of Transportation and Public Realm advised that this was a challenge, but they could look at sales of single use plastic water bottles, and the number of water bottles collected through street cleaning and refuse collection. The Director added that they recognised the importance of advertising this campaign and would utilise the media to publicise it effectively.

A Member explained that within the City, there was a footway plaque in Poultry relating to the Great Conduit which provided water to the City for the first time and asked officers to look into the feasibility of a water refill point being installed at this location.

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

13. **CHANGE TO WASTE COLLECTION ARRANGEMENTS FOR SERVICED APARTMENTS**

The Committee received a report of the Director of the Built Environment which set out the change to waste collection arrangements for serviced apartments.

In response to Members' questions, the Assistant Director of Cleansing noted it was difficult to identify waste produced from individual properties let through Air B&B as they were part of full apartment blocks, and it was unlikely to be cost effective to separate out this waste, but he offered to look into this. The Assistant Director added that the Cleansing Team would monitor areas once changes had been made to ensure that any fly-tipping would be dealt with effectively.

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

14. **DEPARTMENT OF THE BUILT ENVIRONMENT (CLEANSING SERVICES) BUSINESS PLAN PROGRESS REPORT FOR PERIOD 1 (APRIL - JULY), 2018/19**

The Committee received a report of the Director of the Built Environment which provided an update on progress made during period one against the 2015-2018 DBE Business Plan for Public Conveniences, Waste Collection, Street Cleansing, Waste Disposal and Transport Services.

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

15. **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 within the Department of the Built Environment were satisfactory and met the requirements of the corporate Risk Management Framework. The Director of the Built Environment advised that the compliance rate with the Driver Check was at 92.4%.

In response to a Member's query regarding risk DBE-TP-12 (Cleansing & Waste Contract – Commercial) on why there was a discrepancy between the target risk and the actual risk, the Director of the Built Environment explained that upon reviewing the risk, the likelihood had been downgraded and therefore the risk score had been amended. However, when the risk would next be reviewed the target risk would also be reviewed.

**RESOLVED** – That the Committee note the report and the actions taken to monitor and manage effectively risks arising from the department's operations.

16. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2018/2019: PROGRESS REPORT (PERIOD 1)**

The Committee considered a report of the Director of Markets and Consumer Protection which provided an update on progress made by the Port Health and Public Protection Division during Period One of 2018/19 against the Department of Markets and Consumer Protection's High Level Business Plan 2018/19.

The Director brought the Committee's attention to the prestigious RSPCA Gold Footprint Award that had been won by the Animal Health and Welfare team, based at the Heathrow Animal Reception Centre, and an Individual Special

Recognition Award won by Rob Quest, the Assistant Director, Animal Health. The Committee expressed its congratulations to the Assistant Director, Animal Health, and the Animal Health team

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

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

The Committee received a report of the Director of Markets and Consumer Protection which provided assurance that risk management procedures in place were satisfactory.

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

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

The Committee received a report of the Director of Open Spaces which updated Members on the performance of the Cemetery and Crematorium during the period April-July 2018. Appendix Three of the report was tabled.

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

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

There were no questions.

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

The Chairman reminded Members of the annual cemetery visit taking place on 30 October 2018.

21. **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.

22,25	3,5,7
23,24	3

22. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes of the meeting held on 16 July 2018 be approved.

23. **WALBROOK WHARF ELECTRICAL INFRASTRUCTURE UPGRADE INCLUDING NEW ELECTRIC VEHICLE CHARGING POINTS.**

The Committee received a joint report of the Director of the Built Environment and City Surveyor which set out the options for upgrading the electrical infrastructure at Walbrook Wharf to accommodate the introduction of new

electric vehicle charging stations for the new fleet of waste collection electrically propelled vehicles.

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

24. **UPDATE ON THE WASTE COLLECTION, STREET CLEANSING AND ANCILLARY SERVICES CONTRACT PROCUREMENT.**

The Committee considered a report of the Director of the Built Environment which provided an update on the Waste Collection, Street Cleansing and Ancillary Services Contract Procurement.

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

25. **DEBT ARREARS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 30 JUNE 2018**

The Committee received a joint report of the Director of the Built Environment, Director of Markets and Consumer Protection, and Director of Open Spaces.

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

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

There were no questions.

27. **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 12.23 pm**

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Chairman

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## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Thursday, 8 November 2018

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Thursday, 8 November 2018 at 10.30 am

### Present

#### Members:

Jeremy Simons (Chairman)	Deputy Kevin Everett
Deputy Keith Bottomley (Deputy Chairman)	Anne Fairweather
Deputy John Absalom	Christopher Hill
Caroline Addy	Deputy Tom Hoffman
Alderman Nick Anstee	Deputy Wendy Hyde
Adrian Bastow	Shravan Joshi
Deputy John Bennett	Vivienne Littlechild
Peter Bennett	Andrien Meyers
John Chapman	Jason Pritchard
Peter Dunphy	Deputy Elizabeth Rogula
Mary Durcan	Mark Wheatley

### In Attendance

John Scott (Chief Commoner)

#### Officers:

Sacha Than	- Town Clerk's Department
Chloe Rew	- Town Clerk's Department
Laura Simpson	- Town Clerk's Department
Christopher Bell	- Chamberlain's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Double	- City Remembrancer
Jaysen Sharpe	- Remembrancer's Department
Jim Graham	- Department of the Built Environment
Joe Kingston	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Averbs	- Department of Markets and Consumer Protection
Ruth Calderwood	- Department of Markets and Consumer Protection
Gary Burks	- Department of Open Spaces

### 1. APOLOGIES

Apologies for absence were received from Alexander Barr, Graeme Harrower, Deputy Jamie Ingham Clark, Andrew McMurtrie, and Deputy Joyce Nash.

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

There were no declarations.

**3. EMISSIONS REDUCTION PROPOSAL**

The Committee received a joint report of the Director of Markets and the Remembrancer which sought approval of London specific, focused proposals which would provide new adoptive powers for London local authorities to control emissions from combustion plant.

The Director of Port Health and Public Protection introduced the report adding that a resolution of the Audit and Risk Management Committee had been tabled at this meeting which asked that greater emphasis should be placed on the element of risk posed by air pollution to the health and wellbeing of local people. The Director advised that this would be incorporated as part of the new Air Quality Strategy being developed during 2019.

The Remembrancer provided an overview of the timeline, explaining that following consultation, the proposals would be introduced as a private members' Bill in early 2019 with the intention of them either becoming law or informing policy.

A Member raised the point that new boilers were being installed at the Golden Lane Estate and asked whether to reduce pollution these could be made to comply with the tighter emission controls as set out in the report before Members. The Member also noted the emissions being produced from the bio mass system at St Giles Cripplegate Church.

In response, the Director of Port Health and Public Protection advised that officers were aware of past emissions issues with the biomass plant, and it was thought those issues had been resolved, but officers would investigate. With regards to the new boilers, officers agreed to look into this further but advised that timing would be a factor, and whether the installation would take place before the new legislation was passed.

The Director also responded to Members' comments on addressing emissions from existing generators, advising that from a practical standpoint this would be difficult and therefore the primary focus of the proposals would be on new equipment being brought into the City and setting a standard to control emissions, particularly in areas with poor air quality.

In response to the proposal to increase fines for stationary idling vehicles from £20 to £100, Members queried whether there was scope to increase this further. The Director of Port Health and Public Protection noted this comment to consider during the consultation stage.

Responding to some of the points raised, the Remembrancer explained that setting emissions limits would be a matter for the Secretary of State based on scientific evidence, and with regards to setting a level of fines for stationary

idling vehicles, comparable fines issued by other Local Authorities for a similar level of offence would also need to be considered.

A Member commented that the Bill could expand into other areas to address the air and noise pollution caused by lorries and motorbikes at London Wall, and stationary vehicle idling at the Barbican Estate. In response, the Director of Port Health and Public Protection advised that points such as these could be considered in the context of the new Air Quality Strategy which would be brought to Committee for discussion in 2019. He also advised that sufficient resources would be required for enforcement, and an uplift in the base level budget for the Air Pollution Team would be sought.

**RESOLVED** – That the Committee approve the principles of the proposals and grant authority to consult with the Department of the Environment Food and Rural Affairs, the Greater London Authority, London Boroughs and other interested parties, and to seek the assent of London Councils.

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

There were no questions.

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

The Chairman raised the following items of business:

**Visit to the Cemetery and Crematorium**

The Chairman thanked Members of the Committee for attending the visit to the Cemetery and Crematorium, noting this had been an interesting and informative visit, and thanked Gary Burks, the Superintendent of the Cemetery and Crematorium for organising this event.

**Director of Transportation and Public Realm**

The Chairman advised the Committee that Steve Presland, the Director of Transportation and Public Realm would retire at the end of the week and Members placed on record their thanks and best wishes for his work over the past 11 years.

**Director of Markets and Consumer Protection**

The Chairman advised Members that this was the final meeting of the Committee which David Smith, the Director of Markets and Consumer Protection would attend before his retirement. Members gave their sincere thanks to the Director for his work and enormous contribution over the past 16 years and wished him well for his future endeavours. In response, the Director thanked Members for their kind words and paid tribute to the great work carried out by his team.

6. **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.

- 7. WASTE COLLECTION, STREET CLEANSING AND ANCILLARY SERVICES CONTRACT FINAL RECOMMENDATION**  
The Committee considered a report of the Director of the Built Environment which sought approval for the contract award for Waste Collection, Street Cleansing and Ancillary Services.
- 8. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**  
There were no questions.
- 9. 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 11.36 am**

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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	An interim progress report was provided to the September committee detailing the work carried out to date and a timetable for the next steps. A report summarising the draft recommendations following measurements and investigations has been produced and LUL are in the process of considering these. A track walk is scheduled for the 5 <sup>th</sup> December 2018 after which the report will be finalised. A substantive report will be presented to your January meeting.
2.	4 July 2017	<b>Impact of Brexit</b>	Director of Port Health and Public Protection	November 2018	An update report would be provided to the Committee in November 2018.
3.	19 September 2017	<b>Electric Vehicle Charging</b>	Director of Transportation and Public Realm	TBC	The installation of a charging point in Noble Street was originally programmed for June 2018, however there have been delays due to questions on legal and formal notice issues with TfL, who are paying for the work. This has now been unblocked and enabling work is due to commence 19th November. This also includes power connection and the anticipated installation date for the charging unit is the 5th December, with a potential go live date from the week commencing 10th December.

					A hub of eight to ten charging points was planned for installation at Baynard House, however the technical details were still being worked on and TfL would need to complete their cost benefit appraisal before making a final decision. The Director of Transportation and Public Realm advised at the September 2018 Committee that the points were likely to be operational next summer.
4.	6 March 2018	<b>Lower Emissions Neighbourhood (LEN)</b>	Director of Transportation and Public Realm and Director of Port Health and Public Protection	September 2018	<p>Following the proposed decision to substitute Moor Lane for Beech Street as the ultra-low emission street which Members of the Committee strongly disagreed with. A resolution of the discussion was submitted to the P&amp;R and P&amp;T Committees, and officers were asked to look at a full range of options to reduce pollution in Beech Street.</p> <p>In July 2018, the Committee were advised that a report on Beech Street due to be presented had been withdrawn following comments at the Streets and Walkways Sub-Committee. The recommendations had been revised and work would take place to investigate what could be built with the existing sub-structures in place</p> <p>Two reports were presented to Committee in September 2018: Low Emissions Neighbourhood from the Director of Port Health and Public Protection and Beech Street from the Director of Transportation and Public Realm, and the consultation on the Moor Lane ULEV scheme is underway.</p>
5.	21 November 2017	<b>S.101 Agreements</b>	Director of Port Health and Public Protection	Ongoing	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. In June 2018 Members were informed that an agreement had been

					reached and signed with Southwark.  With regards to the S.101 Agreement with Tower Hamlets, the area is under consideration and being processed by the Comptroller and City Solicitor and it is expected this will be signed by 27 November 2018.
6.	16 July 2018	<b>Water Refill Points</b>	Director of Transportation and Public Realm	TBC	Following the receipt of a paper setting out potential locations for the water refill points in the City, it was asked whether a water refill point could be installed in Poultry at the site of the Great Conduit.
7.	25 September 2018	<b>Plastic Wrapping</b>	Director of the Built Environment	November 2018	The following response was received from the Head of Publishing: The next issue of the City Resident magazine and thereafter will be mailed either using biodegradable wrapping or paper wrapping and the same will be true of Cityview magazine and the ward newsletters.

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<p><b>Meeting</b>  <b>Port Health and Environmental Services Committee</b>  Procurement Sub-Committee  Police Committee    (Establishment Committee)  (Community and Children’s Services Committee)  (Policy &amp; Resources Committee)</p>	<p><b>Date</b>  <b>27 November 2018</b>  4 December 2018  5 December 2018    (29 October 2018)  (2 November 2018)  (15 November 2018)</p>
<p><b>Subject</b>  City Corporation Modern Slavery Statement</p>	<p><b>Public</b></p>
<p><b>Report of</b>  The Chamberlain</p>	
<p><b>Report Author</b>  Natalie Evans, Responsible Procurement Manager,  City Procurement</p>	<p><b>For Decision</b></p>

### Summary

1. This Report accompanies the proposed City of London Corporation ‘Modern Slavery Statement’ developed in response to the Modern Slavery Act 2015. It is proposed that the City Corporation complies with the annual reporting requirements associated with the Modern Slavery Act, on a voluntary basis, in the interest of due diligence and transparency, and to appropriately reflect the organisation’s strong commitment to responsible business principles.
  
2. The City of London Police has a responsibility to help identify and eliminate modern slavery through its law enforcement remit and the City Corporation through its business activities, ensuring effective due diligence procedures are in place to safeguard against modern slavery taking place within our organisation, our jurisdiction and our supply chain.
  
3. The Corporation also plays a philanthropic role by funding activities designed to support refugees and asylum seekers who have experienced human trafficking, disrupt global human trafficking and combat its practice in the UK.
  
4. This Modern Slavery Statement brings together the roles, remits, commitments and all work undertaken by the City of London Police, Department for Children and Community Services, Community Safety, Port Health & Public Protection, HR, City Procurement, the Barbican, City Bridge Trust and Heart of the City, also detailing future plans for continuous improvement.

### Recommendations

That Port Health and Environmental Services Committee:

- Approves the publication of a voluntary Modern Slavery Statement by the City Corporation
- Approves the version submitted, including the ‘Modern Slavery Policy’.

- Notes and specifically approves the ‘continuous improvement’ sections detailed throughout, which will form the basis of the action plan used to drive progress amongst all relevant departments over the next year.

## **Main Report**

### **Background**

5. The Modern Slavery Act 2015 was enacted in response to prioritisation of this issue by the UK Government. It requires commercial entities that operate in the UK, with a turnover of more than £36m, to produce an annual Modern Slavery Statement detailing current and planned actions to tackle this crime.
6. The City Corporation is not a relevant commercial organisation as defined by section 54 of the Act. However, it is recommended that the City Corporation comply with its annual reporting requirements on a voluntary basis in the interest of due diligence and transparency, and to appropriately reflect the organisation’s strong commitment to responsible business principles. It should also be taken into account that many other public authorities, including numerous London boroughs have already published their own Statement.
7. Representatives from the City of London Police, the Barbican, City Procurement, Children and Community Services, Community Safety and Corporate Strategy and Performance came together in early 2018 to establish the City Corporation’s inter-departmental Working Group on Modern Slavery.
8. The first priority of the Working Group was to bring together all current action taking place to tackle modern slavery, to harmonise approaches and ensure that resources and lessons learned are shared across the Corporation. The proposed Modern Slavery Statement was developed based on this work.
9. Earlier this year, the City Corporation made a pledge, signed by the Chairman of Policy & Resources Committee, to tackle modern slavery as part of the Evening Standard’s anti-slavery campaign. This Statement would represent a transparent way of demonstrating the organisation’s commitment to this pledge.
10. The Modern Slavery (Transparency in Supply Chains) Bill 2017-2019 is currently progressing through the House of Lords. Amongst other amendments, this Bill proposes to extend the scope of the existing Act to public sector authorities. The voluntary publication of this Modern Slavery Statement could therefore also be viewed as a way of future proofing the City Corporation’s approach.

### **Methodology**

11. The Statement is divided into five sections, structured to reflect our actions according to the City Corporation's responsibilities and the level of control or influence the organisation is able to exert:

- **Our Organisation** – Overarching commitments and organisational approach
- **Our People** – The Corporation's employees.
- **Our Jurisdiction** – People living, working in and visiting the Square Mile.
- **Our Wider Community** – Charitable organisations and business community.
- **Our Supply Chains** – Domestic and global supply chains.

12. Each section is separated into four parts, according to the requirements of a Modern Slavery Statement under s.54 of the Modern Slavery Act.

- **Remits and relevant risks** – Within the remit of each department; identifying the people, places, trades and industries at the highest risk.
- **Policies and commitments** – Overarching and department-specific policies and commitments to tackling modern slavery and other labour rights abuses.
- **Existing interventions** – Actions already being undertaken to identify and deal with modern slavery and to minimise the risk of it occurring.
- **Continuous improvement** – Assessing the effectiveness of our current interventions, creating plans to bridge identified gaps, developing appropriate performance indicators, monitoring and reporting on progress.

All actions described within the 'continuous improvement' sections will be combined to form an action plan, which will be overseen by the Responsible Business Implementation Group, coordinated by the Inter-departmental Working Group on Modern Slavery and undertaken by relevant City Corporation Officers.

### **Corporate and Strategic Implications**

13. The following aims and outcomes within the Corporate Plan underpin the City Corporation's commitment to combatting human and labour rights abuses:

#### ***Contribute to a flourishing society:***

- People are safe and feel safe
- People enjoy good health and wellbeing
- People have equal opportunities to enrich their lives and reach their full potential

#### ***Support a thriving economy:***

- Businesses are trusted and socially and environmentally responsible

14. The Responsible Business Strategy 2018-23: sets out the City Corporation's stance on advocating for human rights in its decision-making processes so that people are treated appropriately and with dignity. It also details its commitment

to actively preventing fraud, corruption and bribery in its own operations and influencing supply chains and partners to do the same.

15. The Responsible Procurement Strategy 2015-18 aims to deliver best value in a way that improves the lives of those in its supply chain and helps the City Corporation make procurement decisions that act as a catalyst for positive change. It details the City Corporation's commitment to tackling human and labour rights violations, including modern slavery.

## **Conclusion**

16. The publication of a Modern Slavery Statement would constitute a clear and transparent demonstration of the City Corporation's commitment to tackling modern slavery, both internally and externally. It brings current and future actions into one place allowing all departments and other relevant entities an oversight and a point of reference to ensure effective collaboration.

17. The length of the Statement reflects the requirements set under s.54 of the Act and moreover the comprehensive amount of work already being undertaken.

## **Appendices**

Appendix 1 - City of London Corporation Modern Slavery Statement

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## **City of London Corporation Modern Slavery Statement**

1. This Modern Slavery Statement, covering November 2018 – June 2019, is made in response to s.54 of the Modern Slavery Act 2015 (“the Act”). It sets out the steps that the City of London Corporation (“City Corporation”) has taken and is continuing to take to ensure that modern slavery is not taking place within our business, within the Square Mile or within our supply chains.
2. For the purposes of this Statement and associated Policy, the term ‘Modern Slavery’ encompasses slavery, servitude, human trafficking, forced or compulsory labour and child labour.
3. The City Corporation is not a relevant commercial organisation as defined by section 54 of the Act. However, it will comply with its annual reporting requirements on a voluntary basis in the interest of due diligence and transparency, and to appropriately reflect the City Corporation’s strong commitment to responsible business principles.
4. This Modern Slavery Statement is divided into five sections:
  - i. **Our Organisation** – The City Corporation’s approach to tackling modern slavery. This overarching commitment is supported at the highest level and inter-departmental collaboration is used to ensure a harmonised and effective approach.
  - ii. **Our People** – Helping to protect our own employees, based at any City Corporation location, from becoming victims of modern slavery through fair recruitment practise, pay and conditions, and having support mechanisms in place such as access to whistleblowing and an employee assistance programme.
  - iii. **Our Jurisdiction** - Creating conditions that minimise the risk of modern slavery occurring within the Square Mile, identifying modern slavery that does occur within our geographical jurisdiction, referring any victims on to the help and support they need and ensuring any perpetrators of this crime are brought to justice.
  - iv. **Our Wider Community** – Using our influence to facilitate positive action on modern slavery amongst charitable organisations and our wider business community.

- v. **Our Supply Chains** – Using responsible procurement and contract management due diligence procedures to minimise risks of modern slavery taking place within our domestic and global supply chains.
5. Within each of these five sections, the following aspects are described, as per the requirements of a modern slavery statement under s.54 of the Act:
- a. **Remits and relevant risks** – Within the remit of each department; identifying the people, places, trades and industries at highest risk of being associated with modern slavery
  - b. **Policies and commitments** – Overarching and department-specific policies and commitments to tackling modern slavery and associated human and labour rights abuses
  - c. **Existing interventions** – Actions already being undertaken to identify and deal with modern slavery and to minimise the risk of it occurring. This includes training & awareness programmes and due diligence procedures such as referrals, site visits & spot checks, contractual provisions and contract monitoring & management.
  - d. **Continuous improvement** – Assessing the effectiveness of our current interventions, creating plans to bridge identified gaps, developing appropriate performance indicators, monitoring and reporting on progress.

## i. Our organisation

- a. **Remit and relevant risks**
6. The Square Mile is the historic centre of London and is home to the ‘City’ – financial and commercial heart of the UK. The City Corporation provides local government services for the Square Mile and supports and promotes the City as the world leader in international finance and business services. The organisation’s responsibilities extend far beyond the City boundaries in that it also provides a host of additional facilities for the benefit of the nation, including air and sea ports, the Barbican and various open spaces.
7. City Bridge Trust is the funding arm of Bridge House Estates, of which the City Corporation is the sole trustee. It was established to make use of funds surplus to bridge requirements and provides grants totalling around £20m per year towards

charitable activity benefitting Greater London. Heart of the City is a business-led charity, limited by guarantee and housed the City Corporation, which is its main funder and Treasurer.

8. The City of London Police is the territorial police force responsible for law enforcement within the City of London, with other specific remits nationally. The City of London Police is divided into four directorates: Crime Investigation, covering serious & organised crime, terrorism, acquisitive criminality and violent crime; Economic Crime, which looks at fraud; Intelligence and Information, responsible for coordination of intelligence and information management; and Uniform Policing, providing policing response and specialist skills and support both internally and to other police forces.
9. From an organisational perspective, it is recognised that modern slavery is a crime that is prevalent both within and outside of the UK, across many industries and as such it is a risk that the City Corporation takes seriously. However, rather than this risk being looked at in isolation, modern slavery is managed alongside a range of other risks that must be dealt with as part of our business activities e.g. implementing responsible procurement, tackling serious and organised crime, safeguarding of children and vulnerable adults, health and safety in construction etc.

**b. Policies and commitments:**

10. The recently published Corporate Plan (2018-2023) sets out the priorities of the City Corporation as the governing body of the Square Mile, dedicated to a vibrant and thriving City, supporting a diverse and sustainable London within a globally successful UK. The following aims and outcomes within the Plan underpin the City Corporation's commitment to combatting human and labour rights abuses such as modern slavery:

**10.1 *Contribute to a flourishing society:***

- People are safe and feel safe
- People enjoy good health and wellbeing
- People have equal opportunities to enrich their lives and reach their full potential

**10.2 *Support a thriving economy:***

- Businesses are trusted and socially and environmentally responsible

11. The Responsible Business Strategy 2018-23: 'Towards a Sustainable Future' describes in more detail how the City Corporation intends to achieve the above aims and outcomes. This Strategy sets out the organisation's objective of creating positive

impact and reducing negative impact across all its activities and decisions. More specifically, the Strategy states the City Corporation's stance on advocating for human rights in its decision-making processes so that people are treated appropriately and with dignity. The Strategy also details its commitment to actively preventing fraud, corruption and bribery in its own operations and influencing supply chains and partners to do the same.

12. The following is the City Corporation's stand-alone Policy on modern slavery:

#### **Overarching City of London Corporation Modern Slavery Policy**

The City Corporation recognises its responsibility to help identify and eliminate modern slavery through its business activities. The organisation will ensure that effective due diligence procedures are in place to safeguard against any form of modern slavery taking place within our business, our jurisdiction or our supply chain. These procedures will be reviewed and continuously improved upon over time.

#### **c. Existing interventions**

13. Representatives from the City of London Police, the Barbican, City Procurement, Department for Community and Children's Services, Community Safety and Corporate Strategy and Performance Team came together in early 2018 to establish the City Corporation's inter-departmental Working Group on modern slavery.

14. The first priority of the Working Group was to bring together all current action taking place to tackle modern slavery by the City Corporation, to harmonise our approach and ensure that resources and lessons learned are shared across the City Corporation. This current Modern Slavery Statement was developed based on this work.

#### **d. Continuous improvement**

15. The Working Group plans to invite representatives from other relevant departments to contribute their ideas going forward, including HR and Licensing. A network of 'Safeguarding Champions' is to be re-launched in the coming months, acting as departmental points of contact and channels for dissemination of key messages to and from the Working Group.

- 16. The next priority of the Working Group going forward is to identify any gaps or weaknesses and plan future interventions and areas for potential collaboration that could be used to continuously improve our approach. The principal areas identified so far are an increased number of internal and external training and awareness raising initiatives.
- 17. Specific continuous improvement plans are discussed more fully as part of the following sections covering Our People, Our Community and Our Supply Chain.

**ii. Our People**

**a. Remit and relevant risks**

- 18. This section covers the City Corporation’s work helping to protect our own employees from becoming victims of modern slavery. These City Corporation-wide efforts are led by our Human Resources Department.

**b. Policies and commitments**

- 19. Alongside the City Corporation’s Modern Slavery Policy outlined in Section 1.b, the City Corporation has a series of policies, codes of conduct and adopted principles that set out how the organisation makes sure that people are working legally, that everyone is treated fairly and with dignity, and that people conduct themselves appropriately.
- 20. **Recruitment Policy:** The City Corporation operates a robust recruitment policy, including conducting ‘right to work in the UK’ checks for all employees. All offers of employment are conditional on these checks being completed to the organisation’s satisfaction. Where an individual is working in the UK on a visa or work permit of a fixed term, the City Corporation requires the individual to provide proof of their continuing right to live and work in the UK before continuing their employment.
- 21. These processes are managed and overseen by our HR department and guidance is provided to all recruiting managers to ensure these checks are carried out effectively. They represent an initial measure of safeguarding against the City Corporation employing any individual that has been illegally trafficked and/ or is being forced to work against their will.
- 22. **Whistleblowing Policy:** [The City Corporation’s Whistleblowing Policy](#) applies to all staff. It details the channels through which employees should raise serious concerns,

providing assurance that there should be no fear of reprisals. Concerns regarding potential instances of modern slavery can be raised in this way alongside other forms of abuse and coercion staff may be experiencing or suspicious of. Staff are made aware of this Policy through various channels including during induction training and the staff intranet.

23. **Codes of Conduct:** Our continued success relies on the trust and confidence of the public and therefore all staff and elected representatives are expected to uphold the highest standards of personal conduct and integrity including a requirement for all staff to uphold the [Nolan Principles on standards in public life](#).
24. There are 100 Common Councilmen and 25 Aldermen serving as elected representatives, collectively referred to as 'Members'. Members represent public interest and inform how the City Corporation should carry out its various activities. Members adhere to the City Corporation's [Code of Conduct for Members](#).
25. Similarly, City Corporation employees must adhere to the [City of London's Employee Code of Conduct](#). This incorporates requirements to abide by City of London anti-corruption measures and that all employees are treated with fairness and equality.
26. The Code also sets out the expectation that employees, and other stakeholders including suppliers, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns. It commits the organisation to treating any suspicion of wrongdoing seriously, with concerns reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.

### **c. Existing interventions**

27. **Policy implementation:** The City Corporation strives to be an excellent employer with a modern suite of employment policies and procedures. Corporate HR ensures the effective management of policies, this includes routine reviews to be in compliance with legal and mandatory requirements, alignment to best practice, monitoring and enforcement oversight.
28. It is the responsibility of all managers across the organisation to put written policies and procedures into practice. Under the 'Managing People Policy', managers are primarily responsible for ensuring their consistent application so that all employees

are managed in a fair and consistent manner. It is also important for Managers to support employees in understanding and interpreting policies correctly.

29. Corporate HR ensures the ready accessibility of its HR policies and procedures through the Employee Handbook, HR Topics pages, Managers' Guide and a New Starters' Resource page; all of which are located on the intranet. In addition, the provision of a suite of training workshops/briefings, e-learning, team meetings and staff/manager news items are just some of the means of cascading either changes or new policies and procedures.
30. The City Corporation has an Employee Assistance Programme, which operates 24/7 for 365 days of the year, to provide staff and their partner or a family member confidential support on a wide range of work and personal issues which may include cases of modern slavery.
31. **Training:** The City Corporation has made an e-learning course available to all staff and Members. This hour-long online modern slavery training aims to raise awareness of the issue and help staff recognise their role in identifying and reporting concerns.
32. **Living Wage:** The City Corporation is proud to be an accredited Living Wage employer. This commits us to paying at least the Living Wage to all staff, contractors and sub-contractors according to the parameters set by the Living Wage Foundation. The City Corporation also goes one step further by paying the Living Wage to all apprentices and interns.

#### **d. Continuous improvement**

33. The City Corporation has on-going commitment to train all managers as part of the organisation's Health and Wellbeing Strategy. The strategy has also included the roll out of Mental Health First Aiders within the departments. These roles are well placed as the potential first point of contact for employees who are experiencing any mental health issues or emotional distress, to identify potential signs of Modern Day Slavery.
34. The City Corporation is currently reviewing methods of monitoring payment of the Living Wage, along with the scope of the policy application. Any changes will be reported on as part of the next City Corporation modern slavery statement published in July 2019.
35. Coinciding with the publication of this Modern Slavery Statement, Chief Officers will encourage all staff to take a high-level version of the online modern slavery training.

The number of staff that have undertaken this training will be used as a performance indicator of information dissemination going forward.

### **iii. Our Jurisdiction**

#### **a. Remit and relevant risks**

36. This section covers the protection of the community of the Square Mile from modern slavery. It is the City Corporation's responsibility to create conditions that minimise the risk of modern slavery occurring, monitor the highest risk trades and industries to identify any instances of modern slavery that do occur within our geographical jurisdiction. Any cases on modern slavery identified in the City would need to be referred to the City of London Police and the City of London's Single Point of Contact (SPOC), the Safeguarding and Quality Assurance Service Manager. Support would be offered to victims of modern day slavery through the Adult Social Care Team or Children's Social Care team. These services would then make a referral through to the National Referral Mechanism to support the victims of modern slavery and ensure any perpetrators of this crime are brought to justice. These interventions involve the Safer City Partnership (SCP), Community Safety team, Markets and Consumer Protection Department's Licensing team, the Department for Community and Children's Services Safeguarding and Quality Assurance team and the City of London Police.
37. The SCP brings together statutory and non-statutory representatives who aim to contribute towards keeping the City safe. Statutory partners include the City Corporation, City of London Police, London Fire Brigade, London Probation trust and the NHS Clinical Commissioning Group.
38. There is no typical victim of slavery. Victims are men, women and children of all ages, ethnicities and nationalities and cut across the population. However, it's normally more prevalent among the most vulnerable or within minority or socially excluded groups. Potential victims of human trafficking were reported from 116 different nationalities in 2017 according to the National Crime Agency's National Referral Mechanism statistics. Albanian, UK and Vietnamese nationals were the most commonly reported potential victims. 5,145 potential victims were submitted to the National Referral Mechanism in 2017, which was a 35% increase on 2016. In 2017, the National Referral Mechanism received 4714 referrals in England of which 2,464 potential victims of modern slavery cases were men, while 2247 were women, 2753 were adults and 1961 were children. The biggest increase in type of exploitation for adults is sexual

exploitation and children is labour exploitation. Other vulnerable groups include, but are not limited to, people who are/ have been involved in illegal activities, those who do not have a right to remain in the UK, children who are fleeing their home countries and seek out refuge in the Square Mile.

39. People at the highest risk of being victims of modern slavery in the Square Mile include sex workers, street traders, people employed in the hospitality industry i.e. hotels and restaurants, cleaners, construction workers and those providing domestic and care services or personal health and beauty services.

40. The City of London Corporation has responsibilities for over 40 sites outside the Square Mile including air and sea ports, open spaces, schools, housing estates, markets and cultural attractions. In terms of the sections of this modern slavery statement that cover our responsibilities in these areas:

40.1 In terms of people within our workforce, the interventions described in 'Section ii: Our People' applies, no matter the location of the site

40.2 In terms of suppliers or contractors, the interventions described in 'Section v: Our Supply Chains' applies, no matter the location of the site or department

41. In terms of any other person, who is not an employee or supplier to the City Corporation, being identified to be at risk of, or of currently being a victim of modern slavery on one of our sites outside the Square Mile, or being identified by someone affiliated with one of these satellite sites, the relevant police force, and Border Force in the case of ports, should be informed as they would have jurisdiction in this geographical area and would deal with the matter as part of their own policing strategy and through the National Referral Mechanism.

**b. Policies and commitments:**

42. The Department for Community and Children's Service's has identified a representative who will be acting as the single point of contact (SPOC) for modern day slavery for the City Corporation. This role is currently being held by the Safeguarding and Quality Assurance Service Manager, who supports referrals through to the National Referral Mechanism.

43. The Community Safety Team's commitment is to help keep all those who live, work or visit the Square Mile safe. The Team works closely with our communities to

understand their concerns and priorities and provide advice to help prevent people becoming a victim of crime and to promote awareness of how to report problems.

44. The City of London Police's Action Plan on Modern Slavery and Human Trafficking uses a four-pronged approach based on protection, preparation, prevention and pursuit. The actions are described in part c) below.

### c. Existing interventions

45. **City of London Police:** Specific roles and responsibilities are delegated within the Force around training and intelligence and to deal with the victim(s), the suspect or organised crime groups and the subsequent investigation. The City of London Police's response to modern slavery is coordinated through the Force Lead, the Chief Inspector of Uniformed Policing – Custody and Response. The current Action Plan on Modern Slavery and Human Trafficking uses a '4 P's' approach:

45.1 **Protect:** This action includes close working with public bodies and private industry to identify vulnerabilities and improve the Force's target hardening capability in response. Intelligence and information sharing is essential to this work, enabling all parties to identify the threat and protect the economy and our communities:

- Promote awareness of the signs of modern slavery;
- Develop victim centric processes; and
- Collaborate with stakeholders and partners to identify early intervention opportunities.

The City of London Police form an essential part of the City Corporation's Working Group on Modern Slavery.

45.2 **Prepare:** This work includes developing positive relationships with law enforcement agencies and wider community, including the public, private and third sectors. The aim is to engage strategically and tactically to build specialist knowledge, enhance the Force's capability and effectiveness and to cut crime and protect the public:

- Intelligence picture to be regularly updated;
- Roll out training to frontline officers to educate and promote awareness in recognising victims at the earliest opportunity;
- Establish best practice regarding investigation of modern slavery offences; and
- Educate and inform City of London Police staff and partners/stakeholders.

As an example of recent work carried out as part of this action, train-the-trainer training was rolled out in Summer 2018 to City of London Police officers in order to facilitate knowledge as widely as possible on recognising the signs of modern slavery whether as part of the role of front office staff, a PC on patrol or a Detective executing a search warrant.

**45.3 Prevent:** This action encompasses the design and management of campaigns with partners to highlight the impact of the organised crime gang. These initiatives should deter individuals from committing organised crime and encourage people to report it. Creating a hostile operating environment for organised crime groups is essential.

- Conduct visits to perceived vulnerable premises;
- Promote convictions in media;
- Conduct prison visits;
- Promote use of orders for Slavery and Trafficking Prevention Orders.

The City of London (CoL) Police take an active role in identifying victims of modern slavery and human trafficking within the Square Mile and within high risk industries, for example by speaking to sex workers in brothels in collaboration working with partner charities and also by visiting construction sites and providing inputs within the community to other areas considered to be more susceptible to this crime type such as within the hospitality trade.

**45.4 Pursue:** This includes arrests, seizures and criminal prosecutions. Work takes place alongside public, private and third sector professionals to disrupt organised criminals, their associates, business endeavours and way of life.

- Identify offenders involved in modern slavery and bring to justice;
- Disruption of organised crime groups continuing to offend;
- Establish strong and effective collaborations to tackle modern slavery.

**46. Department for Community and Children's Services (DCCS):** has a responsibility to safeguard children and adults in the City of London, this responsibility is in conjunction with other agencies, as set out in the 'Working Together to Safeguard Children' guide to inter-agency working to safeguard and promote the welfare of children, published in July 2018. Further guidance is also available within the Pan London Safeguarding procedures for adults and children. The Joint City and Hackney Safeguarding Board for Adults and the corresponding Board for Children has oversight on the training and development of strategies on modern slavery, as does the Safer Community Partnership.

47. **Serious and Organised Crime (SAOC) Board:** The Board works to improve the collection, collation and analysis of data on modern slavery, including sexual and labour exploitation in order to understand and help mitigate the threat of these crimes.
48. **Public Protection and Environmental Health:** The City Corporation's Markets and Consumer Protection Department, amongst other remits, is responsible for regulating most of the premises within the Square Mile. As part of the Department's everyday duties they conduct inspections e.g. to ensure health & safety or food safety, at sites that may pose a risk of being associated with modern slavery including massaging and special treatment premises, construction sites, hotels, restaurants and street trading stalls. The team forms part of the Safer City Partnership and Serious and Organised Crime Board and responds to requests from HM Revenue & Customs and Police requests to look out for certain activities they are suspicious of.

#### **d. Continuous improvement**

49. **The City of London Police:** The comprehensive interventions that form part of the Action Plan on Modern Slavery and Human Trafficking detailed in part c) above will continue to be rolled out over the coming year. The effectiveness of these measures will be monitored alongside other policing objectives as part of the Force's overall approach.
50. **The Department of Community and Children's Services:** It is currently working with safeguarding partners, formally known as the Local Safeguarding Board for both Children and Adults on the development of a 'Joint Strategy for Modern Day Slavery'. The City of London has been tasked by the Board to develop a Strategy on Modern Slavery that focuses on the demography and needs of the City. There will be a focus on raising awareness around modern slavery across the City Corporation, including through training. Resources and ideas from both organisations will be pooled and lessons learned from similar local authority initiatives will be drawn on to create a meaningful and effective joint approach.
51. **Serious and Organised Crime (SAOC) Board:** The SAOC Board has identified modern slavery as a high priority threat that can have devastating impacts. It provides an advisory function and reports into the Safer City's Partnership. The SAOC will continue to find effective ways of raising awareness about modern slavery and working in partnership with agencies that intercept and dismantle organised crime groups, preventing them from profiting from modern slavery and human trafficking. Improved procedures to share intelligence on organised crime groups will be

developed with the eventual aim of preventing recruitment of vulnerable people into modern slavery.

52. **Community Safety:** Events aimed at raising awareness of modern slavery amongst City Corporation staff and City businesses will take place over the next year. These will be focused on helping delegates to recognise potential signs of modern slavery and to know what to do in such circumstances.

#### iv. **Our Wider Community**

##### a. **Remit and relevant risks**

53. This section covers the City Corporation's wider influence within surrounding boroughs, Greater London, the UK and further afield.
54. **City Bridge Trust:** The City Corporation plays a philanthropic role through the City Bridge Trust, which provides £20m per annum in grant funding across Greater London. The Trust supports work which reduces inequality and grows more cohesive communities for a London that serves everyone. The Trust aims for London to be a city where all individuals and communities can thrive, especially those experiencing disadvantage and marginalisation.
55. **Heart of the City:** runs the UK's only responsible business programme specifically designed to include SME's. This two-year Foundation programme equips and coaches business leaders to run successful companies that make a positive difference to people, places and the planet. Focusing on the practical, its events, online resources/templates and network are designed to support those companies new to responsible business with complex issues, such as tackling modern slavery. Heart of the City's network of contributor companies has responsible business expertise and resource in-house and they provide foundation members with support, mentoring and guidance. Funding from the City of London Corporation, City Bridge Trust and the City of Westminster Council has made places available for year one of the programme, enabling businesses to get involved without a designated responsible business budget.
56. Members of the network are businesses across a broad spectrum of industries, operating across London. The main risks of modern slavery within financial and other professional service industries are within their wider supply chain.

57. **The City of London Fairtrade Steering Committee** is administered by the charity JustShare on behalf of the City of London Corporation. Chaired by the Lord Mayor's Chaplain and attended by City Corporation Elected Members and relevant staff, the Recorder of London, Cheapside Business Alliance and various livery company representatives; it leads action on promoting fair trade within the Square Mile.

**b. Policies and commitments:**

58. Following a review of its charitable funding, the City Bridge Trust launched its new grant programme, 'Bridging Divides'. This programme has the following funding priorities: a) Connecting the Capital, b) Positive Transitions, and c) Advice & Support. These will help the Trust to achieve its vision for London to be a city where all individuals and communities can thrive, especially those experiencing disadvantage and marginalisation.

59. The City Corporation believes that the concept of fair trade is central to sustainable development and aims to be recognised by its stakeholders and partners as an organisation that actively supports and promotes the concept of Fairtrade and fairly traded products. In support of this commitment, the City Corporation signed its Fairtrade Resolution in 2007.

**c. Existing interventions**

60. **City Bridge Trust:** The Trust is currently inviting applications from specialist support services that will enable positive transitions in relation to children and young people, migrants and refugees, disabled people, ex-offenders and survivors of domestic and sexual abuse; modern day slavery; trafficking; and hate crime.

61. The Trust currently funds the 'Helen Bamber Foundation', which supports refugees and asylum seekers who have experienced human trafficking, 'Stop the Traffik', which aims to systemically disrupt global human trafficking and modern slavery networks by building resilient communities and the 'Human Trafficking Foundation', which was established to support and add value to the work of the many charities and agencies operating to combat human trafficking in the UK.

62. **Heart of the City** supports businesses to create and implement a responsible business strategy, focusing on increasing activities across four key areas – community, environment, workplace and marketplace. To date over 750 businesses (600 of which are SMEs) have completed the charity's Foundation programme. Each member is supported by an account manager and online resources including modules,

templates and tip sheets on ethical sourcing within procurement and tackling issues of modern day slavery.

63. **The Fairtrade Steering Committee** organises a number of events to promote fair trade and ethical sourcing more generally. In November 2017, it ran an event aimed at raising a broader awareness of modern slavery, which featured speakers from the City Corporation's Procurement team and the Cambridge Centre of Applied Research in Human Trafficking, alongside Baroness Young of Hornsey, sponsor of the Modern Slavery (Transparency in Supply Chains) Bill 2017-2019.

#### **d. Continuous improvement**

64. The Bridging Divides grant programme will see around £100m distributed over the next five years to tackle inequality across the Capital and will continue to fund organisations that help to tackle modern slavery in the UK and support its victims.

65. Heart of the City provides online resources for its members regarding responsible procurement as well as a guide to the Modern Slavery Act. Should a Foundation Programme member have specific questions, Heart of the City can connect them to a volunteer from a Contributor company (often larger firms). These experienced responsible business professionals should be able to assist or signpost elsewhere.

### **v. Our Supply Chains**

#### **a. Remit and relevant risks**

66. City Procurement is the City Corporation's centralised procurement team who deal with the majority of contracts worth £10,000 or more. Exceptions to this include agreements between the Barbican and its artists and services commissioned by the Department for Community and Children's Services. Interventions described in this section relate to those contracts for supplies, services and works over the £10,000 threshold. Staff undertaking procurement exercises below this value on behalf of the Corporation will be encouraged to undertake online training to ensure they consider the risks of modern slavery as part of their due diligence processes.

67. City Procurement take the lead on tackling modern slavery within our supply chains, but work in conjunction with stakeholder departments with the greatest risk of procuring goods, services or works associated with this crime.

68. The highest risks of people falling victim to modern slavery in our UK-based supply chain include construction workers, those undertaking service contracts in relatively low paid industries such as cleaning, catering, security, agriculture and the care industry. Although not necessarily defined in the same way, the City Corporation recognises that those industries can often operate as part of the gig economy
69. The highest risks of modern slavery further up our globalised supply chain, especially forced and child labour, are associated with the production and manufacture of electronic equipment, textiles, agricultural commodities and construction materials. Conflict minerals including gold, tin, tantalum and tungsten, found in computer equipment and vehicles are also of significant concern.

**b. Policies and commitments:**

70. The City Corporation's [2015-2018 Responsible Procurement Strategy](#) aims to deliver best value in a way that improves the lives of those in its supply chain and help the City Corporation make procurement decisions that act as a catalyst for positive change. It is based on three pillars; social value, environmental sustainability and ethical sourcing. The latter details the City Corporation's commitment to tackling human and labour rights violations, including but not limited to modern slavery.

**c. Existing interventions**

71. **Commercial Contract Management (CCM):** The CCM team's role is to embed best practice consistently across the City Corporation's contract management provision, including supplier performance monitoring. The team have developed a 'Performance Scorecard' to ensure that a standard and robust approach is taken to monitor, gather evidence and handle risks or failing performance. One of the ten elements covered by the Scorecard is ethical sourcing and in particular; supplier compliance with the Modern Slavery Act.
72. All relevant suppliers that wish to tender for City Corporation contracts must provide evidence that they have met the requirements of the Modern Slavery Act 2015 in order to be able to bid.
73. A series of interventions are currently being used to ensure compliance with human and labour rights legislation, including the Modern Slavery Act, according to the nature of the contract in question. The following are interventions currently taken amongst our highest risk categories of spend:

- a. **Communities and Children's Services:** Services for vulnerable young people, such as care leavers, and vulnerable adults are monitored regularly to ensure that safeguarding requirements are in place. New services are commissioned using the Corporation's minimum safeguarding standards. These are based on the set of minimum expectations developed by The City & Hackney Safeguarding Children Board (CHSCB) and provide clarity to both commissioners and contractors of services as to what must be considered when engaging external services. Due diligence procedures include Disclosure and Barring Service (DBS) checks, reviews of safeguarding policies, procedures and complaints. Providers ability to meet these standards are tested through the procurement process.
- b. **Textiles:** As part of the City Corporation's current police uniform contract led by the Metropolitan Police, contractors are required to meet a strict corporate responsibility code of conduct covering product, environmental and ethical standards. Specific requirements include annual third-party audits, declarations of manufacturing facilities and registration with a shared audit database.
- c. **Electronic equipment:** Over the last year, the City Corporation has introduced ethical sourcing requirements within the specifications of contracts involving electronic equipment including closed circuit television (CCTV) cameras and multi-functional devices (MFDs). Within 12 months, contractors are required to produce a supply chain map highlighting key risks including forced and child labour. Subsequently the contractors establish a strategy, in collaboration with the City Corporation, to mitigate these risks. Specific actions may include strengthened contractual requirements with their own supply chain, internal or third-party auditing and/or affiliations with organisations who specialise in supply chain transparency. As part of its social value offering, the City Corporation's IT managed service provider is currently undertaking a supply chain mapping exercise on IT hardware used to support the services delivered to the City Corporation.
- d. **Construction materials:** The City Corporation is now taking a more robust approach to mitigating the risks associated with construction materials used as part of works contracts e.g. bricks, steel, timber, natural stone products etc. As part of the recently established intermediate and major works frameworks, the City Corporation requires contractors to present their current due diligence procedures within a month of contract

commencement. Feedback is then provided on any further interventions the City Corporation considers necessary. Proposals for continuous improvement are then developed by the contractor and mutually agreed as part of an ongoing action plan, which is monitored quarterly as part of ongoing key performance indicators (KPIs).

74. The Barbican, of which the City Corporation is the founder and principal funder, publishes its own annual [Modern Slavery statement](#). As committed to in its 2017/18 statement, the Barbican has recently introduced a standard clause in all its future contract for services and suppliers that commits suppliers to comply with the Barbican/City Corporation's Policies on modern slavery and human trafficking, both in engaging the supplier's own staff or in relation to sub-contractors and agents.
75. Additional clauses also recently introduced require suppliers to ensure they fulfil the obligations set out City Corporation's Equal Opportunities Policy and ensure all staff and all other people engaged or managed by external suppliers and visiting companies are treated with dignity and respect.
76. The City Corporation helped establish and co-Chairs the London Responsible Procurement Network (LRPN), a group of public sector representatives who meet regularly to share best practice and develop harmonised approaches to achieving social value, environmental sustainability and ethical sourcing. This Group also feeds into the London Heads of Procurement Network, facilitated by London Councils. A series of meetings and workshops dedicated to modern slavery have already taken place with the aim of sharing effective interventions and learning lessons from one another on how to effectively tackle modern slavery within London's public sector supply chains.

#### **d. Continuous improvement**

77. Over the next year, a 'Supplier Code of Conduct' will be developed by City Procurement with the aim of detailing the City Corporation's expectations more clearly to our supply chain and facilitating a more rigorous approach to contract management.
78. Work planned for the coming year to improve our approach to implementing appropriate due diligence procedures within specific high-risk categories includes:
  - a. **Construction Sites:** Moving forward, City Surveyors, the Department of the Built Environment and others involved in managing construction works on behalf of the City Corporation will work with City Procurement, City of

London Police and others to develop an approach to mitigating the risk of modern slavery taking place on its construction sites. It will involve the use of more detailed contractual provisions, awareness raising with supervisors on site and compliance checks. This work will take place alongside other action taken in response to increased levels of CSCS card fraud and incidences of illegal workers on UK construction sites.

**b. Textiles:** When establishing our new corporate uniform contract, the City Corporation will undertake an approach similar to that currently implemented in the existing police uniform contract, especially in regards to increased transparency of manufacturing locations and audit procedures.

**c. Food:** During the mobilisation period of the new corporate catering contracts, the City Corporation will work with its three catering contractors, as part of the CCM approach and through supplier relationship management, to ensure appropriate due diligence procedures are undertaken, especially in relation to mitigating risks of exploitation of workers involved in food processing, harvesting and the fisheries industry.

79. The City Corporation will continue to collaborate with other public sector bodies as part of the LRPN and with the London Heads of Procurement (LHoP) to improve its own approach to tackling modern slavery and share learning and best practice with other public authorities.

80. Through its Commercial Contract Management team, the City Corporation will form closer relationships with a broader set of key suppliers and use a partnership approach to identify and help mitigate the risks of modern slavery occurring in our global supply chains.

.....

81. The City Corporation will refresh its Modern Slavery Statement annually; the next will be published in July 2019, which is more aligned to the organisation's annual financial reporting. This new Statement will include updated policies and commitments, interventions, with a summary of progress made during November 2018 – June 2019 alongside future plans for continuous improvement.

**Chief Officer sign-off:** This Modern Slavery Statement was approved by the City of London Corporation's Summit Group on 26<sup>th</sup> September 2018

Signed: John Barradell Town Clerk

**Elected Member sign-off:** This statement was approved by the City of London Corporation's Policy and Resources Committee on 15<sup>th</sup> November 2018

Signed: Catherine McGuinness Chairman, Policy & Resources Committee

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Planning and Transportation	27 November 2018 20 November 2018
<b>Subject:</b> Consultation on Noisy 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), (P&amp;T),</b>
<b>Report author:</b> Rachel Pye, Assistant Director Environmental Health and Public Protection	

### Summary

This report seeks a decision on the standard noisy construction hours arrangements for Saturday mornings in the City of London.

At the 19 September 2017 Port Health and Environmental Services Committee (PHES) meeting it was decided to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> Edition. It was also decided that the City Corporation would undertake a consultation about Saturday working in relation to noisy construction activities in response to a Barbican Association resolution. A draft questionnaire was agreed at the March 2018 PHES committee.

The consultation and analysis are now complete with 725 responses received. 62% of respondents felt that the existing hours of 0800 to 1300 on Saturday for noisy construction works on Saturdays should continue, 35% did not, and 3% gave no opinion.

The options have been considered and are set out below. It is necessary for Committee Members to comply with the City's public sector equality duty and its duty not to discriminate in performing its public functions. and the interests of those with protected characteristics. The issue of potential negative impacts of construction noise on some people with a protected equality characteristic is acknowledged and mitigating steps have been identified as far as possible.

### Recommendation(s)

The Committee is asked to:

1. Note the assessment and evidence set out in Appendices 3-6 and 8.
2. Consider the report on the outcome of public consultation set out in Appendix 2.
3. Having considered 1 and 2 above and read the legal comments of the City Solicitor set out in Appendix 9 and having, both when considering 1 and 2 above

and at all stages throughout, complied with the City's duties set out in this report, including reading and considering the Equality Impact Assessment at Appendix 7 and having due regard to the needs set out in section 149 of the Equality Act 2010

After having done so, the Committee is recommended to decide that no change is made to the standard noisy construction hours arrangements for Saturday mornings in the City of London. However, if Members are minded to change to standard working hours that option d (i) could be considered.

## **Main Report**

### **Background**

1. At the 19 September 2017 Port Health and Environmental Services Committee (PHES) and 3<sup>rd</sup> October P&T Committee meetings, it was decided to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> edition. 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 needs 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 physical and mental health of residents, workers and visitors.
2. The consultation on the draft 8th edition in 2017 included residents, businesses, and neighbouring boroughs. Comments were 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 draft new 8th edition, Appendix 1 for consideration by the Committee.
3. A letter was received from the Barbican Association to the PHES Committee requesting that the City does not permit 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 Saturday 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 matter would then be presented as a report to your Committee for decision.
4. An officer working party was formed, comprised 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, to consider the questions to be asked, responses, evidence and any other information received in producing this final report for Members' consideration.

## Current Position

5. The working group considered the following points;
  - the consultation process for changing Saturday noisy working,
  - definitions of noisy working,
  - how to approach the issue of exemptions to the restrictions,
  - how the needs of developers could continue to be met, if any new policy were to be implemented,
  - and how the needs of residents could continue to be met if the existing policy remained unchanged.
6. On the scope of the intended consultation, the approach taken was that, whilst the City Corporation has some “residential wards” for electoral purposes (Portsoken, Queenhithe, Aldersgate and Cripplegate), 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. Respondents may feel excluded and it be discriminatory if it is suggested that only certain areas, and hence only certain residents, would be consulted about and/or potentially be the subject of, any ban. A question inviting general comments, including alternative options, was used to give respondents the opportunity to raise and discuss this issue of residential areas, among any other issues, if they chose to.
7. As with the 2017 consultation for the COP, views were sought as widely as possible to ensure a continued ‘balanced approach’ to the needs of the business City to undertake construction works, and the needs of residents and neighbouring businesses who need impacts to be minimised.
8. The consultation questionnaire is attached at Appendix 2.
9. 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. The consultation was open for twelve weeks from 7<sup>th</sup> May and closed on the 7<sup>th</sup> August 2018.
10. There were 725 responses received to the consultation. Individuals accounted for 78% of all responses and organisations for 21% of all responses. As to individuals, 149 stated they were residents. Of those residents, 116 felt that noisy Saturday working should not continue. As to organisations, there was a large degree of variation to the size of responding organisation and responses were received from small companies to large organisations operating in the City of London. Of those organisations, 86% felt that the existing noisy Saturday working hours should continue, 62% of all respondents felt that noisy Saturday working between 08:00 and 13:00 should continue, 35% did not and 3% gave no opinion. The full public consultation outcomes report is attached at Appendix 2.

11. In parallel with the consultation and analysis, further evidence and data has been sought to include in this report to provide background information to your decision-making including development pipeline, air quality data, environmental monitoring and construction activities observations, complaints data and equalities information and analysis.

### **Options Considered**

12. The detailed analysis of the considered options for the standard hours for noisy Saturday construction works is in Appendix 3.

The considered options with summary analysis are:

a. No Change.

- The overall outcome of the consultation responses gave a clear indication that the majority of respondents overall did not wish to see at change although a majority of resident respondents said they wished Saturday noisy works to cease
- Development pipeline and demand data shows that Saturday morning noisy works are likely to continue to be required to meet the future demands of a growing world class City.
- Most Saturday noisy construction works are necessary to be carried out at that time due to safety, congestion and engineering practicalities.
- Current levels of construction noise complaints on Saturday mornings are low and sites are generally compliant with the Code.
- Concentrations of air pollutants are lower on Saturdays than weekdays.

b. No noisy construction works in standard hours 0800 to 1300 on Saturday

- The majority of consultation respondents overall do not support this option, although a majority of resident respondents supported this option.
- Respondents raised issues in relation to the need for Saturday noisy works to avoid congestion, safety conflicts with pedestrians and length of programme.
- The respondents in favour of this option were residents and the main reason cited was the impact of construction noise on mental and physical health, wellbeing, the ability to rest, and upon children, the elderly, the disabled and those who are pregnant or with young children

- The evidence base in appendices 4, 5, 6 and 8 does not provide data to support this option.
- c. Additional hour of noisy construction works Monday to Friday 18:00 to 19:00
- The majority of respondents of all categories did not support this option.
  - The evidence base did not provide data to support this option.
- d. Partial permissions
- i. Change standard noisy Saturday construction hours City wide to 0900 to 1400
- This option was suggested by a number of consultation respondents
  - The evidence base in Appendices 4, 5, 6 and 8 does not show any disbenefits to this option.
  - This option is often already negotiated informally through liaison as per the COP.
  - This option would be beneficial to residents City wide in providing an hour of quiet time when most would be at home with no real disbenefit to developers as the hour is moved to the afternoon. There may be some disbenefit to the construction workers who would begin their weekend an hour later.
- ii. Not permitting noisy construction works on Saturdays near residential areas
- This option was suggested by the Barbican Association.
  - The City has residential properties distributed within its area at varying degrees of intensity and numbers and hence residential areas are not able to be defined in any workable and/or fair way.
  - This option has the potential to be discriminatory and unfair if some residents benefit whilst others, such as those who reside in areas containing few and/or scattered residences, do not.

## **Equalities Implications**

13. The City when carrying out its functions must comply with the Public Sector Equality Duty enacted in section 149 of the Equality Act 2010. This means that

Members must pay due regard to the matters set out in section 149. This is a personal duty of Members and is set out and explained to Members in Appendix 9, which Members should read. In order to assist Members to pay due regard to these matters, an Equalities Impact Analysis (EIA) has been completed and it is attached as Appendix 7. Notwithstanding the summary in the following paragraphs, all Members should read and carefully consider that assessment. In addition in particular reference to disability the City has a duty under section 29 of the Equality Act not to do anything that constitutes discrimination (or victimisation or harassment) in the exercise of a public function, and a duty to make reasonable adjustments. The EIA is also important material in this regard.

14. The EIA has identified potential negative impacts of Saturday noisy working on certain protected groups including in particular the elderly, disabled, those who are pregnant or with young children. This is acknowledged, and mitigating steps are suggested as far as reasonably practicable. The strategy for measures to mitigate negative impacts includes incorporating some suggestions made as part of the public consultation, such as improving the City's enforcement of permitted noisy working hours.
15. The existing COP recognises that each construction project undertaken will have different impacts on different people and will need to be assessed at the start and throughout to establish those impacts and minimise them as far as is reasonably possible.

### **Key Policies and Proposals**

16. It is proposed that Members take into account all the information provided and, subject to comments received at your meeting, that no change is made to the standard noisy working hours in the City of London. However, if Members are minded to change standard noisy working hours that option d (i) could be considered.
17. Options b, c and d (ii) are not recommended taking into account the relevant matters detailed in the appendices and in this report.
18. Members of PHES and P&T Committees approved the 8<sup>th</sup> edition COP in 2017. The COP contains measures to mitigate the effects of noisy construction works on Saturday mornings and throughout the week. Those measures have not yet been realised as the implementation is underway. The implementation of the proposed monitoring levy detailed in paragraph 19 below begin in earnest on commencement of schemes mid 2019.
19. The Code introduced for the first time several new measures in sections 2, 3 and Appendix L available in Appendix 1 of this report that will help mitigate adverse construction impacts more effectively;
  - A schedule of monitoring costs contributed to by the developer to ensure better long-term environmental management and this will enable a more proactive approach to monitoring and enforcement of any breaches by a new team of City Officers. The levy is based in the 'polluter pays' principle with an annual fee paid to the City, the amount dependent on the size of the

site. The fees' will fund officer posts whose role will be active on-site monitoring of compliance with the City's COP and the enforcement of any breaches.

- A stronger approach to air quality impacts from Non-Road Mobile Machinery through registration of all plant on a London database which is audited on site to ensure site equipment meets the best available emissions standards.
- Specific noise reduction technologies such as the requirement for broadband sound reversing alarms.

20. Implementation of these measures is underway and the benefits to residents of these changes will begin to be realised in 2019 as the first payments of the levy are made and a more rigorous approach to environmental monitoring and enforcement of construction will then be able to be financed and taken.

21. Further consideration is to be given to how best to ensure residents are enabled to be better aware of the opportunities available to them for liaison and consultation in relation to noise concerns they may have about specific existing and proposed developments within the City of London set out in the COP and the Planning regime with respect to Schemes of Protective Works and the specific steps that can be taken in this regard.

### **Legal Implications**

22. The legal framework and relevant case law considered is set out in Appendix 9. There are potential equalities implications associated with the recommended option of 'no change' or the alternative option of changing noisy working hours to 0900 to 1400 on Saturdays but provided Members comply with their equality duties as explained in Appendix 9 and Appendix 7 no further legal implications arise.

### **Financial Implications**

23. There are no resource implications arising from the recommended option of 'no change'. If Members are minded to approve the option of changing noisy working hours to 0900 to 1400 on Saturdays, the costs for implementation will be met from existing budgets within the Port Health and Public Protection Service.

### **Corporate and Strategic Implications**

24. Corporate Plan 2018-2023: the recommended option and secondary option, if combined with the mitigation steps referred to above, 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'.

### **Consultees**

25. The proposal has undergone full internal and external consultation and the leaflet and questionnaire were made available online for stakeholder comment during a

3-month period. The consultation was promoted widely on the City's social media platforms, articles were placed in publications such as the City Resident magazine. The consultation was emailed directly to all residents' groups and associations, City of London Members, City Officers, City Property Association Members, City Developers, all Considerate Contractor Scheme construction, demolition and street works contractors. In addition, the consultation was the subject of discussion at Highways Co-ordination meetings and meetings with Barbican Association representatives. The results of this have been considered and the Public Consultation Outcomes Report is attached as Appendix 2.

## **Conclusion**

26. The City Corporation has undertaken a consultation, gathered the available evidence base, and undertaken a detailed analysis with respect to the matter of the standard hours for Saturday working in relation to noisy construction activities.
27. The consultation responses showed a strong overall level of support for retaining the current arrangements for standard Saturday noisy construction hours citing safety, length of overall programme, ability to deliver developments on time and meet demand and development costs. However, concerns were also raised, including by a majority of resident respondents, about how the current arrangements adversely affect physical and mental health, wellbeing and the ability to rest.
28. The available data gathered provided in general supports the retention of the existing arrangements.
29. Due regard has been paid to the needs set out in the City's statutory public sector equality duties and the interests of those with protected characteristics when compiling this report and recommendations. The issue of negative impacts of construction noise on some people with a protected characteristic, particularly the elderly, children, the disabled, and those who are pregnant or with young children is acknowledged and is mitigated as far as reasonably practicable.
30. The negative impacts of noisy construction work on residents in the City of London on Saturday mornings are acknowledged and in 2017 the City Corporation produced a refreshed and updated Code of Practice for Construction and Deconstruction to mitigate these impacts by ensuring the use of the best environmental options in planning and managing construction and deconstruction, whilst ensuring the City can continue to function as a modern world class business centre.
31. Implementation of the measures set out in paragraph 19 is underway and the benefits to residents of these changes will begin to be realised in 2019 as the first payments of the levy are made and a more rigorous approach to environmental monitoring and enforcement of construction will then be able to be financed and taken.
32. Further consideration is to be given to how best to ensure residents are enabled to be better aware of the opportunities available to them for liaison and consultation in relation to noise concerns they may have about specific existing and proposed

developments within the City of London and the specific steps that can be taken in this regard.

33. In conclusion, the evaluation has had due regard to the City's statutory duties including: the rights of statutory undertakers to install and maintain their networks, the rights of infrastructure schemes held in Acts and Orders, the ability to apply for prior consents for construction works, the public sector equalities duty and the interests of those with protected characteristics.
34. Taking all the available information into account this report recommends that no change is made to the standard noisy construction hours arrangements for Saturday mornings in the City of London.

## **Background Papers**

Briefing Paper: Permitted hours for noisy works in the City - City of London Code of Practice for Deconstruction and Construction PHES June 2017

## **Appendices**

**Appendix 1** - Code of Practice for Deconstruction and Construction Sites 2017

**Appendix 2** - Public Consultation Outcomes Report

**Appendix 3** - Discussion and Analysis of Options Considered

**Appendix 4** - Summary construction noise complaint data.

**Appendix 5** - Summary observational analysis of construction sites 2018.

**Appendix 6** - Air quality data for 2017.

**Appendix 7** - Summary Equalities Impact Analysis

**Appendix 8** - City Development Tracker and Pipeline map

**Appendix 9** - Legal Framework

### **Contact:**

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## **Appendix 1**

Code of Practice for Deconstruction and Construction Sites Eighth Edition 2017  
available at:

<https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/Documents/Code-of-practice-for-deconstruction-and-construction.pdf>



# **Appendix 2**

## **Construction Work Activities on Saturday**

### **In the City of London**

#### **Public Consultation Outcomes Report**

**Prepared by: JA**

**Approved by: RP**

**Date 29<sup>th</sup> October 2018**

## Introduction

The City of London Corporation is reviewing the existing 'standard hours' arrangements for noisy Saturday morning construction activities and has recently held a public consultation around the principle of ending or revising the 'standard hours' working arrangements for noisy work Saturdays.

The high volume of development in the Square Mile, including major office redevelopments in the east of the City, 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 noisy construction activity are set out in the Code of Practice for Deconstruction and Construction (the Code) and can also 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);
- No noisy working is permitted on Sundays, bank or national holidays. Within the standard hours there are 'quiet hours' (10:00-12:00 and 14:00-16:00 from Mondays to Friday) which are observed where City businesses may be affected by noise or vibration.

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).
- These may include but are not limited to: the erection and dismantling of scaffolding, cranes, road resurfacing and vehicle movements.

Allowing some hours of noisy working on Saturdays can reduce the overall time taken for projects to complete. 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 the local community 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 and hospitals. Variations to these hours may be approved for works where impacts are expected to be low. Variations may be refused if the impacts on neighbours are considered high or previous variations have not been fully complied with.

A public consultation was held between 7<sup>th</sup> May 2018 and 7<sup>th</sup> August 2018 and received a total of 725 responses from individuals and organisations. This report presents the outcomes of the consultation and is structured as follows;

**Section One: Summary of survey outcomes Page 4**

**Section Two: Results by Question Page 5**

**Section Three: Responses from Organisations Page 13**

**Section Four: Protected Characteristics Page 16**

**Section Five: Conclusions Page 17**

**Appendix One: Submitted responses from organisations Page 18**

**Appendix Two: Public Consultation Questionnaire Page 25**

## Section One: Summary of survey outcomes

### *High Level Support*

- **725** responses were received to the survey
- **62%** of respondents felt that noisy Saturday working between 08:00 – 13:00 should continue, **35%** did not, and **3%** gave no opinion.
- The largest respondent group in favour of retaining the current arrangements were **individuals working** in the City of London.
- The largest respondent group **not** in favour of continuing the current arrangements were **individuals living** in the City of London.

### *Potential Partial Permissions*

- **47%** of respondents are open to partial permissions such as time and area alterations **43%** are not, **10%** gave no opinion. Regarding partial permissions the most common remark provided was that all current arrangements should remain in place, followed by comments around shifting noisy Saturday working away from residential clusters or moving to a later start time.
- **48%** of respondents felt that there should **not** be an extra hour of noisy working on Monday-Friday instead of noisy Saturday working as suggested by the City, **44%** felt that there should, and **8%** gave no opinion. Respondents felt that the extra hour proposed may help, but that Saturday working was preferred overall and that an extra weekday hour may result in more disturbance to residents.

### *Effect of existing arrangements and potential removal*

- **42%** of respondents stated that they had not been affected by Saturday noisy working, **34%** stated that they had been negatively affected, **13%** said they had been positively affected, and **11%** gave no opinion. Those negatively affected by the current arrangements cited the general effects of noise and those positively affected cited efficiencies in project time and cost facilitated by Saturday working.
- **48%** of respondents stated they would be negatively affected should noisy Saturday working be removed, **29%** stated they would be positively affected, **14%** said they would not be affected, and **9%** gave no opinion. The most common statements regarding impact of removal were the increase in cost or time to complete a project for those negatively affected, followed by a potentially quieter environment for those positively affected, should it be removed.

### *Organisations*

- Responses from organisations accounted for **152** or **21%** of all responses and on average each organisation stated that they represented circa **2500** people. **86%** of the organisations that responded stated that they thought existing arrangements should continue, citing a potential increase in cost and time to projects and an inability to conduct specialist work, should noisy Saturday working be withdrawn.

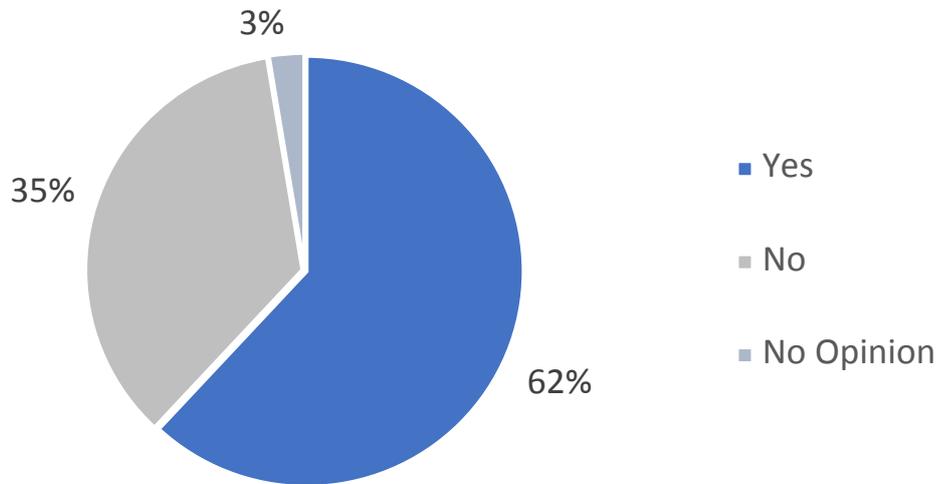
### *Protected characteristics*

- 109 out of 725 respondents stated that they had been impacted in respect of one or more protected characteristics by noisy Saturday working. The most commonly cited protected characteristics were age disability and pregnancy and maternity, and the most common comment on how respondents had been affected was around noisy works impacting rest and physical and mental health.

**Section Two: Results by question**

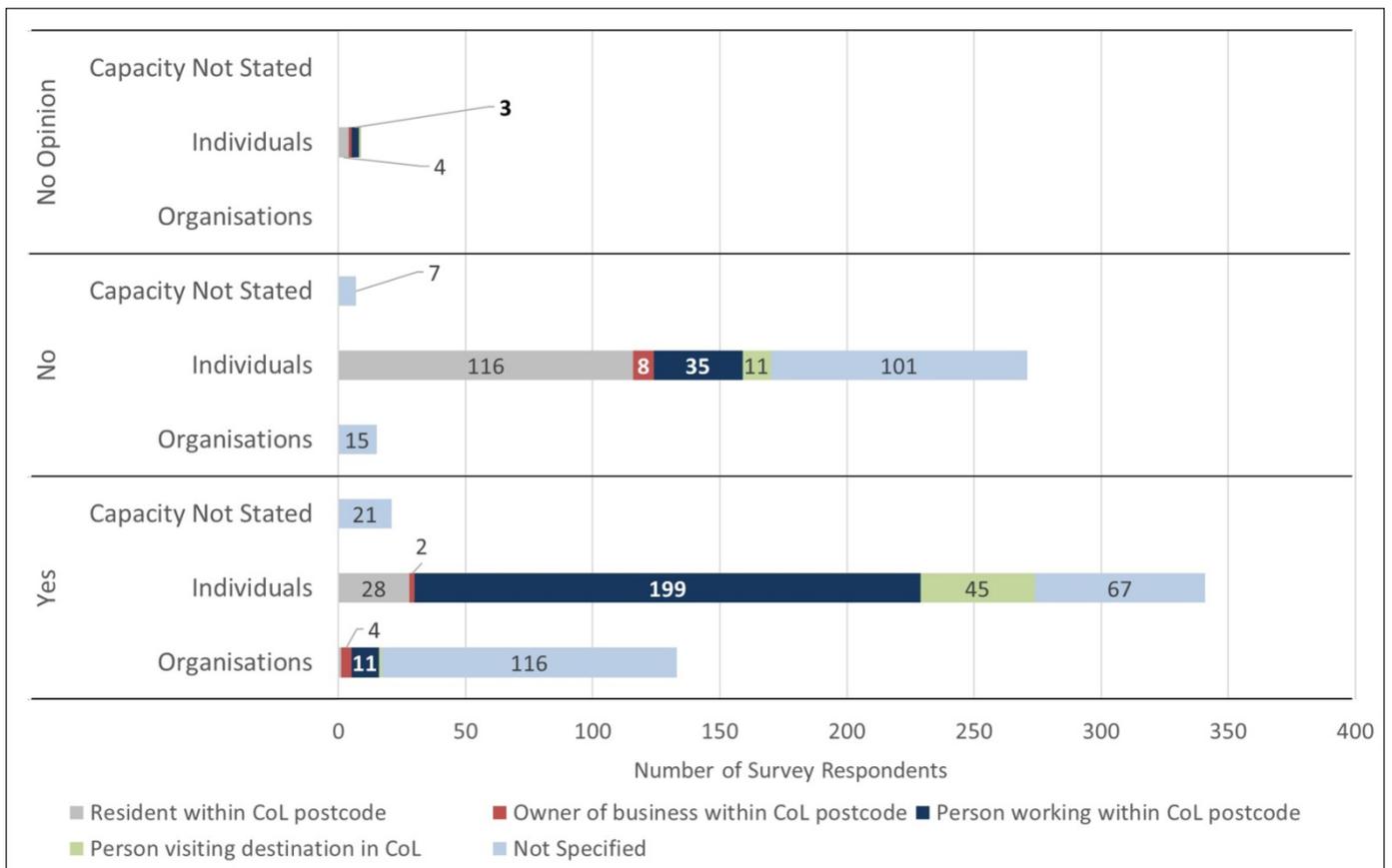
**Question One: Do you think the existing Saturday permitted hours for noisy construction work activity (08.00-13.00) should continue?**

**Figure 1: Response outcome for Question 1 (n = 725)**



A total of 725 responses to this question were received, with 449 respondents stating that the existing Saturday permitted hours for noisy construction work activity should continue. 257 stated that the permitted hours should not continue, and 19 gave no opinion. Figure 2 below shows the capacity in which respondents undertook the survey and amalgamates information from survey questions 1, 7 and 9.

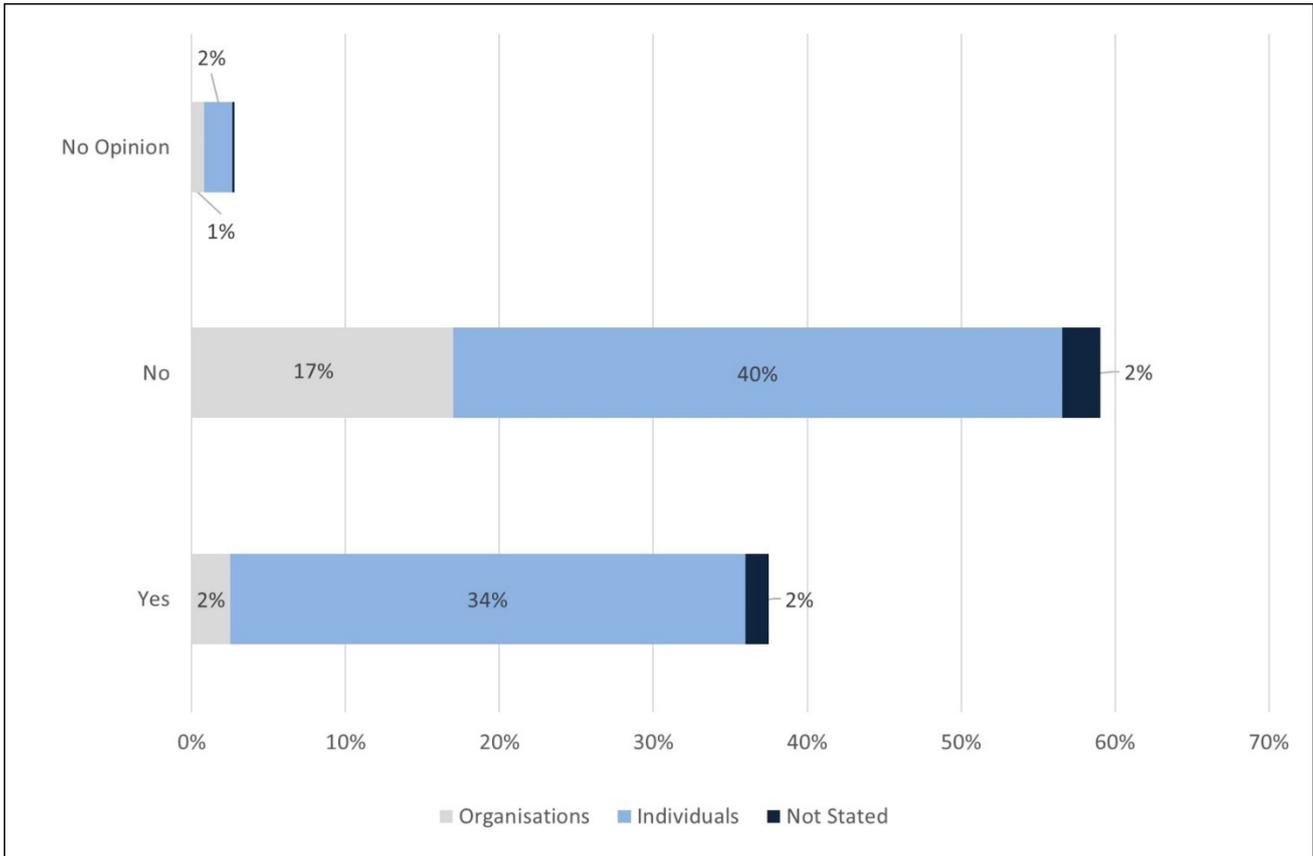
**Figure 2: Respondent support by response capacity**



*\*it should be noted that respondents were able to provide more than one answer to question 9, i.e. they could state that they were a resident and a person working within a CoL postcode. Respondents were only permitted to provide one answer to questions 1 (overall support) and 7 (individual or organisation).*

**Question Two: Do you think that, unless permitted in emergencies or upon special application (such as 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?**

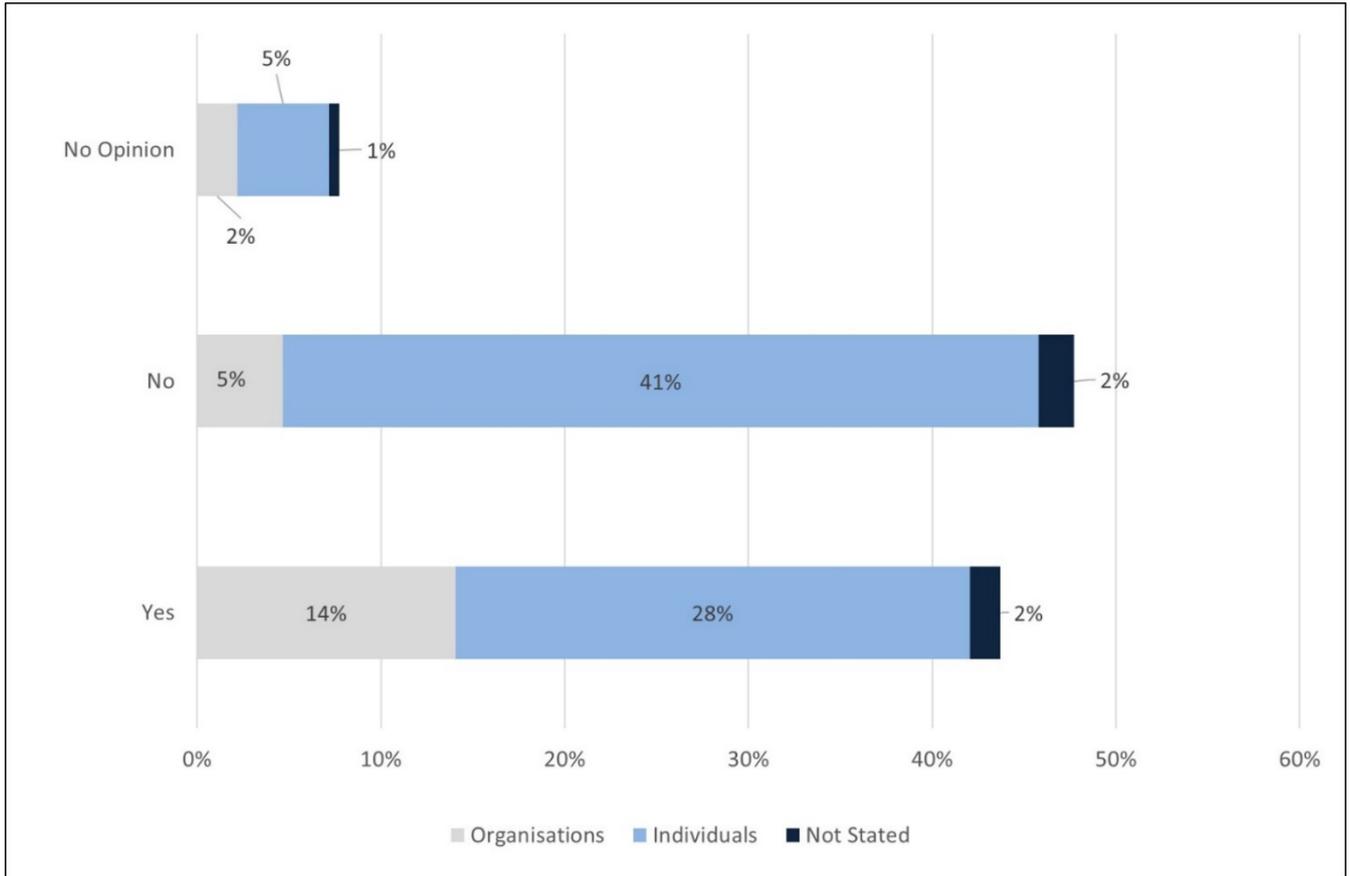
**Figure 3: Response outcome for Question Two**



There was a total of 725 responses to this question, with a total of 433 respondents giving a 'no' answer, 272 stating 'yes' and 20 giving no opinion.

**Question Three: Do you think that if noisy construction works were not permitted on Saturdays, there should be an extra hour of noisy construction work permitted on Monday-Friday, from 18:00 until 19:00?**

**Figure 4: Response outcome for Question Three**



A total of 725 responses were received to this question. 346 stated that there should **not** be an extra hour of noisy construction work permitted on Monday-Friday from 18:00 to 19:00, should construction works not be permitted on Saturdays. 323 of respondents stated that there should, and 56 gave no opinion.

Respondents were then asked to give a reason to support their answer, respondents answering ‘Yes’ to this question gave the following reasons for their answer;

Reasons Provided ‘Yes’	Organisations	Individuals	Not Stated	Total
Would help should Saturday working be banned	35	49	0	<b>84</b>
Saturdays are preferred	28	38	1	<b>67</b>
Would be less disturbing / disruptive	2	19	0	<b>21</b>
Would be preferable to Saturday	2	14	0	<b>16</b>
Would be more disturbing / disruptive	4	5	0	<b>9</b>
Would be a last resort	2	6	0	<b>8</b>
Would be more productive	1	4	0	<b>5</b>

*\*Not all respondents that answered the question took the opportunity to provide a comment*

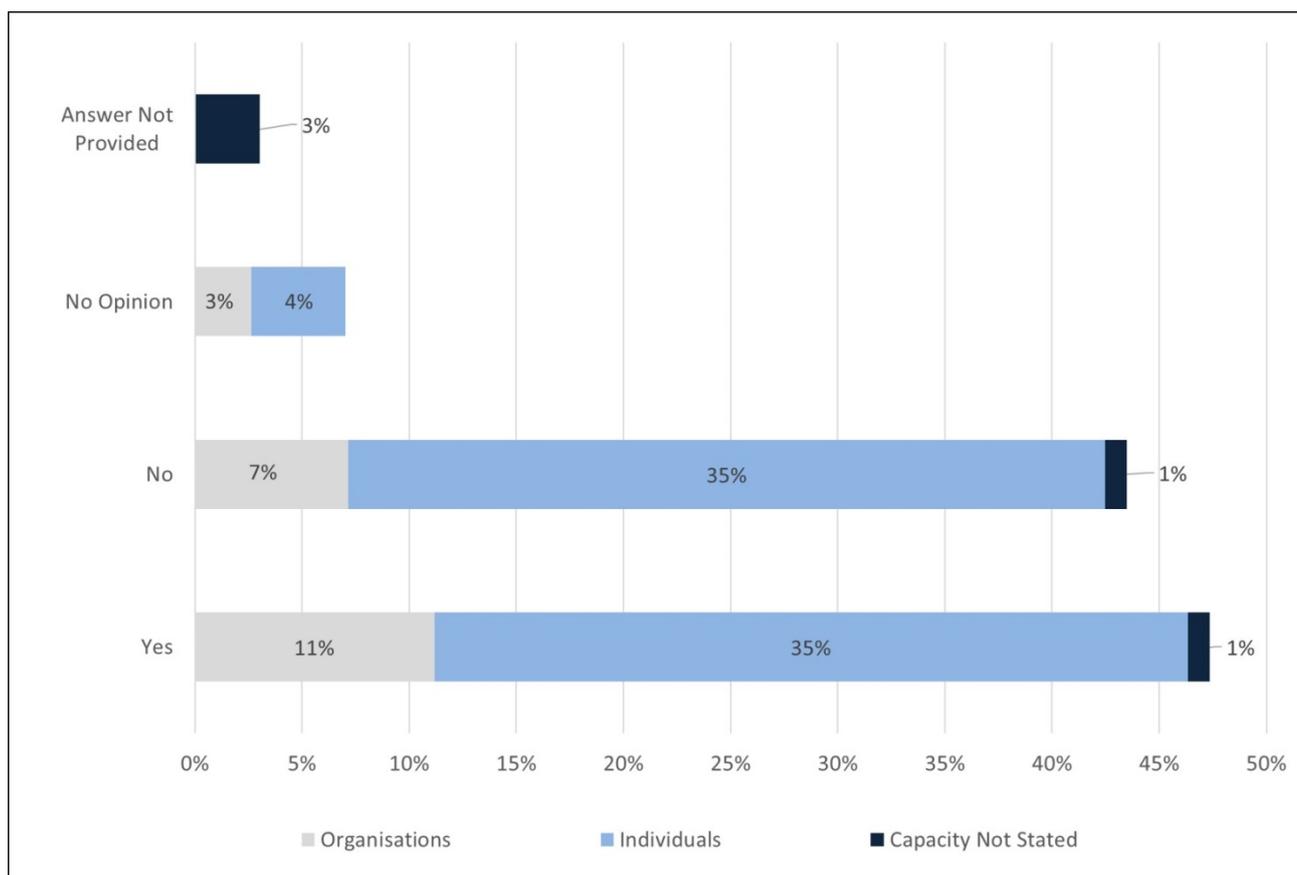
Respondents answering 'No' to this question gave the following reasons for their answer;

<b>Reasons Provided 'No'</b>	<b>Organisations</b>	<b>Individuals</b>	<b>Not Stated</b>	<b>Total</b>
Extra hour would be more disturbing / disruptive	0	63	2	<b>65</b>
Would be too difficult for staff (day too long)	8	24	0	<b>32</b>
Saturdays are preferred	1	12	0	<b>13</b>
Awkward / substantive works or deliveries are easier to carry out on Saturdays than weekday evenings	5	5	0	<b>10</b>
5 one hour slots would be less productive	4	5	0	<b>9</b>
Would increase project cost / time	1	7	0	<b>8</b>
Saturday working withdrawn, with no extended hours during the week	0	5	1	<b>6</b>
Other	0	6	0	<b>6</b>
Change Saturday working times e.g. later start 0900.	0	3	0	<b>3</b>
Would increase pollution / impact traffic flows	0	2	0	<b>2</b>

*\*Not all respondents that answered the question took the opportunity to provide a comment*

**Question Four: Do you think that, unless permitted in emergencies or upon special application as in question 2, that noisy Saturday construction work should be partially permitted, e.g. specific times, locations, away from residential clusters, alternate weekends, etc.?**

**Figure 5: Response outcome for Question Four**



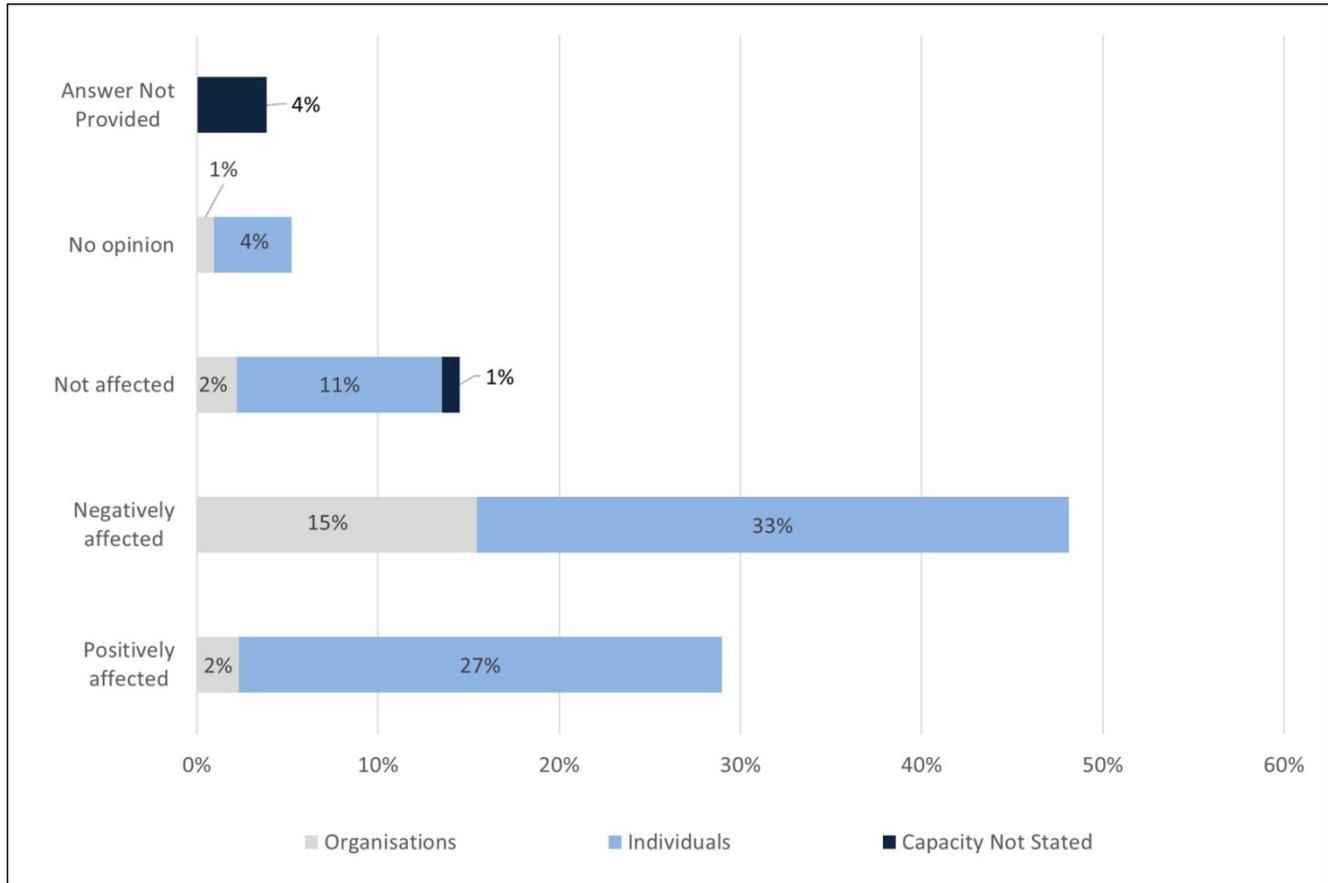
A total of 703 responses were received to this question, with 338 respondents stating that noisy Saturday construction work should be partially permitted, 313 said that it should not be partially permitted, 52 stated no opinion and 22 failed to provide an answer. Respondents who answered ‘Yes’ to this question were then asked to state what they believe should be permitted.

What should be permitted?	Organisations	Individuals	Not Stated	Total
Everything should remain permitted / No change	34	73	1	<b>108</b>
Away from residential clusters	5	72	1	<b>78</b>
Special time constraints	11	26	0	<b>37</b>
Special construction / emergencies / health and safety risk	9	25	1	<b>35</b>
Careful management of times and locations	9	17	0	<b>26</b>
Nothing should be permitted at the weekend	0	11	1	<b>12</b>
Contractors are likely to abuse permissions	0	7	0	<b>7</b>
Partial permission would add to cost / project time	4	3	0	<b>7</b>

*\*Not all respondents that answered the question took the opportunity to provide a comment*

**Question Five: Do you think you or your organisation would be affected if noisy construction work was not permitted on Saturdays?**

**Figure 6: Response outcome for Question Five**



A total of 697 responses were received to this question, with 350 respondents stating that they would be negatively affected, 210 respondents stated that they would be positively affected, 99 stated that they would not be affected and 38 gave no opinion. Respondents were then asked to describe how they would be affected and the most common responses are outlined below.

Reasons for being positively affected	Organisations	Individuals	Not Stated	Total
Would be quieter	2	87	0	89
Would improve life as a resident	2	69	0	71
Would improve air quality	0	9	0	9
Would give construction staff more free time	2	0	0	2

*\*Not all respondents that answered the question took the opportunity to provide a comment*

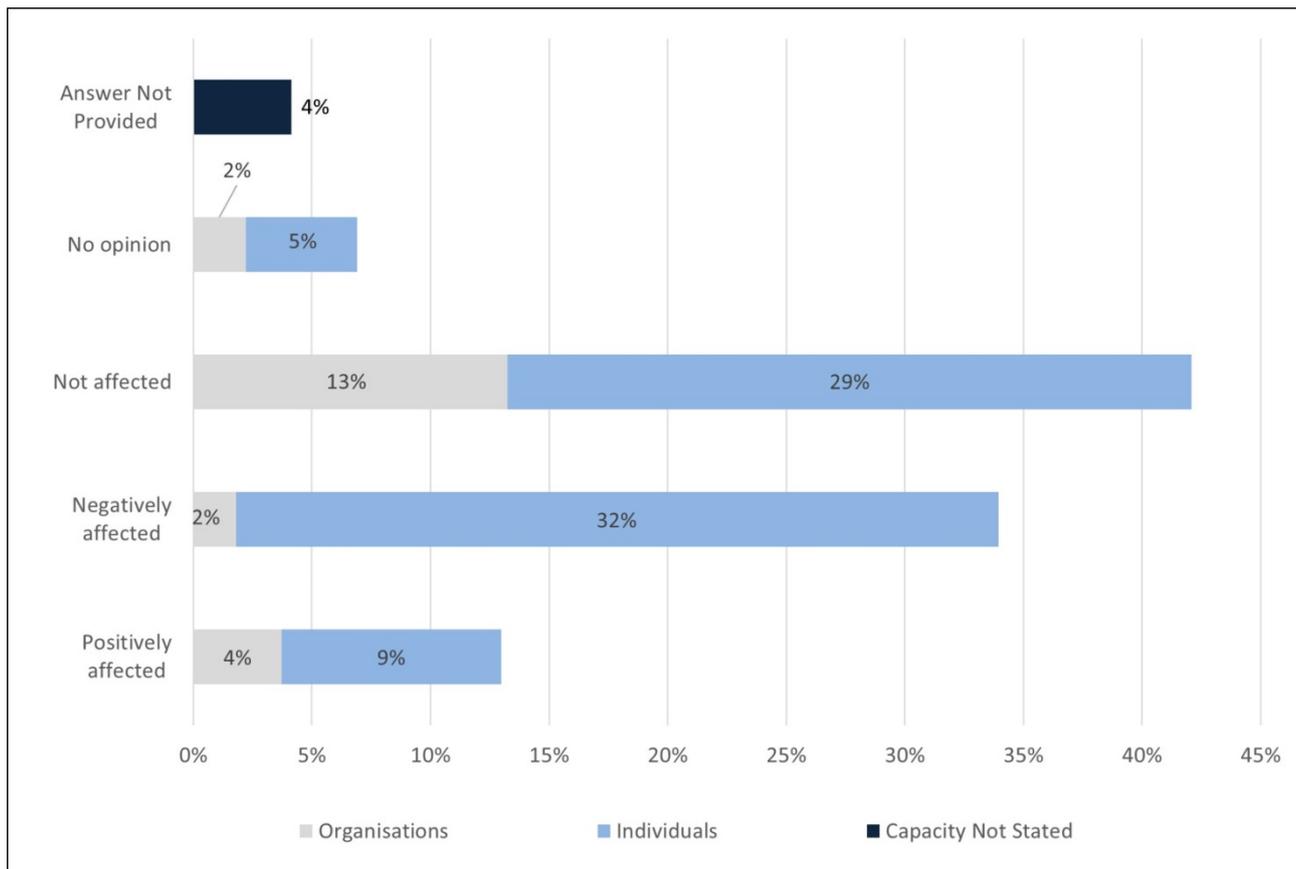
Reasons for being negatively affected	Organisations	Individuals	Not Stated	Total
Increase in project cost / time	48	88	1	137
Specialist work needs to be conducted at weekends	24	26	0	50
Would lose workforce (due to reduction in pay)	8	13	0	21
Would constitute a health and safety risk	4	7	0	11
Work to be carried out at other unsociable times	3	7	0	10
Extension of weekday hours would be negative	3	5	0	8
It would negatively impact on workers' health	2	5	0	7
Difficult to coordinate works at busier times	3	3	0	6

*\*Not all respondents that answered the question took the opportunity to provide a comment*

*\*22 respondents to this question stated that they would be positively affected but their comment gave detail on how they would be negatively affected, 10 respondents did the reverse, as such a total of 32 answers were changed to reflect the intended response.*

**Question Six: Are you or have you been affected by noisy Saturday construction work activity?**

**Figure 7: Response outcome for Question six**



A total of 695 responses were received to this question, 305 respondents stated that they had not been affected by noisy Saturday construction work activity, 246 stated that they had been negatively affected and 94 stated that they had been positively affected, 50 gave no opinion. Respondents were then asked to describe how they have been affected, the tables below show the most commonly cited responses.

Reasons for being positively affected	Organisations	Individuals	Not Stated	Total
Efficiencies in project time / cost	6	14	0	20
Has allowed specialist works to be conducted	6	9	0	15
Works are easier to undertake due to a quieter environment	8	6	0	14

*\*Not all respondents that answered the question took the opportunity to provide a comment*

Reasons for being negatively affected	Organisations	Individuals	Not Stated	Total
Affected by noise	8	142	0	150
Works continue or begin outside of allocated times	1	20	0	21
Dust / air pollution	0	14	0	14
Poor behaviour of staff	0	9	0	9
likely to be affected in future	0	4	0	4

*\*Not all respondents that answered the question took the opportunity to provide a comment*

*\*16 respondents to this question stated that they had been positively affected but their comment gave detail on how they would be negatively affected, 2 respondents did the reverse, as such a total of 18 answers were changed to reflect the intended response.*

**Question Eleven: Do you have any comments, evidence or proposals (including alternatives) that you wish us to consider regarding the issue of noisy Saturday morning construction works and/or any of the questions asked above?**

184 respondents used question fourteen to provide a concluding comment to their survey response: Table X below shows the most commonly provided comments;

<b>Comment</b>	<b>Organisations</b>	<b>Individuals</b>	<b>Not Stated</b>	<b>Total</b>
Residents should be given priority or more consideration	1	41	0	<b>42</b>
Saturday working withdrawn, with no extended hours during the week / no weekend working	2	31	0	<b>33</b>
No change to existing arrangements	7	21	0	<b>28</b>
Change times of noisy Saturday working e.g. 0900 start	4	13	0	<b>17</b>
Enhanced enforcement of contractors	0	12	0	<b>12</b>
Would result in increase in project cost / time	5	7	0	<b>12</b>
No comment / none	3	6	0	<b>9</b>
Works are easier to undertake due to a quieter environment	1	8	0	<b>9</b>
Saturday working should be shifted to the weekday	2	4	0	<b>6</b>
Noisy Saturday working in emergencies only	1	5	0	<b>6</b>
Removal would impact London's economy	1	5	0	<b>6</b>
Specialist work needs to be conducted at weekends	1	3	0	<b>4</b>

### Section Three: Responses from Organisations

Within the analysis of the public consultation responses, responses from organisations have been included in the overall dataset in the same manner as any other individual response (i.e. the response from an organisation is counted as 'one' within the results). This is in order to avoid single responses unfairly weighting the survey outcomes, where an organisation has simply stated that it represents a large group of people.

The City of London is however aware that organisations can speak on behalf of a number of employees and stakeholders and as such this section of the report provides more detail on the sizes and types of organisations that provided a response to the consultation, so that this can be considered when interpreting the results provided within this report.

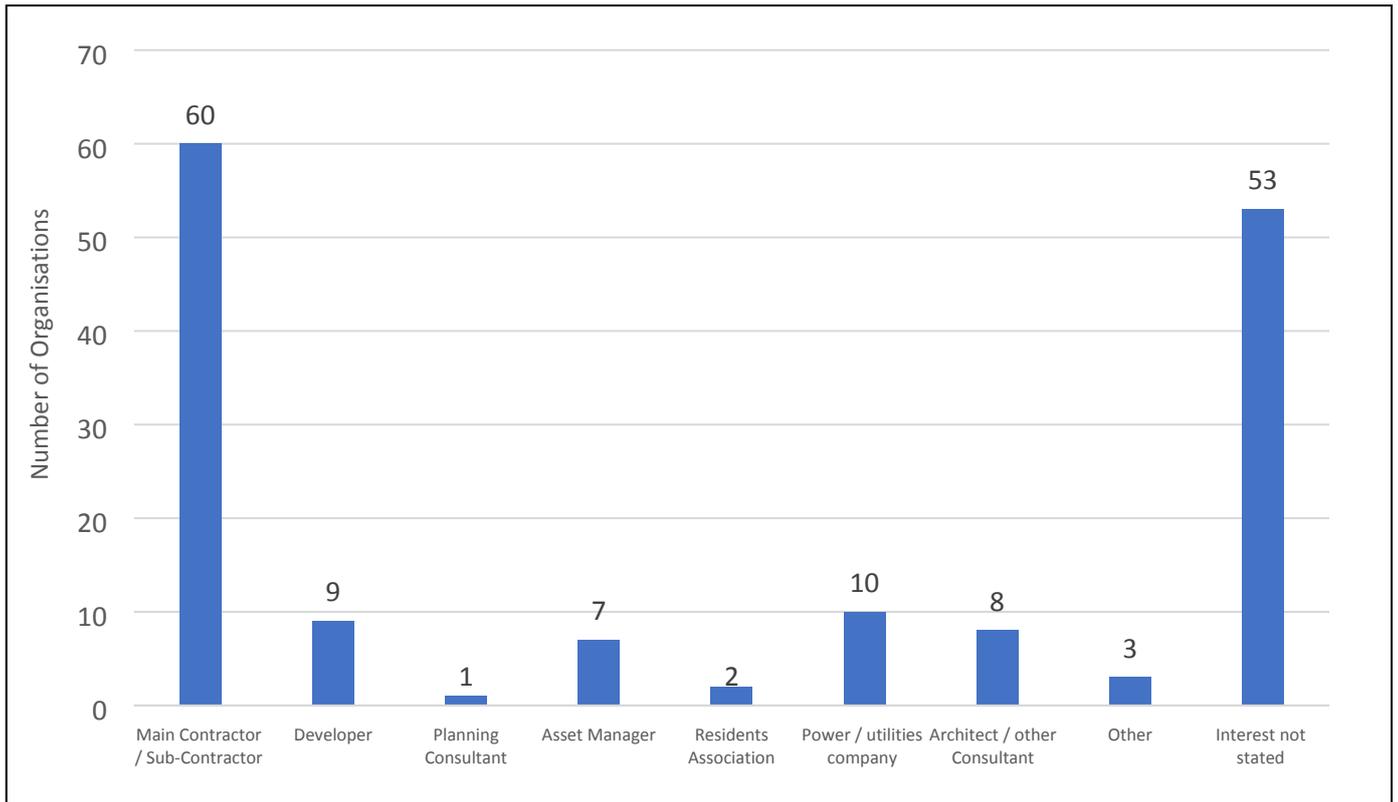
#### Summary of responses from organisations

- 21% of all survey responses came from respondents identifying as organisations.
- 86% of the organisations that responded stated that they thought existing arrangements should continue.
- 67% of the organisations that responded were in favour of the City of London's proposal to extend noisy working hours Monday – Friday in lieu of Saturday working, although the majority stated that Saturdays would be preferred.
- The opinion of organisations was split regarding partial permissions and organisations commented that the current arrangements should be retained.
- Organisations repeatedly cited concerns around increases in project cost and time should noisy Saturday working be removed.
- Whilst organisations submitted responses on behalf of their workers, a large number of individuals working for organisations in the City of London submitted responses in a personal capacity as evidenced by Figure 2.
- A number of organisations including contractors, developers and resident's organisations submitted formal written responses to the City of London in order to provide further opinion outside of the online consultation, these responses are presented in Appendix 1.

Organisations were also directly asked to provide qualitative responses to the following three questions;

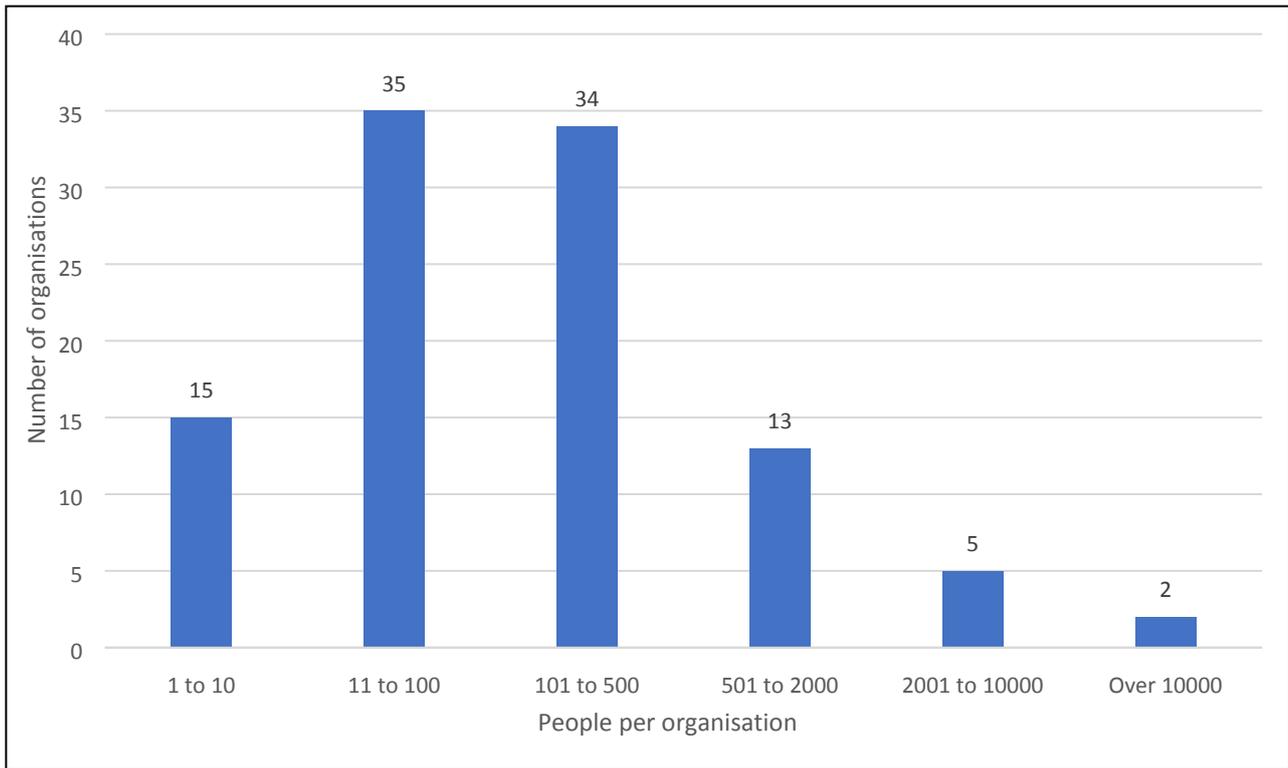
1. *What is the name and postal address of your organisation and the nature of its interest in Saturday construction works?*
2. *How many people does your organisation represent?*
3. *How many people were involved in taking the decision on how your organisation should respond to this questionnaire?*

**Figure 8: Organisation responses to ‘What is the nature of your organisation’s interest in Saturday construction works?’**

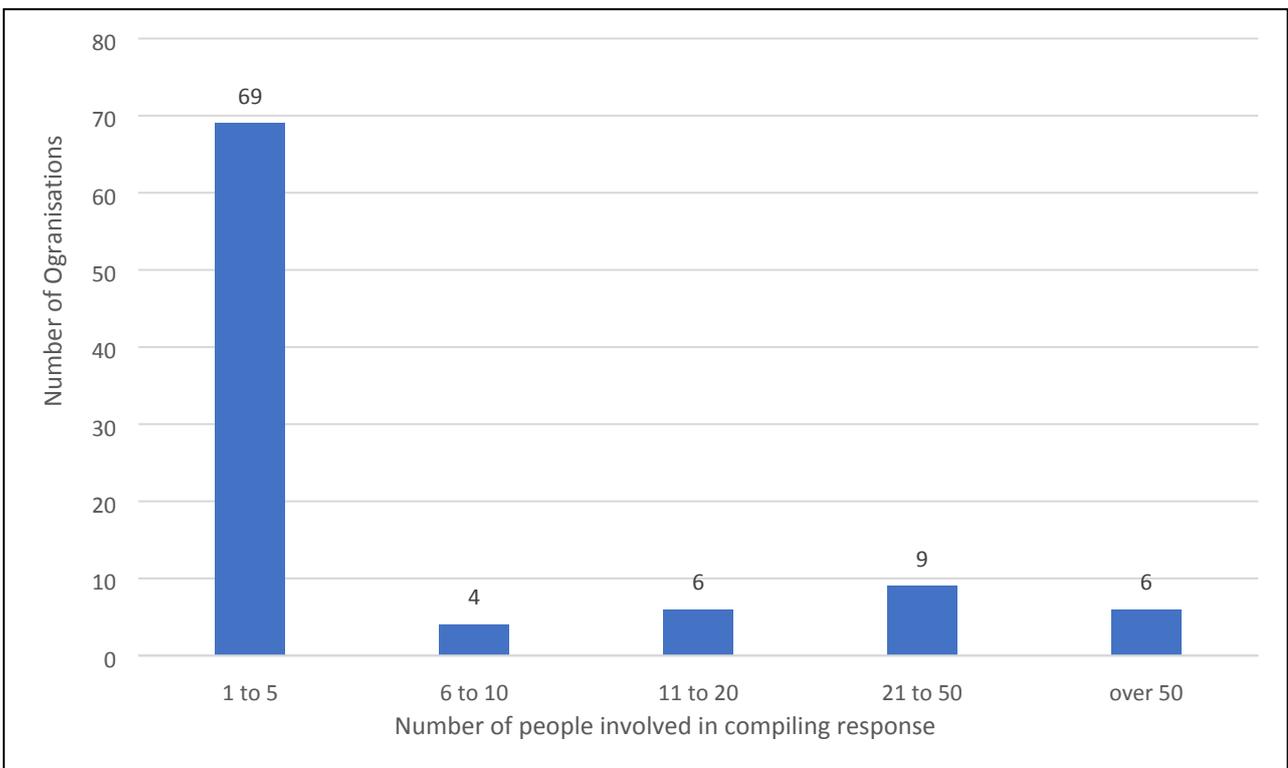


For those respondents who identified themselves as responding to the consultation as an organisation, the majority were observed as being Main or Sub - contractors, responses were also received from property developers, asset managers and organisations that provide specialist works or services.

**Figure 9: Organisation responses to 'How many people does your organisation represent?'**



**Figure 10: Organisation responses to 'How many people were involved in taking the decision on how your organisation should respond to this questionnaire?'**



Figures 9 and 10 demonstrate that there has been a large degree of variation in the sizes of organisations responding to the consultation and responses were received from small companies to large organisations operating in the City of London.

#### Section Four: Protected Characteristics

Respondents to the consultation were asked whether the issue of noisy Saturday construction works had any impact on them as an individual, group or organisation under the protected characteristic listed below, the percentage of all respondents that cited each characteristic is also shown.

Protected Characteristic	Number of survey respondents affected	% of all survey respondents affected
Age	57	8%
Disability	25	3%
Pregnancy & Maternity	18	2%
Religion or belief	7	1%
Sex	2	2%
Gender reassignment	0	0%
Race	0	0%
Sexual Orientation	0	0%

Respondents were then asked to provide detail surrounding the impact to them under the protected characteristic. The most common comments provided and the number of respondents that mentioned being affected in this manner are detailed below.

Comment	Number of survey respondents
Noisy works impacting rest	43
None / Not Applicable	26
Young children impacted by noise	11
Noisy work exacerbating health conditions	11
Works impacting access to places of worship	2

## Section Five: Conclusions

The City of London Corporation has consulted on the principle of ending or revising the 'standard hours' working arrangements for Saturdays. 725 responses were received to the online survey and 62% of respondents felt that noisy Saturday working between 08:00 – 13:00 should continue, 35% did not, and 3% gave no opinion. 21% of all responses were received from organisations, 75% from individuals and 4% did not state their capacity. Looking more closely at the profile of respondents and their support, the largest respondent group in favour of retaining the current arrangements were individuals working in the City of London. The largest respondent group not in favour of continuing the current arrangements were individuals living in the City of London.

The City of London Corporation asked respondents to provide their thoughts on a potential extra hour of noisy working on Monday to Friday should Saturday working be removed. A narrow majority of respondents felt that this would not be suitable due to potential extra disturbance. Respondents also stated that Saturday working would be preferable overall.

A degree of openness was displayed by survey respondents with regards to other types of partial permissions such as locating noisy work away from residential clusters, however the overriding sentiment that Saturday working arrangements should remain unchanged was again displayed by respondents.

Respondents were asked how they had been affected by noisy Saturday working and how they might be affected should it be removed, the majority of respondents stated that they had not been affected, some respondents stated that they had been negatively affected by noise. Regarding removal, a majority of respondents stated that they would be negatively affected should noisy Saturday working be removed due to increases in project cost or programme length, however a smaller portion of respondents stated they would be positively affected by a quieter environment.

Organisations responded to the consultation on behalf of their employees and the majority stated that they thought existing arrangements should continue, in order to avoid unfair weighting of the consultation outcomes, the response of an organisation was treated in the same manner as that of an individual.

15% of all survey respondents stated that noisy construction works had impacted them under a protected characteristic, the majority of which stated age but also disability, pregnancy and maternity as their affected characteristic and the impact of noisy works to their rest as the overall issue.

Residents living within the City of London make up the majority who wish to see noisy Saturday working in its current form removed, the majority of respondents in this category state disruption from noise due to ongoing construction works and call for more consideration in the planning and execution of construction works in the City.

The overall sentiment of the survey outcome is a preference for noisy Saturday working hours to remain unchanged with a majority support received to question 1. As demonstrated the majority of concern around removal of Saturday working comes from individuals who work within the City of London and to a lesser extent, the organisations which these individuals work for. The major concerns cited by these respondents is the potential increase to project cost and time and the ability to conduct specialist work at weekends due to a quieter City environment.

Respondents appear to agree that an extension of weekday working hours in lieu of Saturday working would not be suitable, however the survey has uncovered a willingness to consider other types of permissions which may suit all stakeholders. A shift in Saturday noisy working hours to 0900 to 1400 was suggested in a number of responses.

## Appendix One: Submitted responses from organisations

A number of organisations including contractors, developers and resident's organisations submitted formal written responses to the City of London in order to provide further opinion outside of the online consultation, these responses are below.

Full consultation responses for all respondents is available on request.

### Response from the Barbican Association

Dear XXXX

Please accept this letter as formal response from the Barbican Association to the City's current consultation on Saturday working on construction sites. We couldn't make the points we wanted to make within your survey format.

The Barbican Association is the recognised residents' association for the 4000 or so residents of the Barbican estate.

It was the BA's request, in response to the consultation last year on the revision of the City's Code of Practice for Deconstruction and Construction Sites, that the Code should not permit noisy working on Saturday mornings in the vicinity of residential areas. This request has prompted your current consultation.

Our points in response to the current consultation are:

1. We are not clear whether your consultation is offering No work at all on Saturday mornings or No noisy work. We understand that Saturday mornings are currently for Noisy work – in that they are not designated quiet hours. However, it would be possible to designate Saturday mornings as quiet working hours. Indeed, this seems to be what your neighbour local authority, Westminster, has done in banning noisy works in residential areas on Saturday mornings

2. Please note that our original request was for no noisy works on Saturday mornings next to residential areas. We would not presume to affect working throughout the City as a whole.

We made this request because the numbers of building sites close to the Barbican (and indeed other residential estates/areas) has increased dramatically over the past few years, and is not likely to diminish.

- We are still not asking for Saturday morning noisy working to be banned throughout the City – only in residential areas. If that approach were adopted that would mean that most building sites in the City would not be affected.

- We do not think it should be too difficult to identify "residential areas." Although there are some small developments of flats throughout the City, the vast majority of the City's residential accommodation is clustered in some well-defined areas. At its crudest you could use the wards of the City that are designated as "residential wards", but the criteria could be more nuanced than that – after all contractors have to discuss with Environmental Health sensitive sites (including residences) that might be affected by their work, and so presumably they have to identify them. And the introduction to your consultation says that variations to [standard] hours may be approved for works where impacts are 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.” So you already make judgements about how close sites are to residences.

3. We have a major concern that the outcome of the consultation could result in residents being worse off than they are now.

If the decision is to ban Saturday morning working altogether and add an extra hour to the standard hours of Monday to Friday then we accept that theoretically we would not be worse off than before.

But if the decision is to designate Saturday morning working as quiet hours and to add an extra hour to the standard hours for Monday to Friday then that actually extends the working period for construction sites. And though residents would see some benefit on Saturday mornings (reduced noise and disturbance), that would be outweighed by major disbenefits during the week as work extended longer into the evening (or earlier into the morning).

A continuing risk is that removing Saturday morning working would lead to more requests for variations to allow Saturday noisy working. We would seek assurances that more variations would not be granted simply because of any change in the standard hours.

4. Our preference is for our original request – ie No noisy working (by implication quiet working only) on Saturday mornings for sites that are next to residential areas. And no more hours during the week. This has the following advantages:

a) It means that most of the City can continue as before on national standard hours. It only affects a minority of sites.

As your consultation points out, much of the City is quieter on Saturdays and it seems a shame to prevent contractors from using that time – where it won't disturb people.

b) It keeps the City in line with national standard hours – with only one minor exception, which is not a precedent because Westminster has a similar provision.

c) Within residential areas contractors can still work – but to the quiet hours regime.

We note that the Construction code says in 3.1 “Protecting City businesses, residents and other noise sensitive premises (e.g. schools) from noise and vibration impacts of construction sites is essential to the City's continuing reputation as an excellent place to live, work and to do business.”

Banning noisy work on Saturday mornings in residential areas would give tangible effect to the desire to keep the City as an excellent place to live, at minimal cost to the rest of the City. A regime that worked fine 10 years ago no longer does so because of the increased numbers of building sites around the Barbican and other residential areas.

Yours sincerely

XXXXX, chair BA

XXXXX, chair BA Planning Subcommittee

## Response from Unite Union

Dear XXXX,

Further to your email below, which has been passed to me, please see Unites response below.

*'Saturday morning working on major construction sites has been the norm for many years within the City London and as such many construction workers now consider earnings on a Saturday to be a normal part of their wages. It therefore follows that any ban on Saturday working will result in a reduction in wages for many construction workers. The sudden introduction of such a ban also has the potential to result in some clients reconsidering the feasibility of building in the City of London and thus adversely effect the level of construction active within the City.*

*Another consideration is that certain activities associated with the construction process require road closures. Due to this need some type's of work can only be carried out on a Saturday or Sunday, it would therefore be necessary to have some sort of licence/exemption scheme in place, so as to allow for this.*

*Unite believe that working hours should be family friendly and that a properly planned project should not require Saturday working to be standard, we would therefore support such a ban. However, in order to minimise disruption and hardship to workers, while also allowing clients to prepare for such a ban Unite believe any such ban should be phased in.'*

Regards

XXXXX

Unite the Union

Response from City Property Association (CPA)



City of London Corporation  
PO Box 270  
Guildhall, London  
EC2P 2EJ

By email: [publicprotection@cityoflondon.gov.uk](mailto:publicprotection@cityoflondon.gov.uk)

26 July 2018

**RE: Consultation on Saturday Morning Construction Works – Code of Construction Practice**

Dear Sir / Madam,

I am writing on behalf of the City Property Association (CPA). As you may be aware, the CPA is a membership body for the leading owners, investors, professional advisors and developers of real estate in the City of London. I attach a list of the 160 member companies we represent.

Thank you for providing the opportunity to comment on the principle of ending or revising the 'standard hours' working arrangements for Saturday (9am to 1pm) in the City of London. As an Association, we strongly oppose any changes to the current construction working hours, which are vital to ensuring the timely completion of developments and infrastructure projects in the Square Mile.

The City of London is Europe's leading centre for financial and professional services. There are over 24,000 businesses based in the City (2017), with the area contributing £49.2 billion to the national economy, equivalent of 23.4% of UK GVA (2016). There is market demand for a steady flow of new and refurbished office space that can accommodate a range of businesses, respond to ever-changing occupier demands and support modern working practices. Indeed, over the past three decades 70% of the office stock in the City of London has been redeveloped, as the area evolves to cater for changing workstyles, emerging sectors and makes the limited space in which it operates more efficient.

The City of London's success as a preeminent global business centre is reliant on its high quality and ever-evolving development pipeline. The City Corporation's own ambitious plans to dramatically accelerate its own cultural offer through Culture Mile, and the delivery of enhanced public realm and the creation of new public spaces, would all be at threat from any alterations to current construction working arrangements.





As an industry, we are committed to investing and developing high-quality schemes that create and sustain jobs in the City of London; deliver world-class buildings and public spaces; and contribute to the funding of infrastructure through CIL, S106 and other developer contributions. However, these construction projects often have tight timetables to meet occupation deadlines and ensure economic viability. Removing the option of Saturday morning from the construction timetable will have a major impact on the timely delivery, and as a result, the viability of commercial development in the City.

As well as the financial impact of restricting Saturday working, longer construction timeframes prolong the inevitable impacts of construction - such as noise and vibration - on local residents, workers, schools and visitors to the Square Mile.

Furthermore, the vast majority of pedestrians and cyclists that enter the area do so for work (483,000 people) between Mondays and Fridays. Despite much-needed interventions by the City Corporation to make local streets safer and healthier - such as Bank on Safety and the proposed Eastern City Cluster Area Strategy - the City's streets and public spaces can often become congested during the working week.

The option of well-timed Saturday deliveries of construction plant and materials, particularly for those items which require full or partial road closures (such as cranes), means that there is less of an impact on safety, air quality and traffic congestion during the working week.

We strongly urge the Planning and Transportation Committee to retain the current Saturday working hours for the City of London. These hours are standardised across London and cities across the country, areas with far higher residential populations than the City of London.

Yours sincerely,



Dan Scanlon  
Vice President of City Property Association



Corporate Members of CPA – July 2018

- 8build
- Academy Consulting Solutions Ltd
- AECOM
- Allianz Insurance
- Anstey Horne & Co
- Arcadis LLP
- Arup
- Ashurst
- Aukett Swanke
- AXA
- BBG Real Estate Advisers
- BDP
- Beltane Asset Management
- Bill Gloyn (Hon)
- Bircham Dyson Bell LLP
- Blackstone
- BNP Paribas
- Bougyues
- British Land
- Broadgate Estates
- Brookfield
- Buckley Gray Yeoman
- Buro Four
- C C Land Management and Consultancy UK Limited
- Canary Wharf Group PLC
- Capita
- CBRE Ltd
- City of London Corporation
- CMS Cameron McKenna Nabarro Olswang
- Colliers International
- Colville Estate Ltd
- CORE Offices Real Estate LLP
- Cundall
- Cushman & Wakefield LLP (CPA)
- Daniel Watney LLP
- DAR
- Dechert
- Delancey Real Estate Asset Management
- Deloitte Real Estate
- Dentons
- Derwent London PLC
- DLA Piper UK LLP
- DP 9 Ltd
- dRMM Architects
- EPR Architects Ltd
- Evans Randall Investors
- Exigere Project Services Limited
- Farebrother
- Farrer & Co LLP
- Foggo Associates Limited
- Foster and Partners
- Gardiner & Theobald LLP
- General Demolition Limited
- Gerald Eve LLP
- Gleeds
- Gordon Ingram Associates
- Graham Construction Ltd
- Great Portland Estates PLC
- Greycoat Real Estate LLP
- GVA
- Hayes Davidson
- HB Reavis UK Ltd
- Helical
- Herbert Smith Freehills LLP
- Hermes Real Estate Investment Management Ltd
- Hilson Moran
- Hines UK Ltd
- Historic England
- Hoare Lea
- Hurley Palmer Flatt Ltd
- Hush Project Management & Consulting Ltd
- Iceni Projects Limited
- Indigo Planning
- Infinitus Property Investment
- Ingleby Trice
- J Peiser Wainwright
- Jackson Coles LLP
- Jefferson Sheard Architects
- JLL
- JLT
- John Robertson Architects
- Kajima Properties
- KJ Tait Engineers
- Knight Frank LLP
- KPMG
- Laing O'Rourke
- Landsec
- LaSalle Investment Management
- Legal & General Property
- Linklaters LLP
- Lockton Real Estate

# CPA

City Property Association

London Real Estate Advisors LLP  
M3 Consulting  
Macfarlanes LLP  
Make Architects  
Malcolm Hollis LLP  
McLaren Construction Ltd  
MDA Consulting  
Meinhardt (UK) Ltd  
Memery Crystal LLP  
Merchant Land  
Mishcon de Reya  
Mitsubishi Estate London Ltd  
Mitsui Fudosan  
MJP Architects  
MOLA  
Momentum Transport Planning  
Montagu Evans LLP  
Norton Rose Fulbright LLP  
Oakmont construction Ltd  
Oxford Properties  
PDP London  
Pell Frischmann  
Pinsent Masons  
Pringle Brandon Perkins + Will  
Proskauer Rose (UK) LLP  
Publica Associates Ltd  
QCIC Ltd  
Quadrant Estates  
Quantem Consulting LLP  
RadcliffesLeBrasseur  
Turner and Townsend  
U and I Group PLC  
W.R. Berkley Corporation  
Waterman Group  
Wedlake Bell

Ridgeford Developments Ltd  
Robert Bird Group  
Robinson Low Francis  
Rolfe Judd  
Rooks Rider Solicitors LLP  
RPS Group  
Savills  
Scott Brownrigg  
Second London Wall Project Management  
Sheppard Robson  
Simmons & Simmons LLP  
Sir Robert McAlpine Ltd  
Skanska UK  
Stanhope PLC  
Steer Davies Gleave  
Stiff+TrevillionArchitects  
TateHindle Ltd  
Taylor Vinters LLP  
Taylor Wimpey Central London  
Telereal Trillium  
The Mercer's Company  
Thomas & Adamson  
Tideway Investment Management Ltd  
Tishman Speyer  
TLT LLP  
TP Bennett  
Transport for London  
Treharne Architects  
Tuffin Ferraby Taylor

Wilkinson Eyre  
Workman LLP  
WSP  
WYG

**Appendix Two: Public Consultation Questionnaire**



## 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);
- 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 are 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.

#### 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 XXXXXXXXX

Thank you for your time and help.

1. Do you think the existing Saturday permitted hours for noisy construction work activity (08.00-13.00) should continue?

<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
------------	-----------	-------------------

2. Do you think that, unless permitted in emergencies or upon special application (such as 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?

Yes	No	No Opinion
-----	----	------------

3. Do you think that if noisy construction works were not permitted on Saturdays, there should be an extra hour of noisy construction work permitted on Monday-Friday, from 18.00 until 19.00?

Yes	No	No Opinion
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If so, why?

4. Do you think that, unless permitted in emergencies or upon special application as in question 2, that noisy Saturday construction work should be partially permitted, e.g. specific times, locations, away from residential clusters, alternate weekends, etc.?

<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
------------	-----------	-------------------

i. If yes, please state what should be permitted:

5. Do you think you or your organisation would be affected if noisy construction work was not permitted on Saturdays?

<u>Positively affected</u>	<u>Negatively affected</u>	<u>Not affected</u>	<u>No Opinion</u>
----------------------------	----------------------------	---------------------	-------------------

If so, How? Answer below

6. Are you or have you been affected by noisy Saturday construction work activity?			
<u>Positively affected</u>	<u>Negatively affected</u>	<u>Not affected</u>	<u>No Opinion</u>
If so, How? Answer below.			

7. Are you responding to this consultation as an individual or as an organization?	
<u>Individual (Q9)</u>	<u>Organization (Q8)</u>
8. If you're responding as an Organization,	
i. <u>What is the name and postal address of your organisation and the nature of its interest in Saturday construction works? Answer below.</u>	
ii. <u>How many people does your organisation represent? Answer below.</u>	
iii. <u>How many people were involved in taking the decision on how your organisation should respond to this questionnaire? Answer below.</u>	

9. <u>If you're responding as an individual,</u>		
i. <u>Please provide your name and postal address including your full postcode below.</u>		
ii. <u>Please tick all boxes that apply to you:</u>		
<u>Resident within CoL postcode</u>	<u>Owner of business within CoL postcode</u>	<u>Person working within CoL postcode</u>
<u>Person visiting destination in CoL</u>	<u>Person visiting destination in CoL</u>	<u>Please Circle appropriate</u>

10. <u>Does the issue of noisy Saturday construction works have any impact on you as an individual, group or organisation by reason of any of the following characteristics:</u>			
<u>Please Circle</u>			
<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>
<i><u>If so, what is the impact? Answer below.</u></i>			

11. Do you have any comments, evidence or proposals (including alternatives) that you wish us to consider regarding the issue of noisy Saturday morning construction 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

The City of London Corporation (City of London) is a registered data controller in respect of processing personal data under the relevant data protection legislation. This includes the Data Protection Act 1998, Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

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 Saturday Construction working consultation, 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/>).

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.

The personal data processed by the City of London, and by the processor, for the above-mentioned purposes, is done so on the legal basis of your consent. Should you wish to withdraw your consent, at any stage, please put your request in writing to the City of London. Unless you withdraw your consent, the City of London will continue to process your personal data for as long as you remain

interested in the Saturday Construction working consultation.

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.

The City of London will not share your personal data with any other third parties, for any other purposes, unless legally obliged to do so. More information about data protection, and your rights in relation to personal data, is available from the website of the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk).

### **Appendix 3 – Discussion and Analysis of Options Considered**

The City's consultation on the standard noisy construction hours suggested options in relation to the noisy construction working times and sought respondents' views on further potential partial permissions that require the City's consideration in forming the final recommended option.

The information below forms the detailed analysis of the options considering the available evidence base, the consultation outcomes, the equalities analysis and advice from the officer working group.

Construction works have a significant impact on the densely populated City of London and its residents, workers and visitors. Each option has benefits and disbenefits to sections of the City's population and hence a balanced approach is sought.

#### **a. No Change**

Responses to the public consultation gave a clear indication that the majority of respondents do not wish to see a change to the current noisy working arrangements with 62% of respondents stating that noisy Saturday working should continue between 0800 and 1300, 35% felt that noisy Saturday works between 0800 and 1300 should not continue and 3% gave no opinion.

Those wanting no change expressed the need for noisy construction to occur on a Saturday to ensure a flow of timely completions to developments and infrastructure projects to meet demand, avoid congestion, avoid safety conflicts with pedestrians, avoid lengthening overall programmes, keep costs viable. There was a general acknowledgement of the difficulties of constructing in the City of London in terms of narrow streets, density of development and balancing the needs of neighbouring occupiers both residential and commercial.

The number of complaints about construction noise occurring on Saturday morning between 0800 and 1300 is low at 6 received in this period for the whole of 2017 out of 373 construction noise complaints received in total for the City of London, see appendix 4. Caution should be given to drawing conclusion from these figures as it may be that affected persons choose not to complain when disturbed.

Site observations of construction works on Saturdays shown in appendix 5 have shown that the City is a very noisy place with deliveries, filming, traffic and ventilation often the dominant acoustic factors in site observations. The sites monitored were often undertaking works that would not be possible on a weekday due to pedestrian movements such as crane erection and scaffolding. Most sites were operating in accordance with the Code although some did require intervention which demonstrates the need for additional monitoring and enforcement to be carried out.

The air quality data analysed in appendix 6 currently shows lower concentrations of pollutants occurring on a Saturday in the City of London than on a weekday. Undertaking construction vehicle movements on a Saturday when there is less congestion results in fewer emissions than undertaking the same movements on a weekday.

The development pipeline data shows that there is a strong demand for all types of accommodation in the City of London with total occupational demand at the end of Q2 2018 for offices (active & potential) totalling 10.22 million sq. ft. For the same period agents reported total office availability at between 5.30 million sq. ft and 8.30 million sq. ft. Any removal of Saturday noisy working hours would significantly affect the supply of all types of accommodation as construction firms estimate for large schemes there would be an addition to overall programme of more than 6 months for larger schemes.

The equalities impact analysis carried out shows that whilst Saturday noisy works have negative impacts on those with protected characteristics there are potential mitigating steps that could reasonably be taken, as follows.

The current Code of Construction Practice seeks to mitigate and minimise noise and noise impacts that could have a significant adverse effect on mental and physical health and wellbeing. It encourages a flexible and site-specific approach with early, frequent and detailed liaison as set out in section of the COP, available in appendix 1 a requirement followed by amended Schemes of Protected Works which are a requirement of planning conditions. Planning authorities are required to follow a prescribed approach to public consultations on planning applications, anyone can respond, and all representations are taken into account. The current approach acknowledges the negative impacts of construction and seeks to balance the needs of all stakeholders whilst enabling the City to maintain its status as a world class centre of business and finance. The current approach meets or exceeds current best practice, considers previous case law and is based on British Standards. The enhancements in the 2017 8<sup>th</sup> edition of the Code are yet to be fully realised as the proposed monitoring levy implementation will begin in earnest on commencement of schemes mid 2019.

The Code introduced for the first time several new measures in sections 2, 3 and appendix L available in appendix 1 of this report that will help mitigate adverse construction impacts more effectively;

- A schedule of monitoring costs contributed to by the developer to ensure better long-term environmental management and this will enable a more proactive approach to monitoring and enforcement of any breaches by a new team of City Officers.
- A stronger approach to air quality impacts from Non-Road Mobile Machinery through registration of all plant on a London database which is audited on site to ensure site equipment meets the best available emissions standards.
- Specific noise reduction technologies such as the requirement for broadband sound reversing alarms.

Taking the above analysis into account the recommended option is for no change to the existing hours for noisy construction works.

Whilst the Code seeks to achieve a balanced approach it is acknowledged that a proportion of respondents felt that the balance it achieves is not the right balance

and that noisy construction works on a Saturday morning 0800 to 1300 affects the ability to rest.

Better signposting to liaison opportunities and consultations on the Schemes of Protective Works are required so residents can make representations on individual schemes and express any individual difficulties or concerns they may have. In addition, a more rigorous approach to monitoring and enforcement is required to ensure the existing provisions are complied with.

#### **b. No noisy construction works in standard hours on Saturday**

Responses to the public consultation exercise on the principle of banning noisy construction activity in standard hours on a Saturday give a clear indication that the majority of respondents do not support such a change.

Of those 272 respondents that do support no noisy works being permitted on Saturdays the clear majority are residents of the City of London. The primary opinion expressed was the effect of noisy Saturday morning works on the ability to rest and on mental and physical health. A number of respondents described that they have been living adjacent to sequential construction works for over 10 years and that construction is a permanent feature of living in the City of London.

15% of respondents stated that noisy construction works had impacted them under a protected characteristic, the majority of which stated age as their affected characteristic with significant proportions stating disability and pregnancy and maternity. A smaller proportion stated religious belief citing Saturday as the Sabbath and noise affecting church services.

The City of London has at any given time 40 to 45 large construction sites active that would be affected. The development pipeline is shown in appendix 8 showing how future developments would be affected if no noisy working on Saturdays was permitted. An effect of this option would be that there would be more active construction sites at any one time as developments would take longer to complete, estimated by the industry of in excess of 6 months. Demand for completed office developments is high and currently supply does not meet the demand, this option would affect the ability to meet future demand for office space.

The officer working group advised that much of the work conducted on a Saturday for construction, demolition and street works is programmed as such to avoid peak pedestrian times and congested roads. Officers advise that if such a prohibition is imposed that it would be necessary to permit by way of variation to standard hours much of the work that currently is programmed as it would be necessary due to safety or engineering practicalities such as scaffolding, cranes, works over highway and pavements. By way of example, in 2017 the City's own contractor Rineys undertook £13.5m of construction work on the Highway. On average Rineys utilise 4 to 5 gangs every Saturday to undertake tasks that are problematic and /or restricted for health and safety reasons in the week. It should also be noted that most resurfacing operations are undertaken at the weekends for health and safety reasons, whilst minimising congestion impact.

As such because of the necessity to approve works for engineering, congestion or health and safety reasons and the legal duties for statutory undertakers to undertake repairs to their infrastructure those adjacent to construction sites or street works would not experience a real difference in the acoustic character of the area if a ban were imposed and there would be a significant new resource required by the City of London in examining applications and approving or refusing these.

Of those that do not support such a prohibition the commonly cited issues are the effect on overall programme, cost to developers and the construction industry, the need for specialist works to continue during these times, difficulties of coordination, safety, negative impacts on the wider economy of London.

The Royal Borough of Kensington and Chelsea (RBKC) has taken the position in its Code of prohibiting noisy Saturday works Borough wide and as such the permitted hours for all works audible at the site boundary are:

Monday to Friday: 8am to 6pm:

At no time: Saturdays, Sundays and Public Holidays

All 'high impact activities' (includes all demolition and concrete-breaking works) are further restricted:

Monday to Friday 9am to noon and 2pm to 5:30pm

At no time on Saturdays, Sundays and Public Holidays.

RBKC does not apply quiet hours.

RBKC has a very different proportion and distribution pattern of residences to the City of London with 4.68 square miles, 18 wards and home to 155,700 residents who are located in areas that are majority residential. and as such is not comparable with the City of London with 9000 residents located throughout, see map in appendix 4.,

Considering the outcome of the consultation and the evidence base available, and taking into account the steps proposed for seeking to mitigate negative impacts of Saturday noisy working on those with protected characteristics, the option of a prohibition on noisy construction works on Saturdays between 0800 and 1300 is not recommended for the City of London.

**c. Additional hour Monday to Friday 18:00 to 19:00**

48% of respondents stated there should not be an additional hour of noisy work added Monday to Friday, 44% felt there should and 8% gave no opinion. Respondents felt that the extra hour proposed may help, but that Saturday working was preferred overall and that an extra weekday hour may result in more disturbance to residents.

The evidence gathered does not provide an argument to support this option and as it is not preferable to the majority of respondents it is not recommended for further consideration.

#### **d. Partial permissions**

##### **i. Change standard Saturday noisy hours City wide to 0900 to 1400**

This option was put forward by several consultation respondents as an alternative partial permission.

Construction companies and developers in following the City's COP on occasion consult with residents and often apply to the City to amend their standard Saturday noisy hours from 0800 to 1300 to 0900 to 1400 to give residents an hour respite on a Saturday morning with the hour added in the early afternoon so works programmes are not affected. Developments and street works in the Barbican area have implemented this adjustment in hours in the past and ongoing.

The data gathered showed no disbenefits in relation to air quality, development pipeline or noise complaints with this option. As this option was not the subject of specific consultation with the construction industry it is not known if they will express concern over any disbenefit to them, it is possible there will be a negative effect on construction workers finishing later on a Saturday as it may impact family life.

A positive effect could be demonstrated in the equalities analysis in that an hour of quiet time in the earlier part of the morning, would be available at a time when many residents, irrespective of protected characteristics would be at home and at rest and thus could serve to mitigate negative impacts of Saturday noisy working on those with protected characteristics..

This option presents an alternative option to 'no change' with residents across the City benefiting whilst still allowing development to continue.

##### **ii. Not permitting noisy works near residential areas**

The option of restricting noisy works on a Saturday in "residential areas" has been considered following the Barbican Associations representation. The main difficulty with implementing this option is defining a "residential area". The City has residential clusters as described in planning policy, but these are mixed use areas where the residential element forms part of but not all of the land use.

The City also has substantially "residential wards" for electoral purposes (Portsoken, Queenhithe, Aldersgate and Cripplegate).

However, residential properties are distributed with greatly varying degrees of intensity and numbers (in some cases low intensity and numbers), throughout the whole of the City's area. It would be unfair and potentially discriminatory to protect residents in areas of higher residential concentrations but not all the City's residents.

The distribution of residential premises can be viewed on the City's mapping tool:

<http://www.mapping.cityoflondon.gov.uk/geocortex/mapping/?viewer=compass>

Westminster does take this approach in their Code of Construction Practice due to their residential population density lending itself to being able to determine which of

its areas that developments occur in are predominantly residential. Westminster covers an area of 8 square miles with 20 wards and is home to 225,000 residents.

Westminster's permitted hours of work for any works that are audible at the site boundary are:

Monday to Friday: 8.00am to 6.00pm

Saturday: 8.00am to 1.00pm

In residential areas noisy works associated with a development or basement excavation (demolition, piling and earthworks) will be limited to weekdays from 0800 to 1800 hours, unless otherwise agreed. Noisy working is not permitted on Sundays and Bank Holidays. Residential areas are not defined and are decided on a case by case basis. Westminster do not apply quiet hours.

This option is not recommended as it is not possible to define residential areas and it has the potential to be discriminatory.

## Appendix 4 Construction noise complaint data 2017

Table 1. Total noise complaints construction, street works, and demolition received by COL, by day of the week and by 2-hour time window in 2017 (graph on next page).

Day of week	Source	00-02	03-05	06-08	09-11	12-14	15-17	18-20	21-23	Grand Total
Monday	Business				7	9	4		1	21
	Resident	1			6	5	4	2	3	26
Monday Total		1			6	12	13	6	3	47
Tuesday	Business				3	18	13	5		39
	Resident	1			2	9	6	4	10	43
Tuesday Total		1			5	27	19	9	10	82
Wednesday	Business				1	9	12	5		28
	Resident	3	1		2	7	5	1	7	34
Wednesday Total		3	1		3	16	17	6	7	62
Thursday	Business				3	8	8	2		21
	Resident	3			1	4	1	3	2	24
Thursday Total		3			4	12	9	5	2	45
Friday	Business	1				11	6	4		22
	Resident	4	1		1	3	2	3	4	23
Friday Total		5	1		1	14	8	7	4	45
Saturday	Resident	5			9	2	9	6	3	34
Saturday Total		5			9	2	9	6	3	34
Sunday	Resident				9	34	4	5	1	58
Sunday Total					9	34	4	5	1	58
Grand Total		18	2		37	117	79	44	30	373

Graph 1 - Total noise complaints construction, street works, and demolition received by COL, by day of the week and by 2-hour time window in 2017

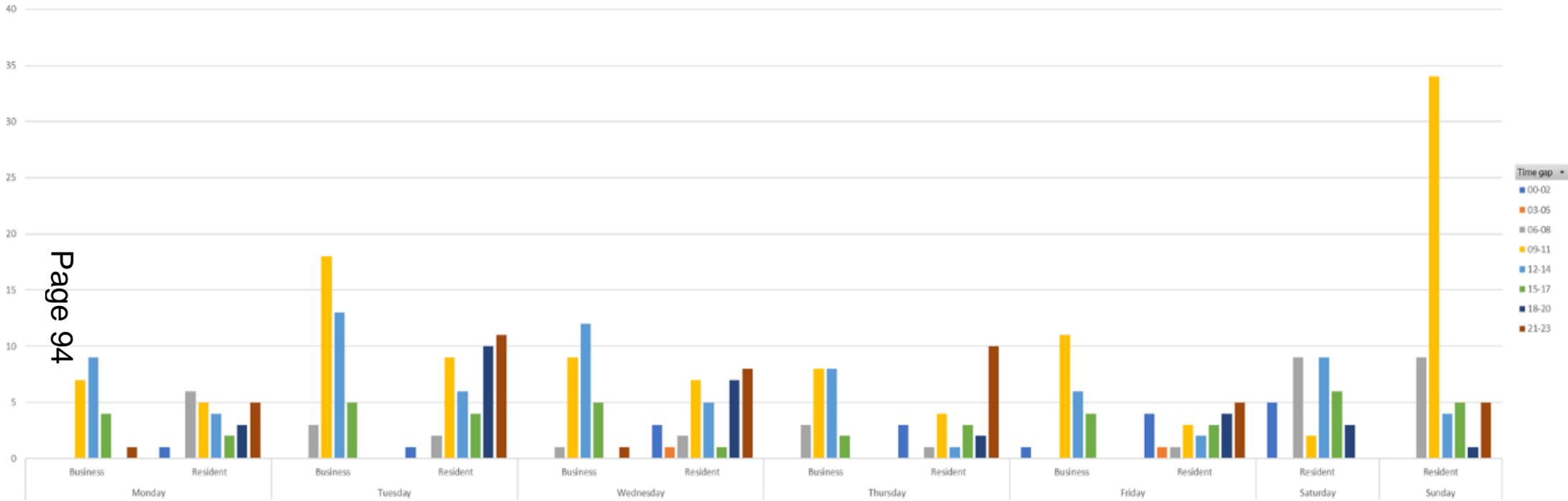
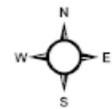
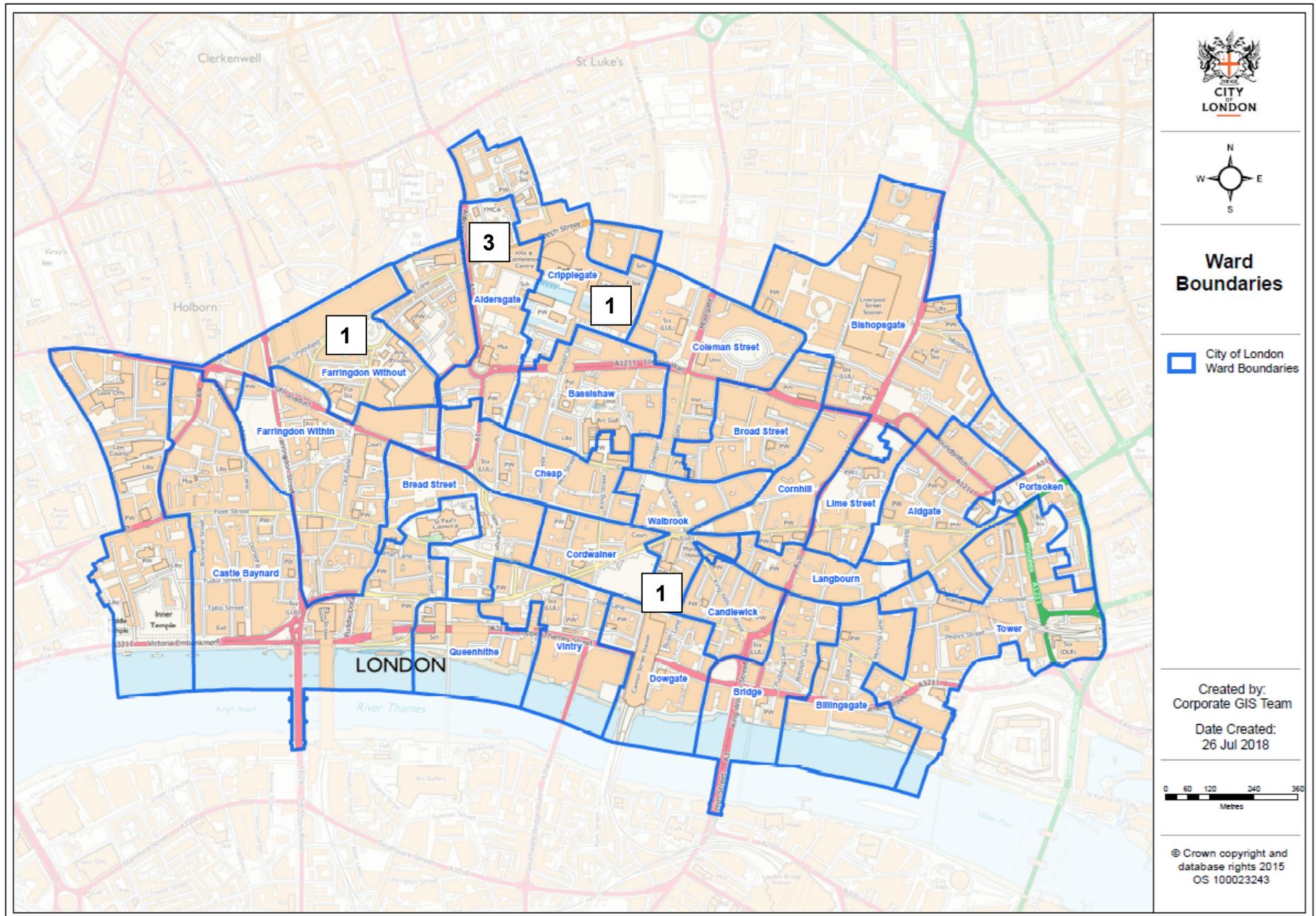


Table 2 – All construction demolition and street works noise complaints received by COL on Saturday mornings in standard noisy working hours for 2017 (8am-1pm) by ward.

<b>Construction/Demolition/Street works complaints received on Saturday Mornings (8am-1pm)</b>				
<b>Date received</b>	<b>Time received</b>	<b>Source</b>	<b>Noise type</b>	<b>Ward</b>
14/01/2017	10:06	Resident	Street works	Dowgate
11/03/2017	10:55	Resident	Construction	Aldersgate
25/03/2017	08:25	Resident	Street works	Aldersgate
25/03/2017	08:50	Resident	Street works	Aldersgate
17/06/2017	08:10	Resident	Construction	Cripplegate
17/06/2017	08:12	Resident	Construction	Farringdon Within

Map 1 – All construction demolition and street works noise complaints received by COL on Saturday mornings in standard noisy working hours for 2017 (8am-1pm) by ward.



**Ward Boundaries**

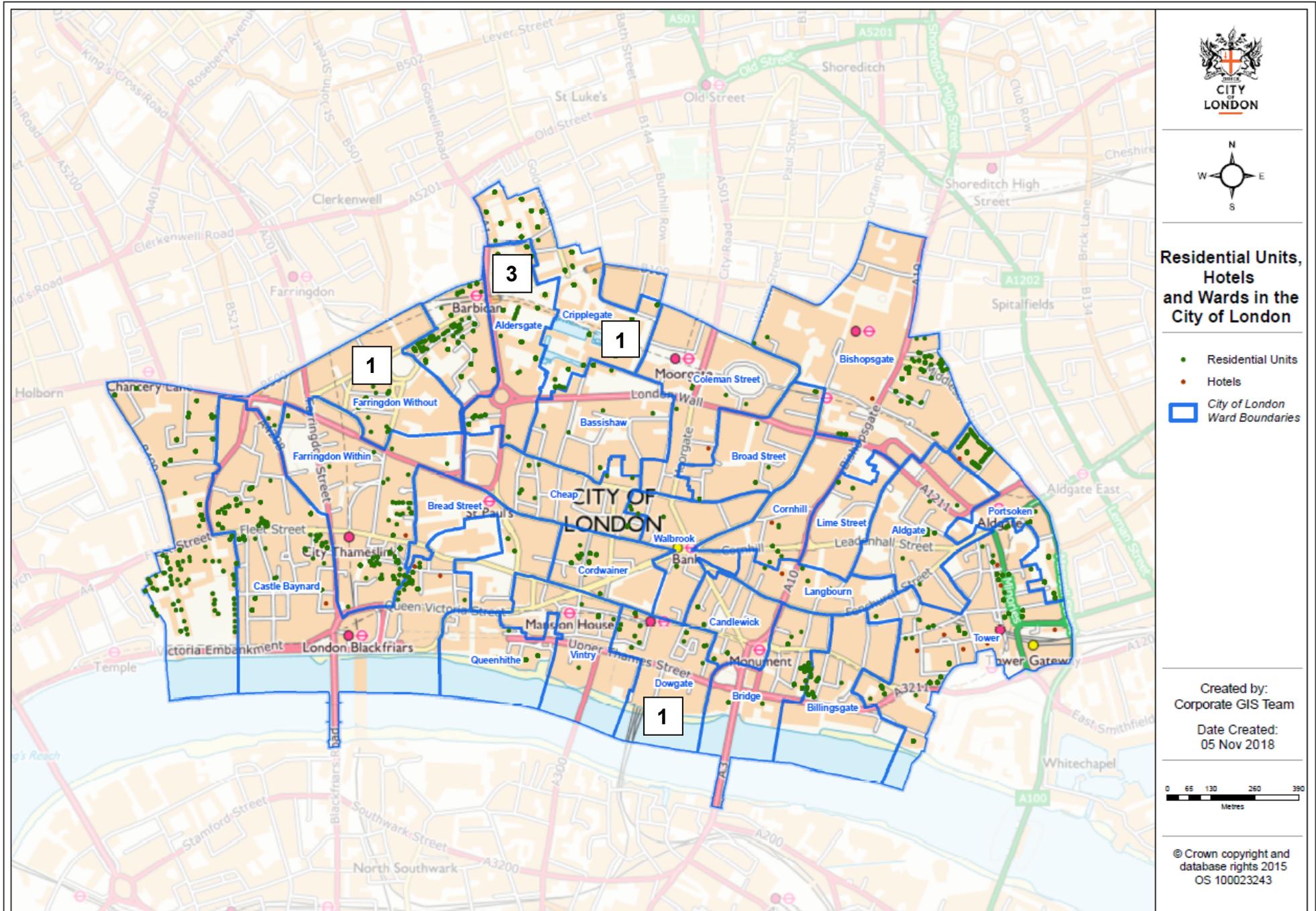
City of London  
Ward Boundaries

Created by:  
Corporate GIS Team  
Date Created:  
26 Jul 2018



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OS 100023243

Map 2 – All construction demolition and street works noise complaints received by COL on Saturday mornings in standard noisy working hours for 2017 (8am-1pm) by ward, showing residential and hotel address points.



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## Appendix 5 – Summary observational analysis of construction and street works sites 2018

Date	Site	Location of monitoring	Time	Noise Data	Comments
24th March 2018	Compass / ISG Walsingham House - Crutched Friars	outside 39 Crutched Friars	07:55	59.2dB 1min *LAeq	taken before noisy works started on Crutched Friars, fan noise from Hilton dominant
			08:07	77.1dB 8min LAeq	noise of only the lorry being used taken
			08:17	73.6dB 10min LAeq	lorry switched on and off, no noise from ISG at the time
24th March 2018	35 Vine Street	outside 3 America square	08:27	72.8dB 15min LAeq	at least 2 breakers being utilised for breaking on Crosswall element of site, taxi and vans kept parking in front of me
24th March 2018	10 Fenchurch Avenue / 80 Fenchurch Street	outside East India Arms	09:12	66.7dB 3min LAeq	longer monitoring not possible as Lloyds Register were testing their fire alarm system
24th March 2018	22 Bishopsgate	St Michaels alley	09:32	62.4dB 10 LAeq	monitoring not representative of this location - there were filming activities being set up in this area, there were many more people than I would normally expect in this location
24th March 2018	BSCU - Cannon Street / King William Street	1 Abchurch Yard	09:54	63.9dB 20min LAeq	concrete lorry onsite
24th March 2018	Rhatigan's - 111 Cannon Street	The Bell, Bush Lane	10:40	66.2dB 5min LAeq	dominant noise from the traffic on Cannon Street and delivery vehicles on Bush Lane
24th March 2018	Queens Bridge House	Queens Quay	10:49	73.2dB 5min LAeq	traffic noise from Upper Thames Street was the dominant source, very little activity taking place on Queenhithe side of the street
24th March 2018	Thames Tideway Tunnel	Temple House Apartments - Tallis street	11:14	70.8dB 10min LAeq	pile driving activities very audible from the River
24th March 2018	Knight Harwood - 90 Fetter Lane	95 Fetter Lane	11:34	62.6dB 10min LAeq	mobile crane working in Fetter Lane at the time
24th March 2018	24-30 West Smithfield	32 Cock Lane	11:54	65.4db 10Min LAeq	concrete works taking place on site.
24th March 2018	55 Gresham Street	Guildhall West Wing Reception	12:19	58.8dB 5min LAeq	no noisy works audible from site - dominant noise source was traffic
24th March 2018	52 Lime Street	Crechurch Lane / Leadenhall Street	12:33	67.5dB 5 min LAeq	dominant noise from the traffic on Leadenhall Street
29 April 2018	Crossrail / 100 Liverpool Street	The Railway Tavern / Old Broad Street	08:00	65.4dB 10 min LAeq	dominant noise source is drilling into concrete and cutting which was from Finsbury Circus. Station announcements also very audible.
29 April 2018	21 Moorfields	Willoughby House Highwalk	09:15	54.3dB 10 min LAeq	Traffic noise was the most dominant noise in this area, as well as scaffolding activities in Fore Street
29 April 2018	Bart's Close	43 Bart's Close	09:38	55.1dB 6-minute LAeq	stopped monitoring due to phone call from highways - general site noise audible
14 April 2018	24-30 West Smithfield	12 Cock Lane	09:59	76.5dB 8:43 Minute LAeq	Concrete lorry in situ undertaking mass pour
14 April 2018	70 Farringdon Street	5-7 Andrew Street	10:20	59.9dB 10min LAeq	hoist most dominant noise in this area, along with traffic from Holborn circus.
14 April 2018	2-6 Cannon Street	Festival Gardens	10:57	60.7dB 10 min LAeq	traffic noise dominant noise source
14 April 2018	Rineys - Queen Street / Queen Victoria Street	Calico House, Watling Street	11:15	68.5dB 12.15 LAeq	generator from Rineys Site was the most dominant noise source along with the cutting of stone.
14 April 2018	Rattigan's / Bennetts	Travelodge St Swithins Lane	11:37	66dB 10.33 LAeq	low flying aircraft very loud, sanding and scaffolding activities dominant noise.
14 April 2018	32 Lombard Street	George & Vulture	11:53	59.3dB 10min LAeq	general traffic noise, voices from local area walking tour
14 April 2018	100 Bishopsgate	City Wall House, 10 Wormwood Street	12:11	72.8dB 4Min LAeq	site not audible over noise of the traffic on Wormwood Street
14 April 2018	150 Bishopsgate	Andaz, Liverpool Street	12:18	69.4dB 5 min LAeq	traffic and pedestrian noise is the dominant source in the area, breaking could be heard but could not determine origins.
28 April 2018	Queens Bridge house, Upper Thames Street	Outside Queen Quay	07:03		Vehicle movements, alarms sounding. Requested alarm turned off till after 08.00 - as per SHVR
28 April 2018	Thames Tideway Project	Corner of Temple Ave	07:57	65.3dB 10min LAeq	Vehicle movement, machine alarms. Traffic noise louder when moving
28 April 2018	Knight Harwood, 90 Fetter Lane	Corner of 95 Fetter Lane	08:23	63.0dB 10 min LAeq	Scaffolding being removed, people / work chatter.
28 April 2018	Site corner of Furnival St / Norwich St	op old pub Furnival ST	08:40	58.8dB 10 min LAeq	Jack hammering, cutting. Traffic noise loud when passing site
28 April 2018	Multiplex 70 Farringdon St	Holborn Viaduct	09:00		No noise from site. Noise from street works
28 April 2018	Gilbert Ash, Premier Inn, West Smithfield	outside 32 Cock lane	09:16	72.3dB 10 Min LAeq	Dropping / throwing scaffolding poles. Once was noticed on site, poles were being placed. Spoke to site manager about BPM
28 April 2018	Bart's area	corner of little Britain near pure gym	10:03	76.8dB 10 min LAeq	Lots of work in the area, road and building. Scaffolding going up by hospital
28 April 2018	Bart's Close Site	outside 43 Bart's Close	10:40	69.5dB 10 min LAeq	drilling jack hammering

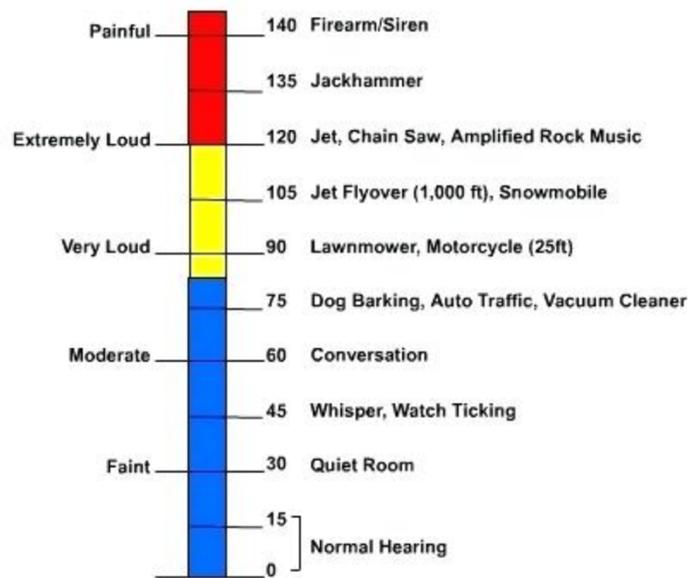
28 April 2018	Bernard Morgan House, Golden Lane (closed)		11:00		
28 April 2018	21 Moorfields (Closed)		11:10		
28 April 2018	121 London Wall (no external works)		11:12		
28 April 2018	60 London Wall	opp. Salisbury house	11:25	71.2dB 10 min LAeq	machine noise heard, even over traffic noise
28 April 2018	100 Liverpool Street	Outside Railway Tavern	11:42	66.2dB 10 min LAeq	drilling / hammering heard, machinery alarms heard
28 April 2018	135 Bishopsgate		11:55		Minimal noise heard from site, traffic was louder
28 April 2018	100 Bishopsgate (rear of site)	63 St mary Axe	12:00		loud banging heard, removing a crane
28 April 2018	22 Lime Street (closed)		12:20		Not working Leadenhall was closed for filming
28 April 2018	Queen Bright House, Upper Thames Street	Outside Queen Quay	12:46	72.5dB 10 min LAeq	Hammering from within site
06 October 2018	Arthur Street	By the monument statue	08:05	LAeq 69.6dB, 5-minute monitoring	Predominant noise is the fan/machinery from the works. Other sounds include sirens, cars.
06 October 2018	Siteworks outside cannon street house / on the side of upper themes street and street works at the top of cousin Lane	Corner of dyers hall	08:30	LAeq 77.4, 6 minutes	Arrived on site to contractors using circular saws to cut into the street surface. Once the workers noticed me turn up they switched saws to one that sounded (to me) quieter.
06 October 2018	Street works on the corner of Dyers Hall	Outside innholders hall	08:40	LAeq 76dB, 10 minutes	As I was monitoring another site was set up right next to where I was standing. I then moved down the road to record the new site. The predominant sounds were cutting into the stone as well as some breaking. There was also rests in the noise between cuts etc.
06 October 2018	Hill House	Pemberton House	09:25	LAeq 70dB, 15 minutes	Steel Works drilling in the basement of Hill House, some other unrelated noise events happened too.
06 October 2018	Works at Lindsey Street	Corner of east market	10:30	LAeq 68.7dB, 10 minutes	Rain. There was one digger moving this around, there was also a team doing road resurfacing. Predominant noise was cars.
06 October 2018	21 Moorfields	Willoughby House Parking Garage	11:10	LAeq 59.7dB, 5 minutes	Rain, No Noisy works going on, stood by barbican site wall. Any spikes in noise were from sirens, cars, pedestrians
06 October 2018	41/42 London Wall	Other side if the road by Coco Di Mama	11:24	LAeq 72.2 dB, 3 Minutes.	Rain, some construction noise but not significant, 54-65 London wall development was also making noise. Most significant was car noise
06 October 2018	Liverpool Street, Crossrail	Outside the Railway Tavern	11:50	LAeq 70dB, 5 minutes	Rain, Drilling noise, pedestrians, whistle from site operator for traffic management reasons, Lorry.
06 October 2018	Skanska site, Fenchurch Street	outside 3 Tons	12:10	LAeq 66. dB, 5 minutes	Rain. Noise from breakout, and cars at top of the street.
09 October 2018	London Underground, Moorgate Station	Outside London met uni. X: 532739.1 y:181618.3	08:14	LAeq 67dB 5 min	Main noise is road. Other noise is high pitched safety beeps.
13 October 2018	45 London Wall	Co Co Di Mama	08:30	LAeq 77. 15 mins	Main sounds are traffic beeping. Some banging from site, car horns, site deliveries, Piling/drilling (I could feel vibration from across the road) Some high and low frequency sawing from another nearby site.
13 October 2018	Crossrail	Outside the railway tavern	09:00	LAeq 68.9dB 5 min	deliveries, whistles, beeps, clangs, constant background machine 'whir' pedestrians
13 October 2018	Broad Street Place Scaffolding	Other side of street	09:10	LAeq 70.7dB 10 minute	Some traffic, pedestrians and delivery. Scaffolding not very loud
13 October 2018	The Denizen	The corner of barbican estate 1st floor next to Breton house	09:40	LAeq 63.2dB 10-minute l	Sawing, banging. Nothing to significantly disruptive
13 October 2018	51 Moorgate / Coleman street	Outside Whitehorse yard	10:20	LAeq 66.4dB 10min	predominant noise is generator. Peaks are from metal struts being put down as activity is crane lifting struts to top of building. Nail gun for hoarding as well
13 October 2018	Leadenhall ST	Pedestrian area opposite	10:50	LAeq 66.4dB 3 min	Works mostly inside building. Predominant noise is traffic and pedestrians
13 October 2018	Gasworks outside 67 Fenchurch street	Side entrance of east India PH	11:00	LAeq 75.2dB 10min	Digger moving earth, dropping piping not placing observed. Engines, pedestrians, pipe sawing.

\*Leq (or LAeq) is the Equivalent Continuous Sound Pressure Level

Equivalent Continuous Sound Pressure Level, or Leq/LAeq, is the constant noise level that would result in the same total sound energy being produced over a given period. LAeq is a fundamental measurement parameter designed to represent a varying sound source over a given time as a single number. This number is a measure of the energy contained within the sound at the point of the receiver. This is useful in terms of the potential for sound to damage or disturb and is extensively used in environmental noise standards as well as many other regulations and documents.

Quick commentary: Observational analysis and noise monitoring was carried out across the City on Saturday mornings to better understand what activities are occurring and the noise impacts experienced from the nearest receptors. The observations show that the City is a noisy place and many activities are occurring unrelated to construction which are often the dominant noise sources e.g. traffic, filming and deliveries. The noise measurements taken should be considered in the context of the diagram below that shows the decibel levels for various sounds to give some context to the levels. The levels measured in the City during the Saturday mornings observed are representative of the prevailing background levels made up of all sources (people, traffic, deliveries, events and filming) that the City experiences.

Figure 1. Sound Level Decibel Loudness Comparison Chart.



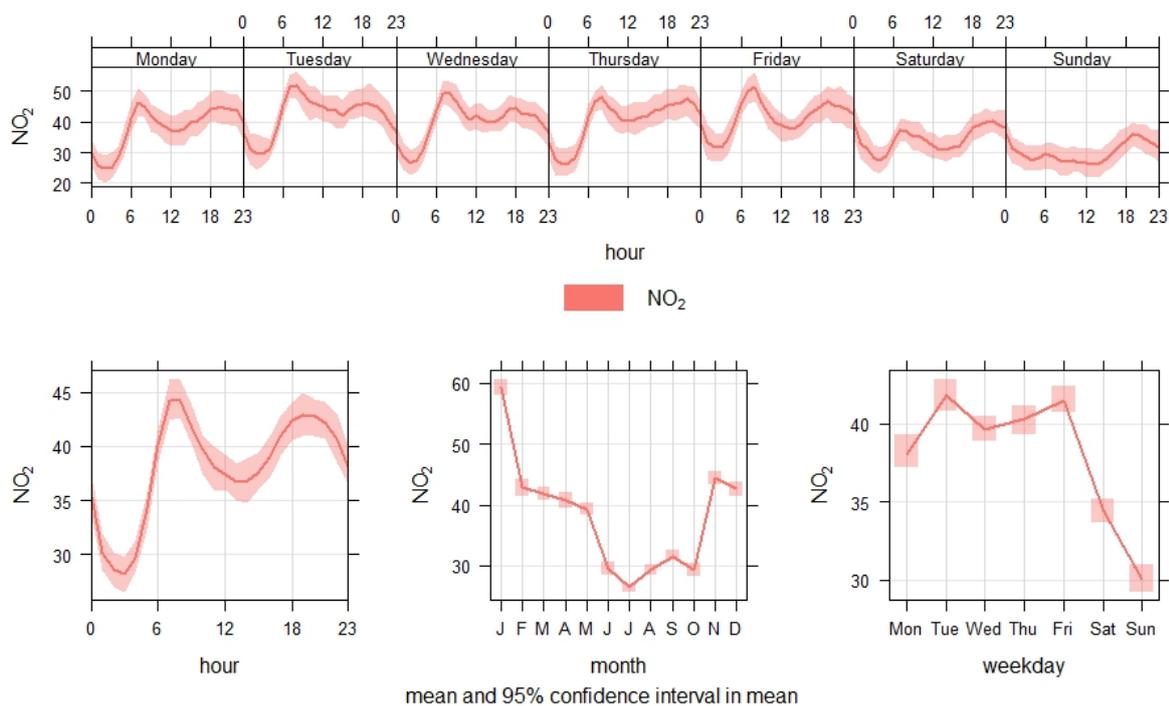
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## Appendix 6 - City of London Air Quality Monitoring 2017

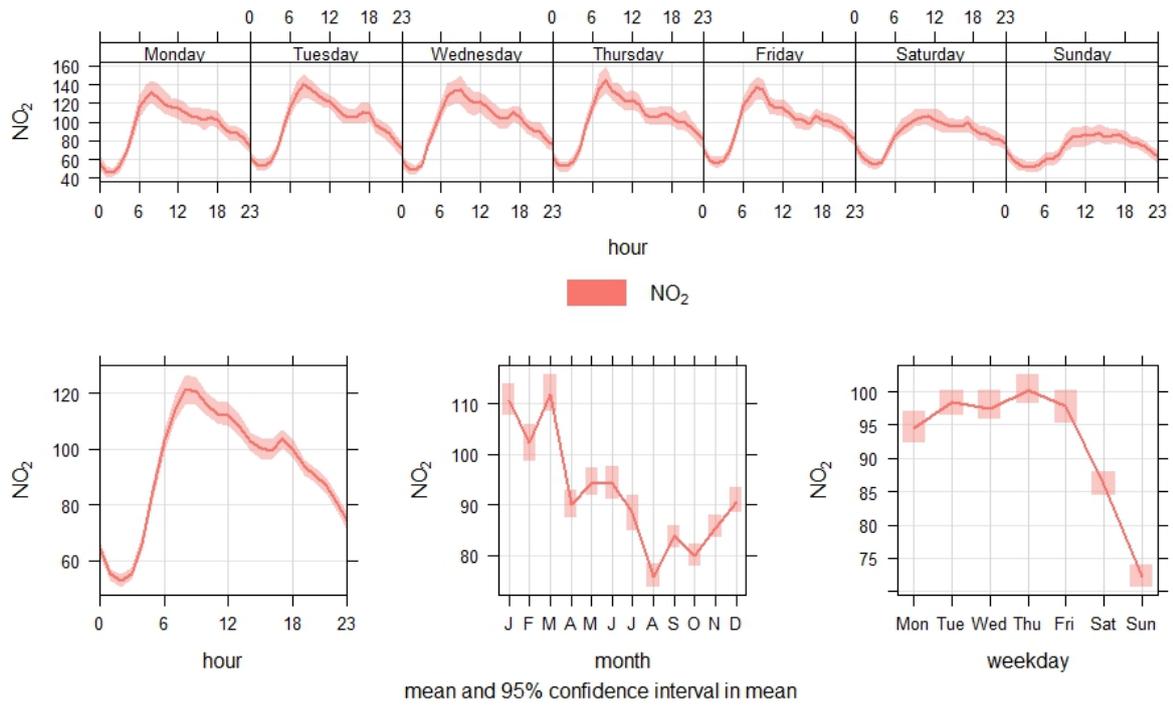
The below charts show the hourly, daily, monthly variation in pollution concentrations at each monitoring station, for each pollutant across each of our monitoring stations for the 2017 monitored data.

### Nitrogen Dioxide

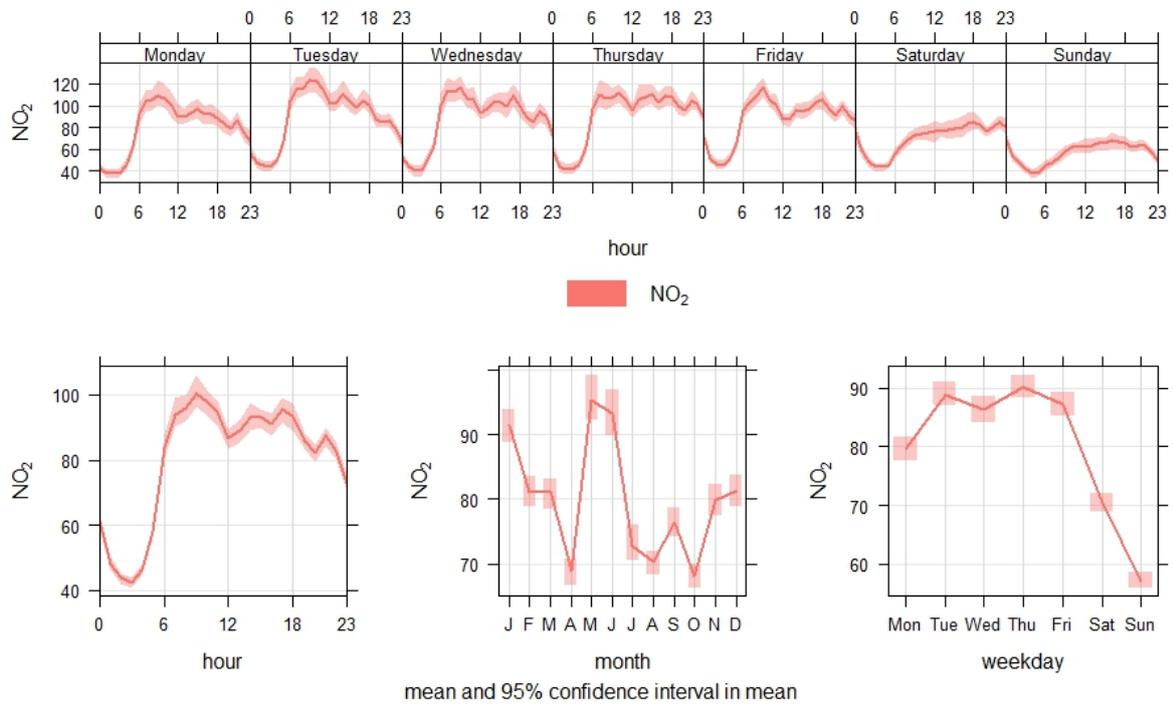
Time Variation of NO<sub>2</sub> Concentrations at Sir John Cass School 2017



### Time Variation of NO<sub>2</sub> Concentrations at Walbrook Wharf 2017



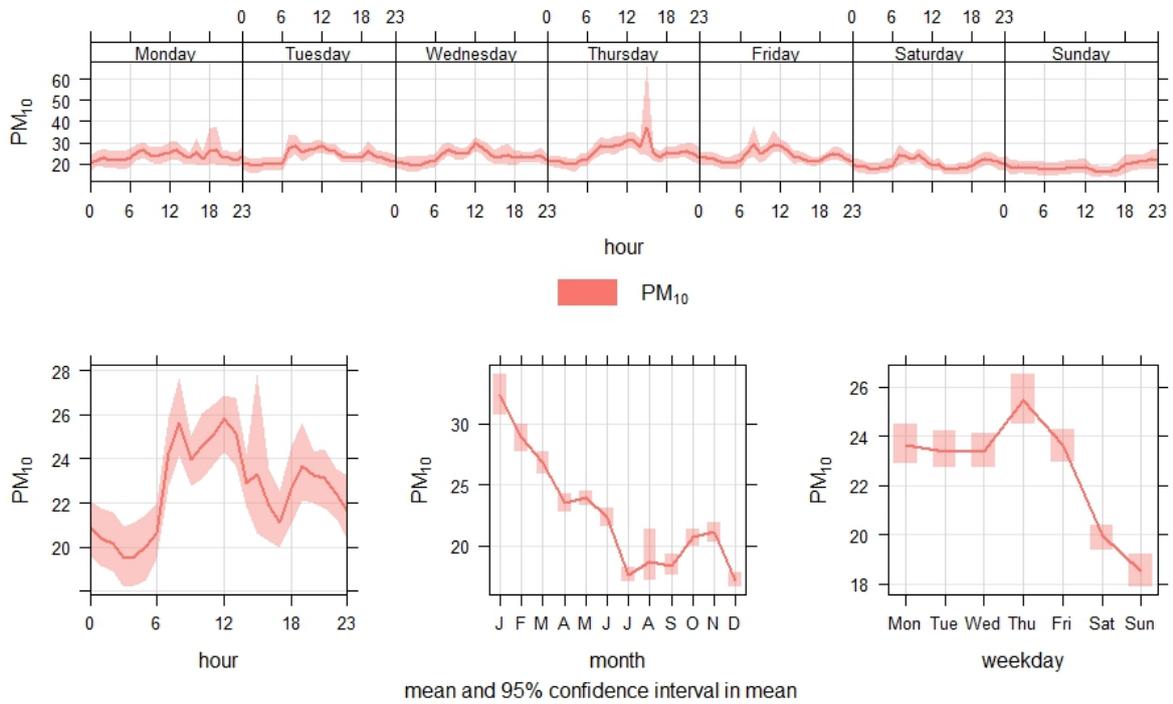
### Time Variation of NO<sub>2</sub> Concentrations at Beech Street 2017



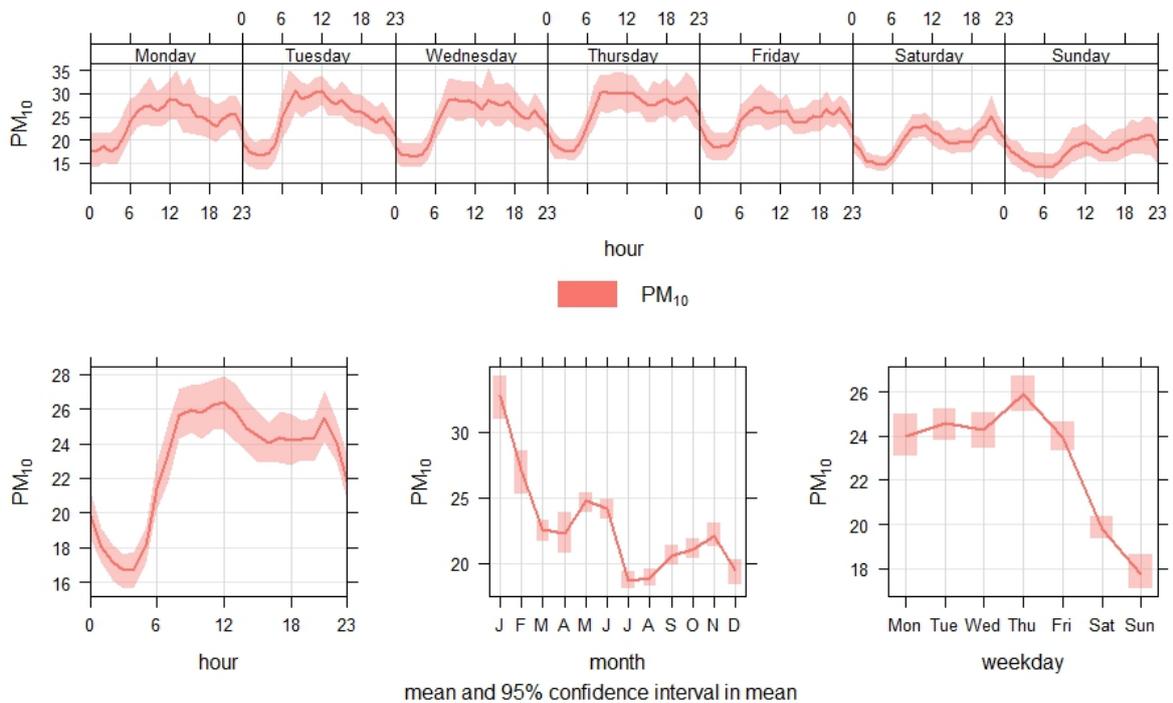
All sites monitoring NO<sub>2</sub> clearly show a defined weekday trend in pollution concentrations with weekends having significantly lower concentrations than weekdays.

# PM<sub>10</sub>

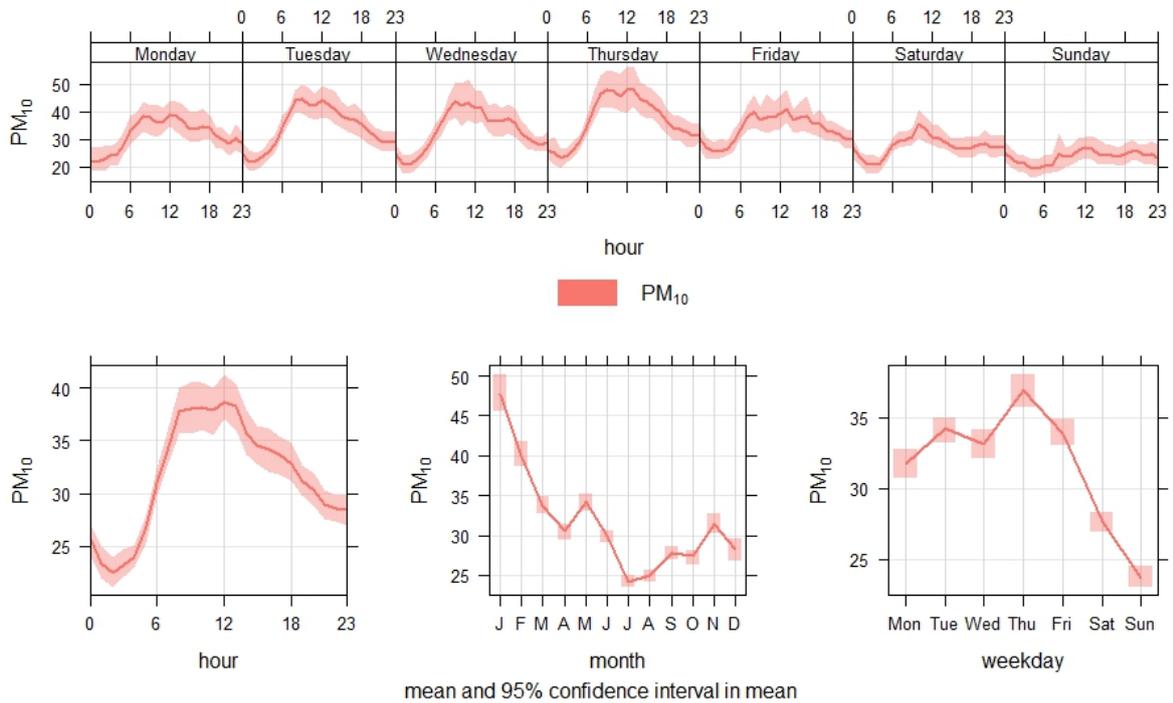
### Time Variation of PM<sub>10</sub> Concentrations at Sir John Cass School 2017



### Time Variation of PM<sub>10</sub> Concentrations at Beech Street 2017



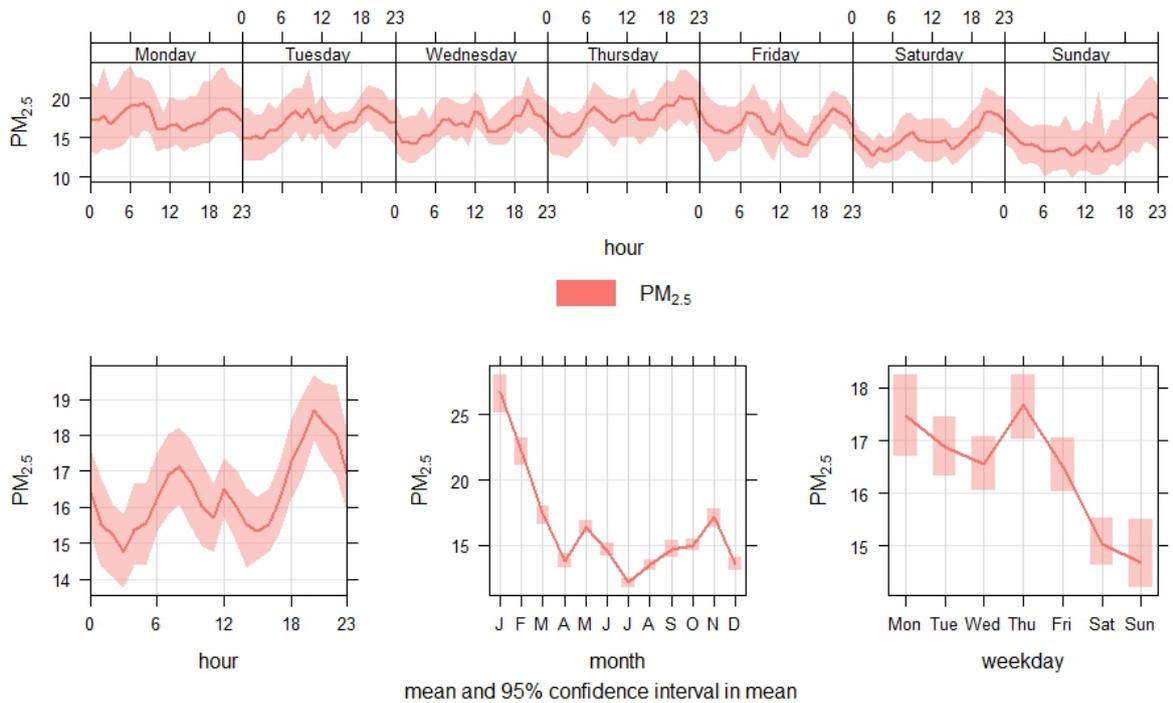
### Time Variation of PM<sub>10</sub> Concentrations at Upper Thames Street Street 2017

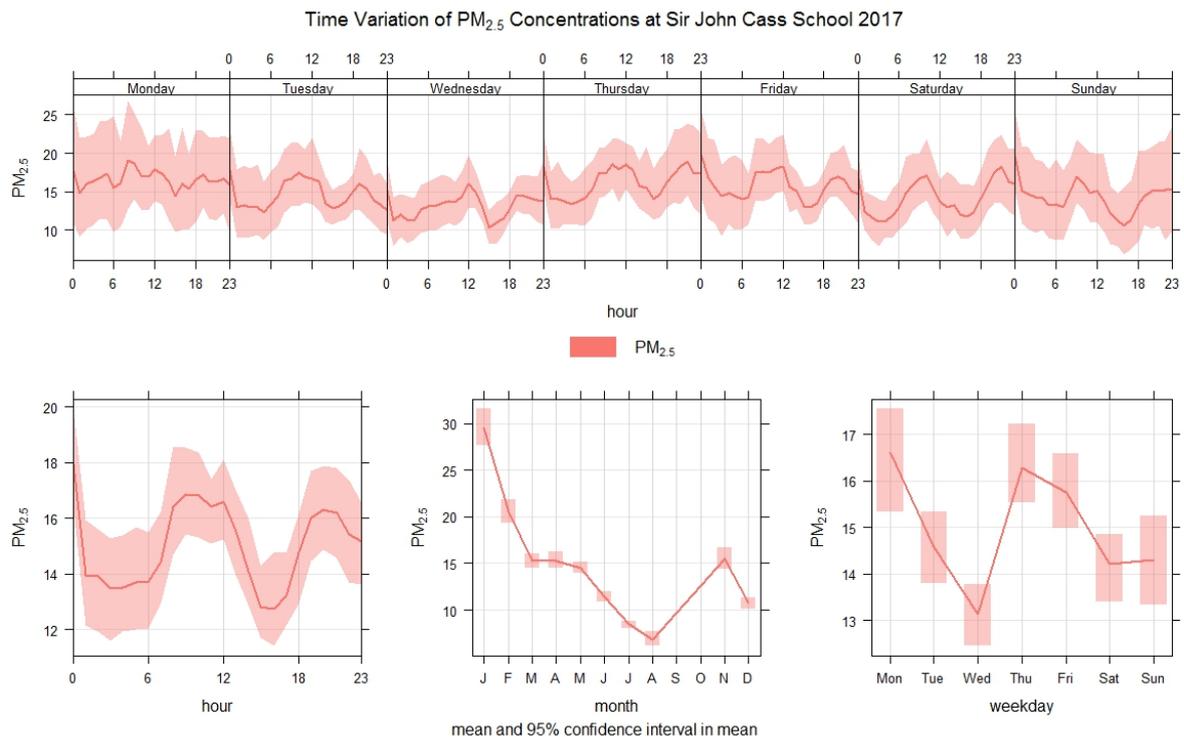


The PM<sub>10</sub> data for 2017 also shows significantly lower concentrations at the weekends across all monitoring sites.

### PM<sub>2.5</sub>

#### Time Variation of PM<sub>2.5</sub> Concentrations at Farringdon Street 2017





The PM<sub>2.5</sub> data for the roadside site (Farringdon) shows the same trend as the NO<sub>2</sub> and PM<sub>10</sub> data however the background site (John Cass School) shows a different pattern possibly as this site is less influenced by traffic emissions.

### Impact of options considered on air quality

#### a. No Change

The trends above would continue with residents experiencing lower pollution days at the weekend. The construction sector is a priority area for intervention to improve technologies associated with vehicles and plant. It is expected that interventions on Non-Road Mobile Machinery (NRMM) will result in lower AQ emissions from construction sources overall.

#### b. No noisy construction works in standard hours on Saturday

If construction sites were not to operate for noisy works on a Saturday the emissions from the extra delivery vehicles, construction plant and dust emissions from working have the potential to increase concentrations across the city across the week day standard hours, the City's streets are more congested in the week and traffic takes longer to reach its destination leading to more emissions. Construction programmes overall would be lengthened resulting in an increased number of active sites in the City at any one time and hence construction related emissions and mean concentrations could increase. Weekend levels have the potential to be lower although this would be difficult to quantify as the restriction would be for noisy works only, not all construction works.

#### c. Additional hour Monday to Friday 18:00 to 19:00

As in b. above. Weekday concentrations could be higher.

#### d. Partial permissions

##### i. Change standard noisy hours City wide to 0900 to 1400

As above in a. The trends above would continue with residents experiencing lower pollution days at the weekend. The construction sector is a priority area for intervention to improve technologies associated with vehicles and plant. It is expected that interventions on Non-Road Mobile Machinery will result in lower AQ emissions from construction sources overall.

**ii. Not permitting noisy works near residential areas**

As in b. above. If construction sites were not to operate for noisy works on a Saturday near residential areas the emissions from the extra delivery vehicles, construction plant and dust emissions from working have the potential to increase concentrations across the city across the week day standard hours when levels are already higher. Construction programmes overall would be lengthened resulting in an increased number of active sites in the City at any one time and hence construction related emissions and mean concentrations could increase.

## Appendix 7 – Equalities Impact Analysis

Section 149 of the Equality Act 2010, which sets out the Council's Public Sector Equality Duty, provides:

“149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to —

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in

particular, to the need to—

a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

## Appendix 7 – Equalities Impact Analysis

(a) tackle prejudice, and

(b) promote understanding. (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

age;

disability;

gender reassignment;

pregnancy and maternity;

race;

religion or belief;

sex;

sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

a) a breach of an equality clause or rule;

b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect."

There are no relevant exceptions in Schedule 18.

In relation to disability, the Council must ensure that it acts in accordance with section 29 of the Equality Act 2010, which provides:

"(6) A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.

(7) A duty to make reasonable adjustments applies to—

## Appendix 7 – Equalities Impact Analysis

...(b) a person who exercises a public function that is not the provision of a service to the public or a section of the public."

The assessment will set out actions that will be taken to mitigate or minimise any negative impacts, identified as arising from the options considered, on people with protected characteristics. Where mitigating action cannot be taken, or the impacts cannot be wholly mitigated, the reason why will be explained.

Recommendation	Protective Characteristic	Impact
1. No Change to the existing hours of Saturday noisy construction working.	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	Negative Impact
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
109 out of 725 respondents stated that they had been negatively impacted in respect of one or more protected characteristics by noisy Saturday working. The most common comments identifying how they had been negatively affected identified noisy works impacting rest and physical and mental health, arising from noise, dust and air quality and lack of two continuous days of respite, with particular negative impact on those who are elderly, disabled, pregnant or who have young children, and children.		
2. No hours of noisy construction works on Saturday	1.Age	Positive Impact
	2.Disability	Positive Impact
	3.Pregnancy and Maternity	Positive Impact
	4.Religion or Belief	Positive Impact
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
109 out of 725 respondents stated that they would be positively impacted in respect of one or more protected characteristics if noisy Saturday working were to cease. The most common comments identifying how they felt they would be positively impacted identified the ability to rest, with particular positive impact on mental health and wellbeing. To a significant degree, in addition, the positive impact identified arose from the removal of the negative impacts they said they		

## Appendix 7 – Equalities Impact Analysis

<p>presently experienced. It should be noted however that while removing noisy construction works on Saturday would have a positive impact on these respondents with protected characteristics on Saturdays, the long-term impacts of construction projects taking longer to complete overall, and prolonging the overall period of the identified negative impacts of noisy work, will have negative impacts on those with protected characteristics e.g. increased concentrations of pollutants on weekdays when levels are already high may impact the health of those with protected characteristics as poor air quality has a disproportionate impact on the old and young.</p>		
<p>3. No Saturday noisy construction hours but an additional hour Monday to Friday 18.00-19.00</p>	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	N/A
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
<p>The positive impacts on those with protected characteristics of prohibiting Saturday morning noisy work is outweighed by major negative impacts on them e.g. longer overall impacts, rest and relaxation, impact on families, children completing homework, workers required to work very long days during the week as work, and hence the negative impacts of noisy work on them, is extended longer into the evening.</p>		
<p>4. Partial Permissions – 1. Change standard Saturday noisy hours City wide to 0900 – 1400.</p>	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	N/A
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
<p>This recommendation would have a positive impact on those respondents with the protected characteristics of age, disability, pregnancy and maternity as they would have an hour of quieter time when it would be more beneficial earlier in the day. The negative impacts detailed by the same respondents in relation to rest and mental health and wellbeing would continue to be stated as the noisy works will continue on a Saturday. The 2 respondents that stated religious belief is impacted would still identify with a negative impact stating that Saturday is the Sabbath. There may be impacts to construction workers that are unstated in the consultation.</p>		
4. Partial Permissions –2.	1.Age	Positive

## Appendix 7 – Equalities Impact Analysis

Not permitting noisy works near residential areas.	2.Disability	Positive
	3.Pregnancy and Maternity	Positive
	4.Religion or Belief	Positive
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
This recommendation, if practicable, would be favoured by those with protected characteristics of age, disability, pregnancy and maternity. The 2 respondents that stated religious belief is impacted would still identify with a negative impact stating that Saturday is the Sabbath.		

### **Discussion of impact of noisy working on those with protected characteristics, and identification of steps to seek to mitigate those negative impacts..**

It is accepted and acknowledged that noisy construction activities do and will have a negative impact on those with the protected characteristic of age (elderly and young children), disability, pregnancy and maternity, and religious belief. The negative impact arises from the adverse effects of noisy working on physical and mental health, ability to rest, and wellbeing, that some consider Saturday as the sabbath and church services may be affected.

The Construction Work Activities on Saturday public consultation outcomes report at Appendix 2 highlighted the impact the various options would have on protected characteristics (age, disability, pregnancy and maternity, religion or belief, gender reassignment, race, sexual orientation, sex, and marriage or civil partnership (in employment only)). The impacts have been identified and are summarised in the table above.

The Local Planning Authority after receiving a planning application, will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

The main types of local planning authority consultation are:

Public consultation – including consultation with neighbouring residents and community groups.

Statutory consultees – where there is a requirement set out in law to consult a specific body, who are then under a duty to respond providing advice on the proposal in question.

Any consultation required by a direction – where there are further, locally specific, statutory consultation requirements as set out in a consultation direction.

## Appendix 7 – Equalities Impact Analysis

Non-statutory consultees where there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development.

Following the initial period of consultation, it may be that further additional consultation on changes submitted by an applicant, prior to any decision being made, is considered necessary.

Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the

Once a development has been permitted the City's Code of Construction Practice is relevant, Chapter 2 Community Liaison and Consultation requires developers and contractors to identify all neighbours and groups who may be disturbed and disrupted, including places of worship, hospitals, residents, businesses and community centres. Developers and Contractors are required to consult with all those who will be concerned by the construction activities being planned and take their views into account in the preparation of the Scheme of Protective Works (a requirement of planning conditions) which includes construction methods and noisy working hours. Amendments to the Scheme should be made to reflect concerns. For example, in some locations a 9am start on a Saturday is agreed close to residential locations, the schedule for faith services or weddings will be sought and the noisy works programmed around these services or deliveries scheduled to avoid school drop off and pick up times. The liaison takes place before works commence during the planning stages, throughout each stage of the construction programme and supported by at least fortnightly communications. The City's Pollution Control Team oversees compliance with the Code of Practice to ensure all steps are carried out and that as far as reasonably practicable all views are considered in selecting methods and working hours. In addition, the Scheme of Protective Works is submitted as part of the planning process and is available for public comment on the City's planning portal.

The new construction impacts levy introduced in the COP, appendix L will enable a new team of City Officers to be funded whose role will be to proactively monitor and review all sites practices ensuring the COP is complied with. The additional resource will be enabled to enforce where required.

The COP also requires a stronger approach to air quality impacts from Non-Road Mobile Machinery through registration of all plant on a London database which is audited on site to ensure site equipment meets the best available emissions standards.

## Appendix 8 - City Development Tracker and Pipeline map

### CPAT Office Development pipeline (forecast) vs historic office development completions

Period	Sq. ft
2018 to 2023 (inclusive pipeline)	18,700,000
2012 to 2017 (inclusive completions)	10,600,000

Quick commentary:

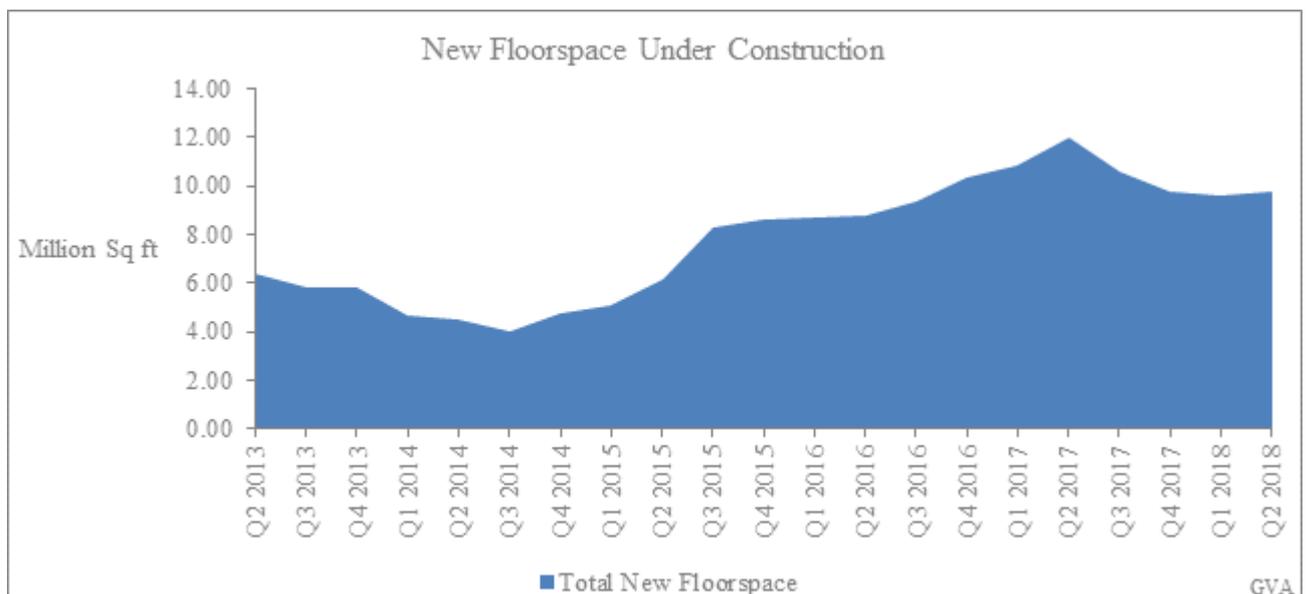
Agents reported between 7.77 million sq. ft and 9.80 million sq. ft of office space under construction during Q2. According to GVA (9.80 million sq. ft), construction increased 5% on Q1.

Of the 9.80 million sq. ft under construction, 4.90 million sq. ft is due to complete in 2018, of which 69% is already pre-let.

The largest development under construction in the City is 22 Bishopsgate at 1.2 million sq. ft, due for completion in Q4 2019.

According to CBRE, four developments completed in Q2 totalling 450,800 sq. ft, of which 406,000 sq. ft had already been let. London Fruit & Wool Exchange, E1, was the largest development to complete during the quarter, of which the entire 275,500 sq. ft had been let prior to completion.

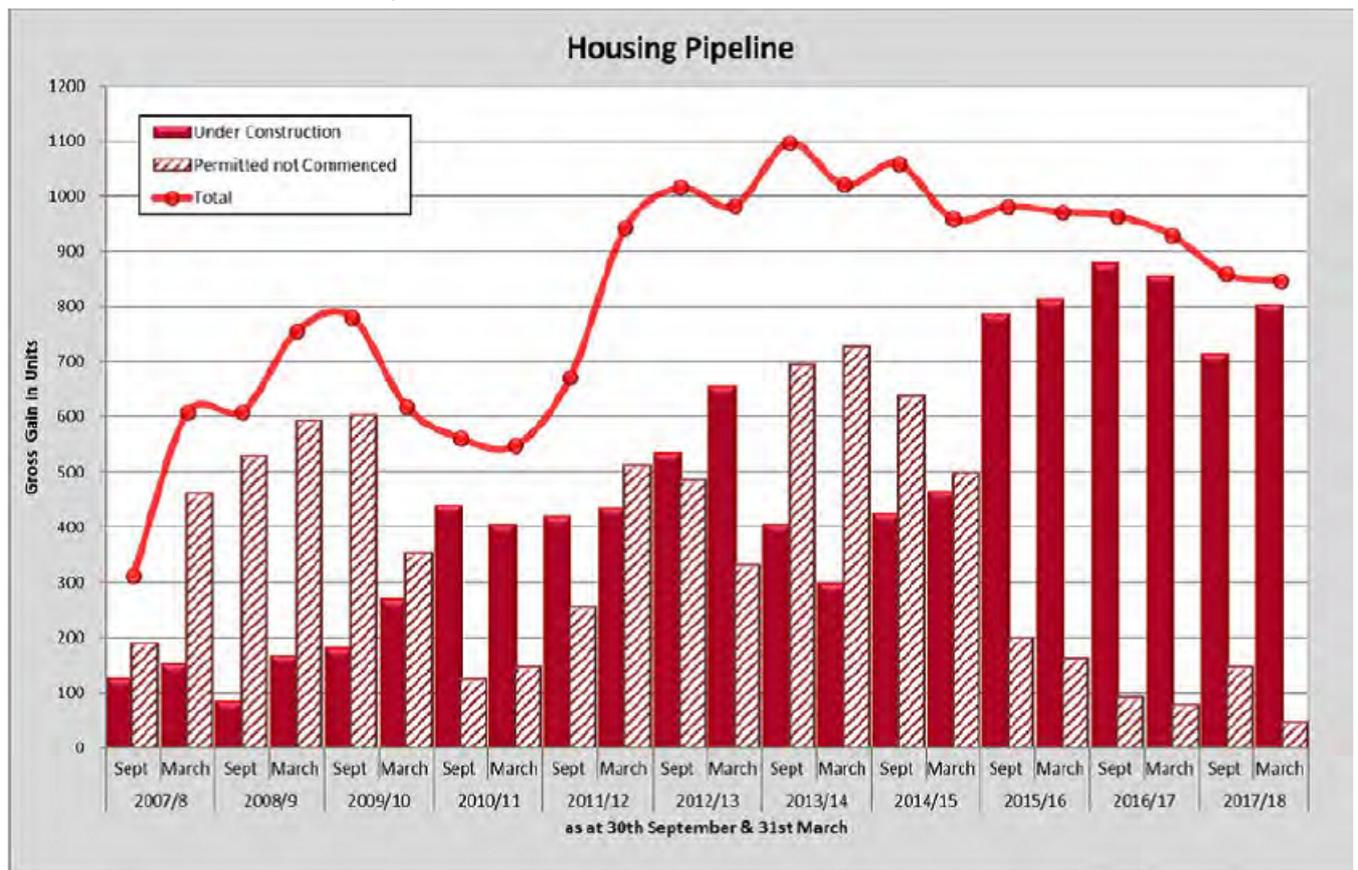
A further 19 developments are due to complete in the second half 2018 totalling 2 million sq. ft, of which 1.1 million sq. ft has already been let or is under offer.



(Source: CPAT Agents Digest Q2 2018 by Sean Jordan)

## Housing Development Pipeline

The Housing Development Pipeline is the housing units under construction and permitted not commenced set out in Graph 6.



**Graph 6: Housing Pipeline by Number of Units**

The total housing pipeline decreased marginally by 12 housing units from 858 as at 30th September to 850 at 31st March 2018. This total remains high in relation to trends since 2008/9. The total pipeline comprises:

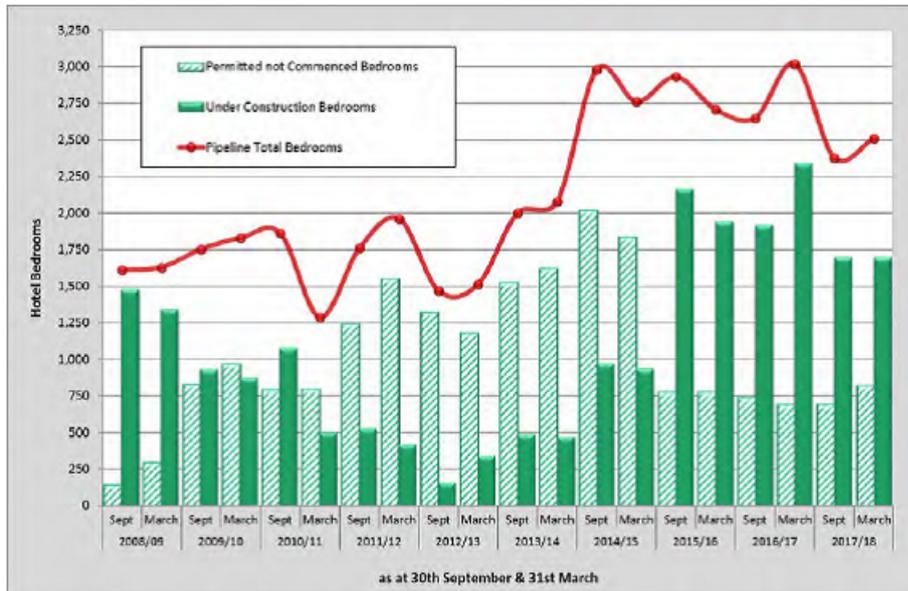
- Under construction: As at 31st March 2018 a total of 800 units were under construction. This has increased by 100 units since 30th September 2017 due to the commencement of a large-scale scheme in the context of the City of London housing supply
- Permitted not commenced: As at 31st March 2018 a total of 46 units were permitted not commenced. This is at a low level primarily due to the high number of units under construction.

In addition to the housing pipeline there was a student accommodation scheme of 619 bedrooms under construction in the East of the City.

**(Source: CoL Development Information 01/10/2017 to 31/03/2018 by Conor Newman – DBE - Tel 020 7332 3787)**

## The Hotel Development Pipeline

The Hotel Development Pipeline comprises hotel bedrooms units under construction and permitted not commenced. This is set out in Graph 8.



**Graph 8: Hotel Pipeline – Number of Bedrooms**

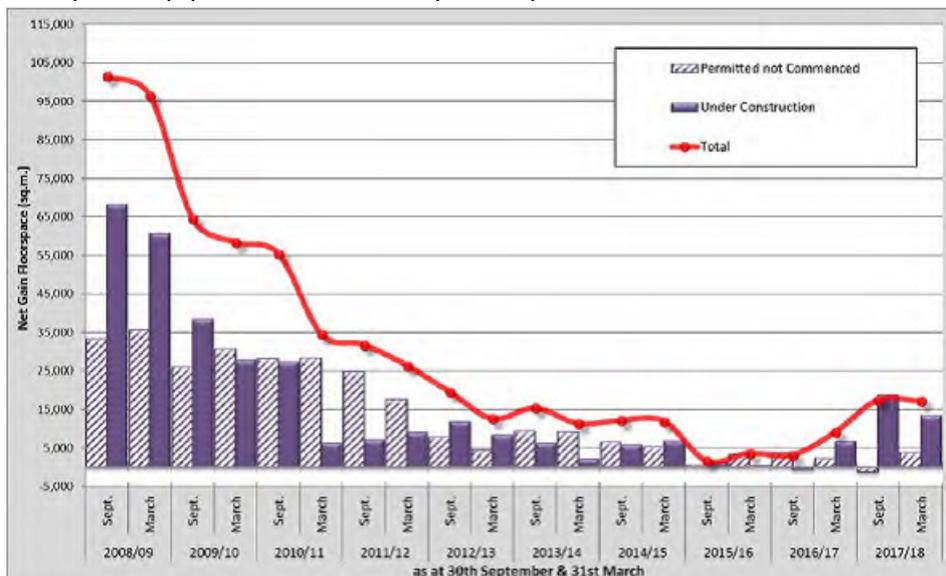
The pipeline comprises of:

- Under construction: The total number of hotel bedrooms under construction remained consistent at 1,690 between 1st October 2017 to 31st March 2018.
- Permitted not commenced: The total number of bedrooms permitted not commenced was 818 as at 31st March 2018, an increase of 132 bedrooms since the 30th September 2017.

**(Source: CoL Development Information 01/10/2017 to 31/03/2018 by Conor Newman – DBE - Tel 020 7332 3787)**

## Retail Development Pipeline

The Retail Development Pipeline equates to retail development under construction and permitted not commenced. This is set out in Graph 10 which shows the net retail development pipeline measured by floorspace.



**Graph 10: Retail Development Pipeline – Net Floorspace**

- Under Construction: The net floorspace that is under construction decreased from 18,700m<sup>2</sup> as at 30th September 2017 to 13,400m<sup>2</sup> as at 31st March 2018.
- Permitted not commenced: The net floorspace rose from a net loss of 1,210m<sup>2</sup> as at 30th September 2017 to a net gain of 3,800m<sup>2</sup> as at 31st March 2018.

**(Source: CoL Development Information 01/10/2017 to 31/03/2018 by Conor Newman – DBE - Tel 020 7332 3787)**

## Demand

Quick commentary:

According to JLL, total occupational demand (active & potential) totalled 10.22 million sq. ft at the end of Q2. Of the total demand figure, 42% was for lot sizes at 100,000 sq. ft and above, 26% was for 50,000 to 99,999 sq. ft, 29% was for 10,000 sq. ft to 49,999 sq. ft and 3% was for lot sizes sub 10,000 sq. ft.

Active demand at the end of Q2 accounted for 6.47 million sq. ft and potential demand accounted for 3.75 million sq. ft.

**Total occupational office demand by million sq. ft.**



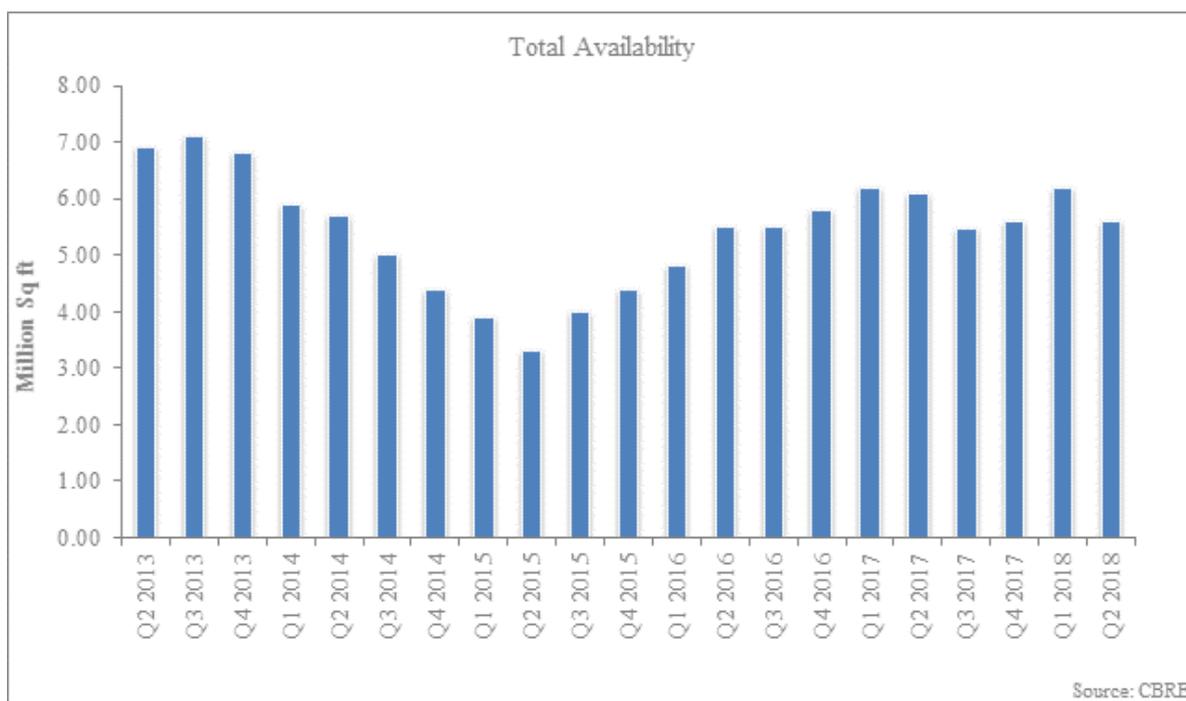
**(Source: CPAT Agents Digest Q2 2018 by Sean Jordan)**

**Availability**

Quick commentary:

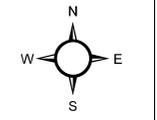
By the end of Q2, agents reported total office availability at between 5.30 million sq. ft and 8.30 million sq. ft.

According to CBRE, availability decreased 10% to 5.60 million sq. ft in Q2 and is 10% below the 10-year average. Second-hand space accounted for 64% of total availability, whilst newly completed space accounted for 12%. Early marketed availability accounted for 24% of total availability.



**(Source: CPAT Agents Digest Q2 2018 by Sean Jordan)**

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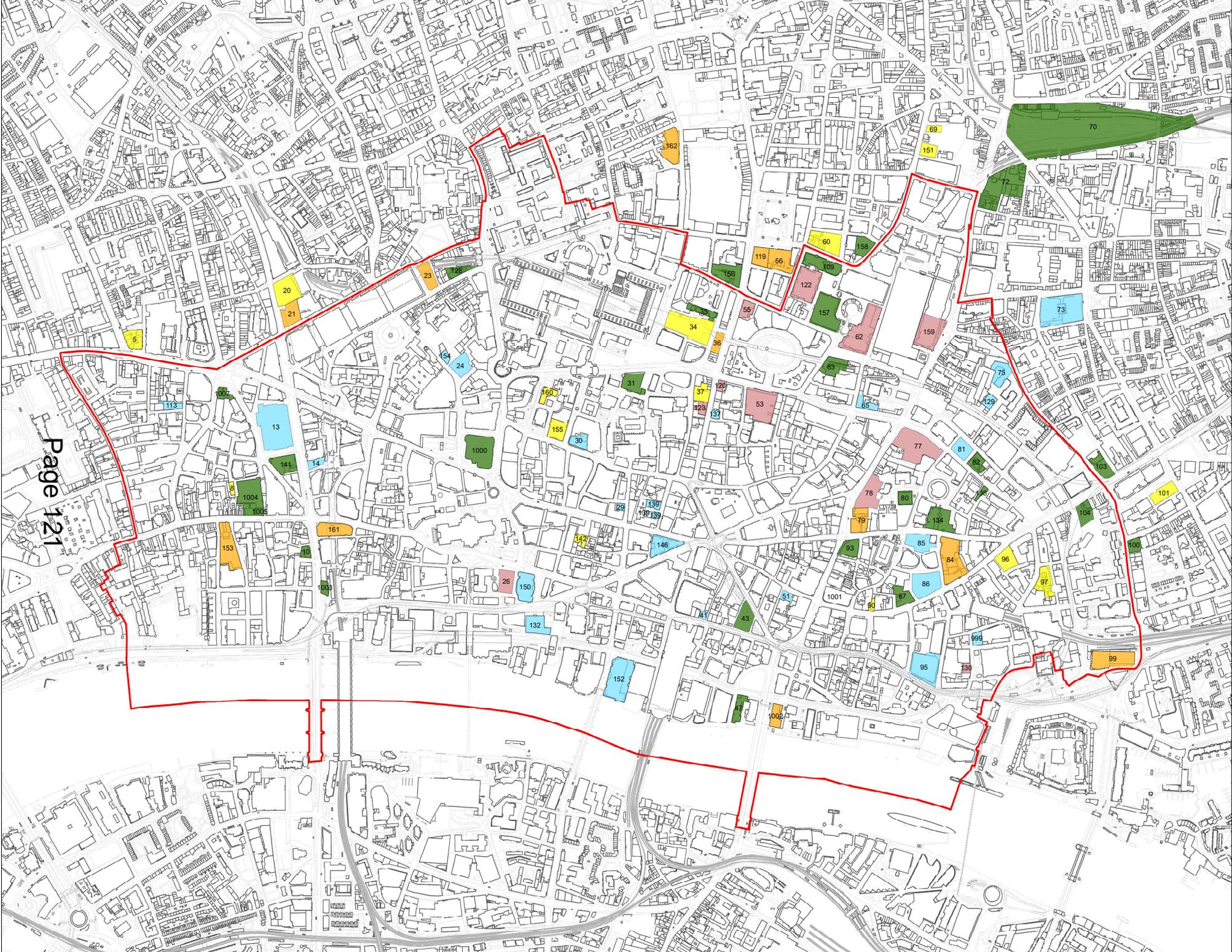
**Key**

**CITY DEVELOPMENT TRACKER**

**EARLIEST\_COMPLETION\_YEAR**

- 2018
- 2019
- 2020
- 2021
- 2022\*
- 2022\*

City of London Boundary



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**P.G. Wilkinson, BSc MSc**  
**MRICS**  
 City Surveyor  
**CITY SURVEYOR'S**  
**DEPARTMENT**

**CITY OF LONDON**  
 City Property Advisory Team  
 (CPAT)

City Development Tracker  
 Office New Builds & Refurbishments  
 (Over 10,000m<sup>2</sup>)  
 For more information visit:  
[www.cityoflondon.gov.uk/trackermap](http://www.cityoflondon.gov.uk/trackermap)



Prepared by Sean Jordan (CPAT)  
 Date: 15/10/2018

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## Appendix 9

### Legal Framework

#### New Roads and Street Works Act 1991

New Roads and Street Works Act 1991 gives the legal right to statutory undertakers (water, gas, electricity, telecommunications, rail and underground operators) to undertake works to install or maintain their networks. As such flexibility must be given to allow these works as a matter of law. A ban on noisy Saturday works could not apply in these circumstances.

#### The Control of Pollution Act 1974 Sections 60 and 61

The Control of Pollution Act 1974 Sections 60 and 61 deal with the control of noise and 'prior consent for work' on construction sites.

The S60 notice may specify:

- Working practices (e.g. methodology or equipment);
- Working hours;
- Noise limits for the site, possibly including specified hours.

The Act requires that in serving notices the local authority should have regard to:

- Ensuring that "best practicable means" are employed by the Contractor to minimise noise;
- Making the Contractor aware of other methods or plant or machinery that the local authority considers more acceptable; and
- Protecting any 'sensitive receptors' near the site from the effects of noise.

A Section 60 notice may be served by the local authority at any time without consultation with the Contractor or developer. Furthermore, the requirement under a Section 60 notice can be made more onerous if the City receives and upholds complaint in the vicinity. This can have significant implications for the programming and costs of the works.

Failure to comply with a Section 60 notice is an offence without "reasonable excuse" and can lead to prosecution in a Magistrates Court.

The Contractor may apply to the local authority to start work under a Section 61 Agreement. The Agreement must be completed prior to the start of construction work and requires the Contractor (typically in conjunction with their acoustics consultants) to provide detailed information on:

- The works and the method by which they are to be carried out; and
- Measures to minimise noise resulting from the works.

If the City approves the Section 61 application then legally they cannot serve the Contractor with any Section 60 notices throughout the construction programme,

provided that the Agreement is adhered to. This protection can be an attractive approach for sites where noise or vibration is likely to be an issue but is discouraged by the City as it removes the flexibility for the City to later impose stricter controls if required.

Section 61 Agreements can take some time to negotiate, especially for complex construction sites. However, once an application has been submitted, the City must inform the applicant of its decision within 28 days.

### **The Planning Regime**

The City also imposes noise control requirements (typically via conditions attached to a planning consent) on a person or company (the Contractor) when they carry out developments. The City of London requires the submission of a Scheme of Protective Works linked to the COP which is site and works specific detailing how the works are to be completed and how Best Practicable Means (BPM) are to be met to mitigate the effects from noise, dust and vibration.

### **Infrastructure Schemes Acts and Orders**

Major infrastructure schemes such as Crossrail and Bank Station Capacity Upgrade are consented by way of an Act of Parliament and a Transport and Works Act Order and as such major infrastructure projects sit outside of any ban on noisy construction works on a Saturday.

### **Relevant Cases**

Construction works are treated more generously in law than other noise sources as they are a necessary part of the ordinary use and occupation of land and houses. In *Hiscox Syndicates Limited & Anor v The Pinnacle Limited*. [2008] EWHC 145 (Ch) it was said that "...the law takes a common sense view of the matter and, if operations such as demolition and building are reasonably carried on and all proper and reasonable steps are taken to ensure that no undue inconvenience is caused to neighbours, whether from noise, dust or other reasons, the neighbours must put up with it."

It is important that every site is considered in a site-specific assessment of the controls necessary for that site given its location and activities as is the approach in the City's Code of Construction Practice. In *Brentwood BC vs City and Country (Warley) Ltd* 2010 JPL 1443, the Court criticised the council's use of standard conditions, and emphasised that the local authority had to show that it had taken into account measures that were appropriate for that individual site.

### **Equality Act 2010**

In coming to any decision Committee Members must comply with their duties under the Equality Act 2010, in particular the public sector equality duty under section 149 and the duty under section 29 not to do anything that constitutes discrimination when providing a service to the public or a section of the public or exercising a public

function that is not the provision of such a service, and to make reasonable adjustments.

In summary, section 149 of the 2010 Act requires the Council, when exercising its functions, to have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act (which includes conduct prohibited under section 29);
2. Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
3. Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding). The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex, and sexual orientation. In respect of the first aim only i.e. reducing discrimination, etc the protected characteristic of marriage and civil partnership is also relevant. Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard, in particular, to: the need to remove or minimize disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; the need to take steps to meet the needs of persons who share a protected characteristic where those needs are different from the needs of persons who do not share that characteristic, and encourage those who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. Further, section 149 provides that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Compliance with the duties in section 149 may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited under the Act (which includes breach of an equality clause or rule, or of a non-discrimination rule).

Paragraphs 12 and 13 of the report provide a summary of the equalities material, which is attached at Appendix 7 and also referred to in Appendix 2. A careful consideration of the material itself however is one of the key ways in which Members can show that they have carried out their duty personally to have "due regard" to the relevant matters. Members must therefore carefully consider the material at Appendix 7. In considering that material and all other material contained in and appended to this report, Members must bear in mind all of the parts of the public sector equality duty set out in the previous paragraphs, and the duty not to discriminate and to make reasonable adjustments set out in section 29.

Where it is apparent from the analysis of the information that any of the proposed recommendations, should they be agreed, would have an adverse impact on those with protected characteristics, then any adjustments that would avoid or reduce that effect (mitigating steps) need to be identified and careful consideration then given to whether and if so how they can be implemented.

Members should be aware that the section 149 duty is not to achieve the objectives or take the steps set out in section 149. Rather, the section 149 duty on the authority is to bring these objectives relating to discrimination into proper consideration when carrying out its public functions. There must be a proper appreciation of the potential impact of the decision on the equality objectives set out in section 149 and of the desirability of promoting them. "Due regard" means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. Provided due regard is had in this way, including considering mitigation measures as described above, it is for the authority to decide, taking into account all relevant factors (which may, depending on the circumstances, include the requirement upon the Council to operate within its budget) how much weight to give to the equality implications of the decision.

In exercising its powers in relation to Saturday noisy working, the City (acting here through Committee members) is exercising a "public function". Under section 29 of the Equality Act 2010, it must not, when exercising a public function, or providing a service to the public or to a section of the public, "do anything that constitutes discrimination, harassment or victimisation" (section 29(6)) and it must make reasonable adjustments (section 29(7)). The duty to make reasonable adjustments arises in relation to disabled persons and under section 20 of, and Schedule 2 to, the Equality Act 2010.

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee	27 November 2018
<b>Subject:</b> 46 <sup>th</sup> City of London Thames Fishery Research Experiment	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Jon Averbs, Port Health & Public Protection Director	

## Summary

The purpose of this report is to inform your Committee of the outcome of the 46<sup>th</sup> City of London Thames Fishery Research Experiment which took place on Saturday 22 September 2018 along the foreshore of the River Thames, downriver from the Port Health Lower Thames Office in Denton, Gravesend.

## Recommendation(s)

Members are asked to:

- Note the content of this report;
- Review and approve the grant of £5,460 from City's Cash to partially fund the 2019 event; and
- Approve the 47<sup>th</sup> City of London Thames Fishery Research Experiment to take place on Saturday 12 October 2019.

## Main Report

### Background

1. The Thames Fishery Research Experiment, which was first held in 1973, is an annual angling event held along the foreshore of the River Thames, one and a half miles downriver from the Port Health River Divisional Office in Denton, Gravesend.
2. Your Committee has a long association with this event which is organised in collaboration with the Thames Angling Preservation Society (TAPS) and the Environment Agency. Financial contributions were received this year from The Fishmongers' Company; the Port of London Authority (PLA) which supports the Schools' Trophy; Thames Water; and Tideway. The Water Conservators' Company again donated a prize for the Biodiversity Award.
3. The objective of the Experiment is to establish the environmental condition of the Thames through the number and size of fish species in evidence. Judging is based on the greatest variety of fish caught and a scoring system which rates fish according to scarcity and significance in the context of a cleaner river.

4. The Experiment encourages sustainability and conservation through the rules of the competition which require young and undersize fish to be returned immediately to the river once recorded.
5. The results of the Experiment provide valuable data to the Environment Agency, Thames Angling Preservation Society and members of the river community. It has the unique advantage of linking the recreational angling sector with conservation and scientific study. The event also encourages young people to take part in angling and develop an awareness and interest in the environmental condition of our rivers.

### **Current Position**

6. On Saturday 22 September 2018, 64 adult anglers representing eight teams competed for the Lady Howard Trophy which was awarded to the team with the highest score. Additionally, school teams consisting of pupils from the City of London School for Girls and Gravesend Grammar School competed for the PLA-sponsored Schools' Trophy. Details of all the competing teams are shown in the summary of results provided in the Appendix to this report.
7. Prizes were also awarded for the largest/best fish and the best individual catch by an adult and by a member of a school team. In addition, the angler with the overall catch judged to most demonstrate the continuing health and improvement of the River Thames was presented with the Biodiversity Award, which is sponsored by the Worshipful Company of Water Conservators.
8. Fishing took place between 09:00 and 13:00 and was followed by judging of the largest/best fish by the TAPS and The Fishmongers' Company. Competitors and guests then gathered in a marquee for lunch and the presentation of awards by esteemed guests. Commemorative badges were presented to all newcomers by your Chairman.
9. The event was attended by:
  - Alderman Sir Andrew Parmley
  - Alderman and Sheriff Timothy Hailes
  - Sheriff Neil Redcliffe
  - Sheriff-Elect Elizabeth Green
  - Chief Commoner, Mr John Scott
  - Chairman of Policy and Resources Committee, Deputy Catherine McGuinness
  - Sheriff's Consort, Mrs Fiona Adler
  - The Deputy Mayor of Gravesham, Cllr Lesley Boycott
  - Mr Simon Catford, Master of the Worshipful Company of Water Conservators
  - Dr Roger Watson, Master of the Worshipful Company of Fletchers
  - Members of the Port Health and Environmental Services Committee

## Results

10. 51 fish of 5 species were caught this year, fewer than the previous year's total of 95 fish. The number of species represented in the catch was slightly lower than average of 6 species.
11. Details of the fish caught were recorded by stewards and points were awarded based on the recognised scoring system.

Number Caught	Species	Minimum Size		Maximum Size	
		cm	inches	cm	inches
10	Bass	9	3.5	29	11.4
7	Eel	27	10.6	46	18.1
5	Flounder	17	6.7	26	10.2
1	Sole	31	12.2	31	12.2
28	Whiting	9	3.5	30	11.8

## Feedback from stakeholders

12. Representatives of the Institute of Fisheries Management and the recreational angling community have provided feedback on the Thames Fishery Research Experiment and its results. They acknowledge its importance in terms of providing valuable information about the environmental condition of the River Thames and in supporting river users.

### **The Institute of Fisheries Management**

13. In 1992, the Environment Agency devised the modern Thames estuary fish survey programme, which became the national role model to meet the requirements of the Water Framework Directive. Historic data sets are invaluable in the context of understanding how fish ecology functions in highly dynamic places such as estuaries.
14. Before that work began, the only historic data sets that existed in the Thames were from power station intakes, most now closed. The Thames Fishery Research Experiment, with its long and consistent history back to 1973, stood out as a best practice example.
15. The Institute promotes and encourages more sustainable fisheries management. This has to be based upon a sound evidence base. Estuaries are some of the most productive ecosystems on the planet, supporting major marine fish nursery grounds as well as acting as vital migration corridors for a broad range of life stages and species. However, they are also highly dynamic, with most fish moving continuously in response to rapidly changing flows, salinity, temperature and their own seasonal rhythms. Long term data sets are vital to our growing understanding. The Thames Fishery Research Experiment remains a best practice example for others to follow.

## **The recreational angling community**

16. This year's experiment was held earlier than usual due to the poor tides available during October. The disadvantage of fishing in late September is that there is an overlap between summer fish migrating out and winter fish migrating into the river Thames; this was reflected in the results.
17. Whiting was the dominant species, but it was good to see reasonable numbers of eels being landed and released. The once common Eel is under pressure as a species and it does seem that current protection measures are beginning to have an impact on their recovery.
18. This section of the River Thames provides an important and safe feeding habitat for juvenile Bass, as demonstrated by the 10 recorded this year. Bass is another species that has been exploited in recent years. Protection measures introduced from 2016 are beginning to show results and there are good numbers of fish between 30cm and 40cm throughout the river. These fish will reach spawning maturity in the next 18 months to two years and will play their part in the recovery of this important species.
19. Around the river there have been reports of Black Bream being landed in the Gravesend reach and Wrasse have been seen in fairly good numbers at Southend. These fish, normally associated with the clearer waters of the South and South West coast of England, are rarely found in muddy estuaries and should be regarded as further evidence that water quality has improved.
20. It was good again to see the school teams taking part in the event. This year, the team from the City of London School for Girls achieved an outstanding result, catching four Bass and an Eel to win the Schools' Trophy. Volunteer anglers again provided the pupils with first class coaching and one of the other adult angling teams provided them with tackle and bait. This type of support is growing amongst the event participants who feel they are playing a part 'putting something back' into this great event.

## **Financial summary**

21. Funding was provided through a grant of £5,332 from City's Cash, together with contributions of £750 from The Fishmongers' company; £225 from the Port of London Authority; £500 from Thames Water; and £500 from Tideway.
22. The total cost of this year's event was £10,495 and the projected cost to my local risk budget is therefore £3,188 (£1,682 more than in 2017). The increased cost was largely due to the necessary replenishment of our stock of commemorative badges which should now be sufficient for at least two more years. These figures do not include staff costs or use of in-house resources.

## **Proposals**

23. The March 2016 Policy and Resources Committee agreed the transfer of funding commitments from Finance Grants Sub Committee to the relevant Committees for ongoing administration.
24. As a result of this transfer, your Committee is required to review and approve the annual grant from City's Cash (which will be £5,460 in 2019/20) to deliver the Thames Fishery Research Experiment.
25. I propose that your Committee approves the continuation of funding from City's Cash towards this event, which provides valuable scientific information and supports the angling community, so that the 47<sup>th</sup> City of London Thames Fishery Research Experiment may take place on Saturday 12 October 2019.

## **Corporate & Strategic Implications**

26. The City of London Thames Fishery Research Experiment encourages sustainability and conservation through the rules of the competition which require young and undersize fish to be returned immediately to the river once recorded. Eels are not permitted to be taken away from the riverside due to the low numbers in the Thames and, in accordance with Marine Management Organisation rules, each angler may retain only one bass.
27. The continued support of your Committee has demonstrated the City's commitment to supporting communities.

## **Conclusion**

28. The 2018 City of London Thames Fishery Research Experiment was a successful event which was well supported and received by Members and guests. It again provided valuable data and information to associated organisations and the recreational angling community.

## **Appendices**

- Appendix – Summary of Results

### **Jon Averns**

Port Health & Public Protection Director  
Department of Markets and Consumer Protection  
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## 46<sup>th</sup> City of London Thames Fishery Research Experiment Summary of Results

### Lady Howard Trophy

Place	Team	Fish Caught	Points
=1	Essex County Anglers	15	95
=1	Kent Angling Team	15	95
2	Charles Stanley Angling Team	5	45
3	PLA Angling Team	4	45
4	Thamesiders Angling Team	3	20
5	Port Health and Environmental Services Committee	1	15
6	City of London Invitation Team	2	10
7	Public Services Angling Team	0	0

### School's Trophy

Place	Team	Fish Caught	Points
1	City of London School for Girls	5	70
2	Gravesend Grammar School	1	5

### Adult Individual Competition

Place	Team	Fish Caught	Points
1	Kent Angling Team	4	30
=2	Charles Stanley Angling Team	3	25
=2	PLA Angling Team	2	25
=3	Essex County Anglers	4	20
=3	Essex County Anglers	2	20
=3	Kent Angling Team	3	20

### Student Individual Competition

Place	Team	Fish Caught	Points
1	City of London School for Girls	2	30
=2	City of London School for Girls	1	15
=2	City of London School for Girls	1	15

### Biodiversity Award

The catch, which in the judges' opinion, best demonstrated the continuing health and improvement of the River Thames was awarded to a member of the PLA Angling Team (1 bass and 1 eel).

### The Fishmongers' Cup

The best single fish was judged to have been a 31 cm sole caught by a member of the PLA Angling Team.

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# Agenda Item 9

<b>Committee(s):</b> Port Health and Environmental Services	<b>Date(s):</b> 27 November 2018
<b>Subject:</b> Garden waste recycling trial on the Barbican estate	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of Built Environment	<b>For Decision</b>
<b>Report author:</b> Jim Graham, DBE Cleansing	

## Summary

In January 2018 all 2000 properties in the Barbican Estate received an invitation to participate in a survey to assess their interest in a separate garden waste collection trial. Approximately 10% of residents expressed an interest in participating and Officers decided to progress with a six month trial.

In March 2018 a seasonal garden waste trial commenced on the Barbican Estate to test the viability and cost effectiveness of operating a garden waste service in the City. The final collection day was 22 October 2018, the trial resulted in the collection of only 4.8 tonnes of garden waste which ran for seven months instead of the planned six, to account for the unusually long summer.

The collection frequency and number of collection locations were increased during the trial due to stakeholder feedback resulting in the trial costing £6,500 plus Officer time, equating to a £1,300 per tonne collection, transportation and disposal cost, (by comparison general waste collection, transportation and disposal costs are £245 per tonne). The overall contribution to the recycling rate was minimal at 0.17%.

There are a number of options to deal with garden waste going forward which include incorporating a seasonal garden waste service into the overall recycling services, doing nothing and disposing of garden waste in the general waste stream or ceasing the service and revisiting this issue when the new Waste Collection, Street Cleansing and Ancillary Services contract has been mobilised as the new contract may provide alternative options to capture this waste stream in a more cost effective manner.

## Recommendation(s)

Officers recommend that the City does not continue with the separate collection of Garden Waste as the cost is extremely high (£1,300/tonne) and the quantities collected have had a minimal impact on the City's recycling rate. Officers propose to revisit this issue as soon as its reasonably practical after the new Waste Collection, Street Cleansing and Ancillary Services contract has been mobilised as the new contract may offer alternative options which may reduce the overall costs and make the provision of a garden waste service more attractive.

## **Main Report**

### **Background**

1. The City provides comprehensive household waste and recycling services to all residential properties within the Square Mile. This includes dry mixed recycling, food waste, textiles, low energy light bulb and battery recycling services. The City have previously not diverted garden waste away from the general waste stream as it cannot be included with food waste which is treated at an Anaerobic Digestion Plant and it is not feasible to provide communal compost heaps in the Square Mile.
2. At your committee in September 2017, the Assistant Director Cleansing Services agreed to undertake a garden waste recycling trial at the Barbican estate. The purpose of the trial was to identify the cost of the service and the benefits of providing a garden waste service in the City.
3. Cleansing worked in partnership with the Barbican Estate and Parks and Gardens to survey residents and then implement a trial to recycle garden waste. Free reusable garden waste bags were distributed to the 10% of residents who expressed an interest in the trial. The Estate team identified two locations where garden waste bins could be located. Parks and Gardens then collected weekly from the locations and transported the garden waste to the recycling facility at Cringle Dock, Battersea.

### **Current Position**

4. The garden waste collection trial commenced on 16 March 2018 and ran for seven months until 22 October 2018. This was an extension on the original planned six months to cope with the unusually prolonged summer.
5. There were some initial issues with contamination in the waste stream including large volumes of soil, some plastic plant pots and fertilisers which cannot be composted. These were addressed through targeted communications, consisting of letters sent in March, June and August, emails distributed via the Barbican Estate office and posters in the bin stores. Contamination became much less of an issue from July 2018.
6. At the commencement of the trial, there were two collection sites being collected from once per week. However following instances of waste being deposited outside of the bins provided across the Estate and larger than expected volumes, the frequency of collections was increased to twice weekly. The number of

locations where garden waste could be deposited increased to six in June 2018. This was found to be the optimal arrangement for the remainder of the trial.

7. The results from the seasonal garden waste trial show that 4.8 tonnes of garden waste was diverted away from the general waste stream and recycled during the trial period. The last collection of garden waste from the Estate took place on 22 October 2018 on which day the garden waste bins were removed.
8. Increasing the collection frequency to twice weekly and increasing the number of collection points across the estate to six successfully coped with the demand on the service. However, these solutions came at a cost and the final cost to collect, transport and dispose of the garden waste was £6,500. This equates to £1,300 per tonne for collection, transportation and disposal.
9. By comparison, the collection, transportation and disposal cost for general waste is currently £245 per tonne. From April to September, the garden waste trial contributed an increase of 0.17% to the overall recycling rate

### **Options**

10. The options to deal with garden waste are as follows;
  - a) Do not implement the service due to low volumes, high cost and minimal contribution to overall recycling rate
  - b) Implement seasonal service over a six month period (Apr – September) to cover key growing periods. This is estimated to be at least £7,500
  - c) Officers revisit this issue as soon as it's reasonably practical after the new waste collection contract has been mobilised as the new contract may offer different options for the collection and disposal which may reduce the overall costs and make the provision of a garden waste service more attractive.

### **Proposals**

11. Officers recommend that the City do not continue with the separate collection of garden waste as the cost is extremely high (£1300/tonne) and the quantities collected have had a minimal impact on the City's recycling rate.
12. Officers propose to revisit this issue as soon as it's reasonably practical after the new waste collection contract has been mobilised as the new contract may offer different options for the collection and disposal which may reduce the overall costs.

### **Corporate & Strategic Implications**

13. This project supports the Corporate Strategic Plan to shape outstanding environments. It also aligns with Outcome 2 of the Responsible Business

Strategy and Objectives 2 (Waste Reduction) and Objective 4 (Recycling and Composting) in the Waste Strategy.

## **Implications**

14. The trial took place on the Barbican Estate, however other estates and private blocks also have balconies where a garden waste service may be introduced. This would further increase costs where no budget is available although these are not currently quantifiable as the demand for this service is unknown.

## **Conclusion**

15. A trial to recycle garden waste on the Barbican estate took place between 16 March and 22 October 2018 during which time only 4.8 tonnes of garden waste was recycled. There was poor participation in the trial, minimal impact on the City's overall recycling rate and high costs (£1,300/tonne of garden waste plus Officer time) associated with running the trial.
16. The results from the trial indicate that it was not popular amongst residents with only a 10% participation rate. Officers propose that a garden waste service shouldn't be incorporated into the household recycling services at this time due to the high costs and little benefits. Officers will revisit this issue as soon as it is reasonably practical after the new waste collection contract has been mobilised. The new contract may offer different options for the collection and disposal which may reduce the overall costs.

## **Appendices**

- None

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Services – For information	27 November 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 Information</b>
<b>Report author:</b> Jon Averns, 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 an implementation period before final withdrawal.

Whilst negotiations continue within Government concerning the terms of the UK's departure, until a deal is agreed, the outcome remains unknown in relation to the functions undertaken by the Port Health & Public Protection Division (PH&PP), particularly at the borders.

This report outlines the implications on PH&PP of a 'no-deal' Brexit, and updates your Committee on representations made by PH&PP to Government and relevant agencies, as well as the work done with other interested organisations.

## Recommendation(s)

Members are asked to:

- Note the report.

## 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 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 until December 2020, although this has yet to be finalised, and the outcome of negotiations regarding a 'deal' is not known.
2. This is the fourth report to your Committee on this issue and you have previously agreed six key principles that form the basis of the approach officers have been taking when representing the City Corporation in discussions with Government and its agencies. These are contained in the appendix to this report.

3. Brexit is on the Departmental Risk Register and more recently has been classified as Corporate Risk. The latter includes the 'impact of Brexit on the movement of goods through the Port Health Authority/functions'.
4. Since the UK voted to exit the EU PH&PP officers have engaged closely with Government and its agencies as well as with other interested organisations. Further details of the most recent meetings are provided below.

## **Current Position**

### **Engagement**

5. The City Corporation continues to host the government Port Health Authorities Border Planning Group. This involves all Port Health Authorities and Local Authorities that have a port or airport in their area, as well as relevant government agencies. Its purpose is to plan for a worst case scenario where there is no deal or implementation period.
6. Officers have also attended a range of government meetings including the following:
  - A non-tariff workshop concerning imported food and feed not of animal origin, and organic products (assuming the UK will be outside the single market and customs union).
  - A Defra workshop on imports of animal and fish products and the impact of Brexit on Local Authorities and other agencies.
  - A British Frozen Food Federation/Sea fish importers committee meeting on Brexit.
  - A Ministry of Housing, Communities and Local Government workshop on EU Exit Borders and knowledge sharing.
  - A range of workshops hosted by the Department of Environment, Food and Rural Affairs (Defra) to consider the implications of Brexit at the Border in relation to imported Products of Animal Origin and live animals.
7. The Division has also hosted visits to the Heathrow Animal Reception Centre and London Gateway Port which has enabled government officials and trade bodies to see first hand the way in which import controls are undertaken at the Border. Visitors include:
  - The Parliamentary Undersecretary of State at the Department for Exiting the European Union.
  - A Member of the European Parliament.
  - Representatives of Which consumer organisation.
  - Food Standards Agency officials.
  - Trade delegations.
  - Defra and Animal & Plant Health Agency (APHA)
8. Further visits are planned for the National Farmers Union and Local MPs for the Ports.

9. The City Corporation has employed a Consultant to liaise with other interested organisations and to promote the key principles contained in the appendix to this report. The key stakeholders with which he has had most success include:

- Local Government Association
- International Meat Trade Association
- Seafood Alliance
- British Ports Association
- United Kingdom Major Ports Group
- Association of Port Health Authorities
- British Veterinary Association
- Chartered Institute of Environmental Health
- Chartered Trading Standards Institute
- Dogs Trust
- Which Consumer Organisation
- London Councils
- National Trading Standards

10. A full report has been received and the liaison is being followed up via correspondence and potential meetings with Chairs of Parliamentary Select Groups and relevant Ministers.

11. An employee from the Food Standards Agency (FSA) has been seconded to the Port Health Service for three months to gain a full understanding of the way in which import controls are undertaken. He is currently being trained as a Port Health Technical Officer, and it is hoped that this will increase the knowledge base of the FSA Import Team.

### **Draft Agreement on the withdrawal of the UK from the EU**

12. On 14 November Government published a 585 page draft agreement which covers the arrangements for the interim/implementation period until the end of 2020. Should this be agreed, the UK will remain part of the Customs Union and there will be free trade in food, feed and animals. However, this still has to be ratified by Parliament and at the time of writing there is considerable dissent over the terms that have been negotiated. An oral update will be provided at your meeting.

### **No-deal Scenario**

13. It is still possible that the proposed deal will not be approved, so PH&PP have been preparing for the worst-case position, which could potentially involve controls on imports from the EU, although this is not anticipated – see paragraph 15 below.

14. Government has issued a series of technical notices which set out information to allow businesses to understand what they would need to do in a “no deal scenario”, and so that they can make informed plans and preparations. Guidance

on “Importing animal and animal products if there is no Brexit deal” was published on 24 September 2018.

15. The guidance states that there will be no change on the day the UK leaves the EU to current import controls or requirement for notification of imports of live animals and animal products for imports direct from the EU. The situation is similar for products from third countries – those outside the EU.
16. The only difference is that importers would need to use a new electronic import notification system that is being introduced by Defra instead of the current EU system. Currently, live animals, animal products and high-risk food and feed imported directly from third countries are notified to enforcement authorities via the EU ‘TRACES’ system. PH&PP have contributed to the design and construction of the new system.
17. The guidance also recognises that there will be a need to carry out checks on transit items that are currently carried out elsewhere in the EU. These are products from third countries that currently enter the EU at the border in another member state, but are destined for the UK.

### **Port Health**

18. The Port Health Service has identified the following key issues that may have to be addressed in the light of “no deal”.
  - Increased throughput at the Ports within its jurisdiction: there are currently only operational inspection facilities at London Gateway, Tilbury and Thamesport, and given that the service has a centralised office at London Gateway port, it could be difficult to access these ports in a timely manner (London Gateway and Tilbury are located on the north side of the Thames and Thamesport on the south).
  - Transit consignments: the volume of these is difficult to predict as the UK has not had to record them previously, although records suggest at around 10,000 consignments per annum gain entry into the UK from third countries via the EU.
  - Staffing: the specialised nature of posts such as Official Veterinarians and Port Health Officer make it difficult to recruit and train new staff at a time when there is already a shortage of qualified staff.
  - Pre-notification and use of the new electronic import notification system: Government is confident that this will be available prior to April 2019, but it is essential that the trade as well as enforcement authorities are involved in the testing and preparation of the system (which Government has advised will be the case in the months leading up to March 2019).

### **Mitigating measures**

19. The Port Health Service has recruited additional staff including apprentices and graduates to increase the level of resource

available on day one. Negotiations have taken place with those ports and smaller terminals on the Thames to which trade may be diverted to ensure that they are familiar with Port Health requirements. Paper based systems could be used if absolutely necessary, should electronic means of prior notification of imported consignments not be available; but this would have a significant impact on resources.

## **Animal Health**

20. The issues with live animal imports are not as serious as those over imported food and feed, however the key concerns are as follows:

- Pet Travel Scheme: this enables pets to move relatively easily throughout the EU. 'No deal' would not alter movements into the UK, but could have severe consequences for those traveling from the UK into the EU. Although exports are not dealt with directly by HARC, it could impact on the numbers of animals returning to the UK.
- Companies displaced from the UK to the EU: much of the dog and cat business is derived from families relocating to work in the UK for major companies for a one- or two-year term, mostly from the USA. Should these businesses move their corporate HQ from the UK to another member state, this business would be lost.
- Convention of the International Trade in Endangered Species (CITES): Many legitimate movements of CITES species are made between EU member states and the UK, currently without any licensing requirements. This is for zoo, trade and private animals. The introduction of licensing, which could be expensive and time consuming, is likely to drive some of this business underground and increase smuggling. The impact on zoos could have consequences for many of the conservation programmes in which UK zoos are currently involved.
- Transit animals: as for product consignments, any live animal imported from a third country is currently checked at the first point of entry into Europe even if it is destined for the UK. Should this cease, then there will be a requirement for more checks, and hence more resources to undertake this work.
- Increased Customs Clearance times: should the time taken to clear live animals increase, this could have a negative impact on their welfare. It could also increase the time spent at HARC and the resources that need to be devoted to them.

## **Mitigating measures**

21. As it is still unclear as to whether there will be an increase or decrease in resources required at HARC, a number of fixed term contract employees have been recruited and depending on the outcome, their contracts could be terminated or extended from 1 April 2019. In the shorter term, an increase in throughput is

anticipated between January and March, and extra resources will be deployed as required.

### **Other regulatory functions**

22. The PH&PP Division enforces a wide range of EU based legislation, particularly regarding food safety controls, but also in relation to air quality and environmental standards. The EU (Withdrawal) Act 2018 domesticates EU legislation, which will remain in force as 'retained EU law' on Day 1 after Brexit and subsequently. The Act also provides a power for Ministers to correct any deficiencies in legislation arises from the UK's withdrawal from the EU to ensure the legislation functions correctly. If there is to be a transition period, the Government may domestically enact EU legislation which is introduced during a transition period to maintain regulatory coherence.

### **Financial Implications**

23. A substantial bid for additional funding has been made to Government departments to cover the costs of additional staffing and undertaking a range of functions to support Imported Food and Feed Controls at the borders. The outcome is awaited, but early indications are positive.

24. The City Corporation is proposing to create a Brexit contingency fund of £2M in 2018/19 with provision to carry forward any unspent funds into 2019/20. It is anticipated that this will support the organisation in engagement activities in the lead up to and post exit from the EU. If necessary, the PH&PP Division will submit a bid for funding.

25. The consultant referred to above has been employed to undertake a further engagement project in relation to PH&PP, and this has been funded through existing resources.

### **Corporate & Strategic Implications**

26. The action taken to date and the above proposals are in accordance with previous decisions taken by your Committee, the PH&PP Business Plan, the Departmental/Corporate Risk Registers.

27. 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.

### **Conclusion**

28. Officers continue to represent the interests of your Committee to protect City Corporation interests in relation to the implications of Brexit. Plans and preparations are under way in the event of a no deal scenario.

## **Appendices**

- City Corporation Brexit Key Principles for the Port Health and Public Protection Division

## **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.
- Update on the impact of the UK leaving the EU (Brexit) on Port Health & Public Protection – report to the Port Health & Environmental Services Committee, 6 March 2018.
- Update on the impact of the UK leaving the EU (Brexit) on Port Health & Public Protection – report to the Port Health & Environmental Services Committee, 16 July 2018.

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**City Corporation Brexit Key Principles for the Port Health and Public Protection Division**

The City of London Corporation has agreed the following key principles that will form the basis of its negotiations with government and relevant agencies concerning the functions undertaken by its Port Health and Public Protection Division:

- 1. 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.**

The current UK regulatory regime that covers a wide range of public, animal and environmental protection matters, including those goods that enter and leave the UK as imports and exports via our seaports and airports, complies with agreed EU wide and/or international standards, controls and enforcement protocols. This provides the UK with a reputation on an international/global platform as a country whose products meet the highest standards of quality, safety and integrity (that includes traceability) which is a very important USP for current and future trade for the UK.

- 2. 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.**

Whilst opportunities exist to further refine and streamline the current regulatory landscape in the UK, through the parliamentary process provided in the EU (Withdrawal Bill), this should not go back to the crude one in one/two out as has previously been the case. The above proposition is one that focuses and targets those imported products and associated trades and businesses that pose the highest risk to the health, safety and well-being of UK consumers, the wider public and the environment, and who fail to meet the required quality and safety standards imposed by UK regulatory controls.

- 3. 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.**

Without this in place the UK faces huge pressures to rapidly establish additional documentation checks, physical examinations, sampling and analysis, alongside major infrastructure works at ports of entry to facilitate this essential regulatory control work and ensure it can be effectively carried out. Analysis undertaken by the London Port Health Authority estimates for the Port of London, that if imported food and feed from the EU, that covers both products of animal origin and products of non-animal origin require inspection as currently is the case for third country imports,

there will be at least a 25% increase in work load for the London Port Authority at its Designated Ports of Entry and Border Inspection Posts. There could also be further increases in trade activity at the Port of London, as importers may decide to divert food and feed currently coming from the EU on roll on roll off vehicles through the Port of Dover to the Port of London, as importers are likely to experience potentially serious delays at Dover, as it currently has no Border Inspection Post facilities at the port.

In the event of a 'no deal' outcome there is likely to be a further increase in port health border inspections and examinations necessary for food and feed, if imports from third countries that are destined for the UK, but first enter an EU port e.g. Rotterdam, are no longer subjected to the current EU port health controls at that EU port of entry (as they are in transit), before being transported into the UK as a final destination. It is very difficult to determine what the scale of the increase will be as there is no specific data recorded for these particular shipping movements. However, it is understood that if the UK reverts to World Trade Organisation standards for imported food and related products, unless a Fair Trade Agreement is secured with the EU, the UK is legally obliged to undertake an inspection regime for EU imported food and feed (which is currently not required), as is now in place and carried out for other third countries.

There will also need to be a commensurate increase in the number of highly trained professional and technical port health specialists to ensure the necessary port health duties can be fully implemented.

**4. 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.**

This is imperative as the additional costs to secure, as far as is possible, the continuing efficient movement of goods through the ports and onto their final destinations, are likely to be very high. It should also not be overlooked that all Products of Animal Origin (PoAO), are required to enter the UK via a Designated Border Inspection Post and will require the sign off from an Official Veterinarian (or the equivalent post Brexit) that the PoAO meets the necessary UK regulatory standards. These are highly trained specialists, many of whom are EU citizens and are likely to be in high demand in the UK and the EU, which could further increase costs for this work.

These added costs should be charged by the Port Health Authority to the importers.

**5. 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.**

This has been covered in terms of free movement of goods above. However, the UK's access to existing IT infrastructure systems and related rapid alert systems for food and non-food products should not be underestimated. These systems provide critical and timely information, along with shared intelligence and networking across the UK and EU countries. Without systems such as RASFF – the Rapid Alert System for Food and Feed, TRACES – Trade Control and Expert System and CITES – the Convention on International Trade in Endangered Species of Fauna and Flora, the work of the LPHA, and in the City Corporation's role as Animal Health Authority for London, would be hugely compromised and the risk to public and animal health in the UK greatly increased. Furthermore, if the UK is not given access to these systems then there will be a need to develop its own, resulting in time delays, a loss of economies of scale, greater service inefficiencies and additional capital and running costs for the new systems.

- 6. To control public health and animal health risks effectively, and to prevent the potential spread of zoonosis (a disease which can be transmitted to humans from animals), monitoring, checks and controls on high risk food, feed and animals should be undertaken at first point of entry into the UK, i.e. at its borders.**

This is seen by the City of London Corporation in both its role as the London Port Health Authority and as the Animal Health Authority for London as critical to the efficiency and effectiveness of the services it provides and its ability to significantly reduce the risk caused by poor standards of safety and quality from food and feed, and the spread of zoonotic diseases.

The infrastructure and expertise required for physical inspection and examination of goods should be as close to the port of entry as is reasonably possible. Facilities at or close to the port of entry can be designed in a way that enables these operations to work more smoothly and efficiently and the practicability of the logistics as well as costs for importers, carriers, port operators and ultimately the customers work far better for them.

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<b>Committee(s):</b>	<b>Date:</b>
Barbican Centre Board – for decision Port Health and Environmental Services Committee - for information	21 November 2018 27 November 2018
<b>Subject:</b> Banksy Artwork – Barbican Exhibition Halls	<b>Public</b>
<b>Report of:</b> Managing Director, Barbican Centre, Director of Built Environment and the Assistant Town Clerk & Culture Mile Director	<b>For Information</b>
<b>Report authors:</b> Matthew Pitt	

## Summary

In September 2017 two artworks by the internationally renowned street artist known as ‘Banksy’ appeared in Beech Street closely followed by a third work by another well-known artist, Danny Minnick. At their 19 September 2017 meeting, the Port Health and Environmental Services Committee considered the future of the artworks and agreed to measures proposed by the Barbican Centre to safeguard the artworks for the duration of its highly successful Basquiat Exhibition. At the time, it was agreed that following the exhibition the City would need to determine a longer-term strategy.

This report provides an update on the artworks, how they have been maintained to date, the public reception, associated reputational risks to the City of London Corporation and proposes a solution for the medium-term future.

## Recommendations

Members of the Barbican Centre Board are asked to: -

- Approve the continuation of the Barbican Centre’s active management of the artwork and all associated costs; and
- Note that the Board has the right to review this position, in consultation with the wider City of London Corporation should the need arise.

Members of the Port Health and Environmental Services Committee are asked to: -

- Note the contents of this report.

## Main Report

### Background

1. In September 2017, shortly before the opening of the Barbican’s Basquiat: Boom for Real exhibition celebrating the life and works of pioneering New York artist Jean-Michel Basquiat, two artworks by the internationally renowned artist known as ‘Banksy’ appeared overnight at the junction of Beech Street and Golden Lane

on the external wall of Barbican Exhibition Hall 1 (see appendices 1 & 2). A third artwork, by American artist Danny Minnick, also appeared shortly afterwards in response to the two Banksy works.

2. Due to the high level of public interest and cultural value of the works, the Barbican Centre took immediate steps to safeguard the artworks. The appearance of the artworks was met with significant publicity and social media activity. Members of the public regularly gathered in the highway around Beech in order to view the artworks and take pictures to be shared on social media. A security presence near the artworks was organised in the immediate aftermath of the artworks appearing and communication took place with the wider City of London Corporation to ensure they were not removed by cleansing.
3. Following the press night for the exhibition the artworks were protected by the Centre with clear Perspex sheet – a cost effective measure that had previously been used to protect similar artworks of this nature across in other locations. A critical opinion of the artworks is available at Appendix 3.

### **Current Position**

4. Basquiat: Boom for Real was the most successful exhibition ever to take place at the Barbican in its 35 year history with 216,389 people visiting. Accordingly, it received 2,400 pieces of worldwide media coverage and was particularly successful at attracting a young, diverse audience measured against other Barbican activity. Many of those visitors also came to see the Banksy works. The artworks themselves attracted 296,000 'likes' and over 2000 comments across two posts on Banksy's official Instagram account. That account currently has 4.4m followers from around the world. The Barbican and the exhibition also received significant social media attention as a direct result of the artworks.
5. Since the exhibition came to a close, the artworks have remained in place, protected by the clear Perspex sheets. They continue to prove a considerable draw, bringing visitors to the Barbican and Culture Mile area. The works are also listed on Google Maps as well as various sources detailing the location of Banksy's work.
6. It should be noted that whilst coverage to date has been overwhelmingly positive (see appendix 4 for press highlights), previous examples where landowners and local authorities have removed Banksy artworks, either accidentally or otherwise, have also attracted media attention, usually negative. This would be a significant reputational risk to both the City of London Corporation and Barbican Centre if a decision to remove the artworks, completely or to another location, were to be made.
7. Although minor incidents of 'tagging' have occurred on the protective sheets or next to the artworks, these have been sporadic and their removal has been carefully managed by the Barbican Centre within their operational budgets. There have been no major or serious incidents caused as a result of the protection of these artworks.

## **Proposal**

8. Following consideration at a management level and in consultation with colleagues across the City of London Corporation, the Barbican Centre have offered to continue their active management of the three artworks. This would enable the artworks to remain in place for the foreseeable future. This approach would enable continued public enjoyment, as originally intended by the artist, and thus avoid the likely adverse media coverage and negative social media comment that the City of London Corporation and Barbican would receive if it were decided the artworks should be removed.

## **Financial Implications**

9. The costs of the proposal, subject to Member approval, would continue to be met from Barbican Centre operational budgets, as confirmed by its Buildings and Operations Director. Any costs associated with cleaning in the area not immediately surrounding the artworks will continue to be subject to usual City of London Procedures.
10. The Chamberlain has confirmed that whilst it is possible to insure the artworks, it would be a departure from the City's normal practice to insure artworks outside of the premises. Whilst the artworks are likely to be of great value the City did not purchase the artworks and would not suffer a direct financial loss from loss or damage to the artworks themselves.

## **Corporate and Strategic Implications**

11. The continued presence of the artworks aligns with the City of London Corporation Cultural Strategy 2018-22. Objective one – Transforming our Spaces – calls for the city to be made more 'open' and 'culturally vibrant'. Objective two – Culture Mile – specifically identifies 'making cultural and heritage activity visible in the streetscape'.
12. The location of the artworks at the corner of Beech Street and Golden Lane positions them at the heart of Culture Mile and the 'culture spine' identified as key area for transformation within the Culture Mile Look and Feel Strategy. The artworks contribute towards one the agreed aims of Culture Mile's Strategy - 'to contribute towards changing perceptions of the City...' and 'to develop Culture Mile as a vibrant and welcoming cultural, creative and learning destination'.
13. Were the artworks to be removed at this time, it would call into the question the credibility the City of London's vision for Culture Mile at an early stage of its 10-15 year development.

## **Conclusion**

14. When three artworks appeared on the side of Barbican Exhibition Hall 1 in September 2017, two by Banksy and the other by US artist Danny Minnick, the Barbican Centre took immediate steps to safeguard artworks from harm. The installation of Perspex sheets has since proved a successful and cost-effective way of the artworks remaining in-situ. Whilst the removal of the artworks, completely or to another location remains an option, this would attract significant negative publicity for the City of London Corporation and the Barbican Centre.

The artworks add interest and vibrancy to the site which lies at the heart of Beech Street – ‘the culture spine’ of Culture Mile and continue to attract visitors to the area. Members are therefore asked to consider the recommendations set out in this report which, if approved, would safeguard the artworks future at their current location for the foreseeable future.

### **Appendices**

- Appendix 1 – Photographs of the artworks
- Appendix 2 – Confirmation of authenticity (Banksy Official Instagram posts)
- Appendix 3 – Critical opinion of the artworks
- Appendix 4 – Press highlights

### **Background Papers**

- Minutes of the Port Health Committee – 19 September 2017

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## Appendix 1 – Banksy and Minnick artworks





## Appendix 2 – Confirmation from Banksy (official Instagram posts)

Instagram

Search

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The image shows a graffiti artwork on a wall. It features a central figure with a red and black body, wearing a white mask with a red 'X' over its eyes. To the left, a dog is depicted. To the right, a figure in a white uniform with 'POLICE' written on the back is shown. A sign above the central figure reads 'Barbican Exhibition Halls'. The background is a plain, light-colored wall.

**banksy** • Follow

banksy Portrait of Basquiat being welcomed by the Metropolitan Police - an (unofficial) collaboration with the new Basquiat show.

Load more comments

joaoll88 @rosscsouza @atylera fodastico  
rosscsouza @joaoll88 tá pesadoo  
skrrfromcops thanky mr banky  
i\_eagle\_2000 🐶🐶🐶

lilrhandustin @emilicainnie do you hate

130,969 likes

SEPTEMBER 17, 2017

Log in to like or comment.

Instagram

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The image shows the same graffiti artwork as in the first post, but with a person walking in the foreground from left to right. The person is wearing a dark jacket, blue jeans, and a black cap. The graffiti artwork is on a wall behind them.

**banksy** • Follow

Load more comments

devstarr @splurgezaddy the graffiti artist I was telling you about

rickydubbthdreamer That's just how I feel!!!

kongojak @go.beee

gabrielendaz Oo

steelfistvelvetglove 🐶🐶🐶🐶🐶🐶🐶🐶🐶

laftmonk Ouch! AI Dente!

sarturocz :D

other\_stifler лучшее что можно придумать

surideez Beyond

elf\_brooklyn73 BANKS YOU AMAZING BRO KEEP UP THE GOOD ART 📸

mrd1987 @stuartmagofficiel

166,140 likes

SEPTEMBER 17, 2017

Log in to like or comment.

### Appendix 3 – Critical opinion by Dr Rafael Schacter, UCL

#### BANKSY'S CULTURAL SIGNIFICANCE:

Most likely the world's most popular living artist, Banksy is an anonymous, notorious, equally celebrated and castigated figure who has achieved immense global success in spite of (or perhaps due to) his unorthodox artistic approach. Emergent initially from the practice of graffiti and, latterly, street art (of which he is acknowledged as of the key early exponents), Banksy first came to renown in his hometown of Bristol in the mid 1990s, the site in which he developed his distinctive stencilling technique. Forming a humorous, sardonic, incisive style, a mode in which an irreverent or anti-establishment message would be presented via a reduced, streamlined visual pun, the effectiveness of his aesthetic approach, alongside the artist's witty turns of phrase and increasingly daring public interventions (taking place in locations such as London Zoo and Disneyland, the British Museum and Metropolitan Museum of Art) led to increasing attention far beyond the confines of the art-world itself. Whilst Banksy's practice continued to extend outwards onto ever larger (but still insurgent) stages – from documentary films to large scale festivals, dystopian theme parks to fully functioning hotels – all of his projects retained the same ability to capture the political and cultural zeitgeist: the same ability to capture huge media and public attention through his equivalently idiosyncratic yet highly accessible approach.

#### THE TWO BARBICAN WORKS<sup>1</sup>:

In September 2017, shortly before the opening of the Barbican's *Basquiat: Boom for Real* exhibition celebrating the life and works of pioneering New York artist Jean-Michel Basquiat, two artworks appeared at the junction of Beech Street and Golden Lane on the external wall of Barbican Exhibition Hall 1. Self-attributed via Banksy's own Instagram page, the first, larger piece, shows two police officers searching a human figure – a character taken from Basquiat's 1982 *Boy and Dog in a Johnnypump* – as his canine companion stands watching on. Moving from a position in the original work of playing joyfully within the spray of the pump's water, in Banksy's reworking the lead character (potentially but not definitively a self-portrait of Basquiat), is transferred into a position under the direct, repressive handling of the State. Captioning the installation *Portrait of Basquiat being welcomed by the Metropolitan police*, Banksy thus here decries the "stop and search" tactics of British law enforcement, in particular, it

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<sup>1</sup> I will not be discussing the adjacent work by Danny Minnick

would appear, their statistically proven racial bias.<sup>2</sup> The second, more compact piece, depicts a group of five people queuing at a ticket booth adjacent to a Ferris wheel; here, however, the passenger cars have been replaced by a series of three-pointed crowns, a symbol implicitly related to Basquiat and an emblem utilized in many of his works.

#### A CRITICAL ANALYSIS:

These “(un)official collaboration[s]”, as Banksy called them, had, as with almost every new work by the artist, a huge global impact. Undoubtedly, they brought extra attention to the Barbican exhibition, yet at the same time did in some way shift the focus away from Basquiat and toward Banksy (at what was the former artist’s most rigorous and multi-layered exhibition to date in the UK). Moreover, whilst the two pieces firmly placed themselves within important contemporary British political issues – in particular the first work’s exploration of the so-called Hostile Environment policies of the Home Office and the still prevalent institutional racism of the police – they also essentialise Basquiat as a Black artist, one standing in for all Black bodies and their exploitation by state and cultural forces: Whilst Basquiat did commonly focus on the relationship between African American citizens and law enforcement authorities (seen in pieces such as *Irony of a Negro Policeman* and *Defacement* in particular), he was hugely exoticized and fetishized by the institutional art world during his life, and even more so following his early death. The characterization of his art as “primitive” and of him as a “graffiti artist” implicitly located him as racially “other” to the normatively White art-world, both denying Basquiat’s complex biography and the breadth and depth of his artistic influences. As such, Banksy’s two Barbican works, whilst addressing hugely important political themes, could also be seen to further entrench Basquiat’s widely fetishized position as a “Black artist” (rather than an artist exploring themes of his own Black identity). Like much of his activist practice then, the street artist astutely and lucidly addresses issues critical to contemporary life, yet his ability to reduce complexity themes into simple ideas can, as we see here, diminish or reduce the more entangled and enigmatic nature of the issue in question itself.

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<sup>2</sup> The Guardian (13<sup>th</sup> October 2018) writes that “black Britons are now nine times more likely to be stopped and searched for drugs than white people, despite using illegal substances at a lower rate”  
<https://www.theguardian.com/law/2018/oct/13/racial-bias-police-stop-and-search-policy-black-people-report>.

## Appendix 4 – Press coverage highlights

### Summary

There was over 1,000 pieces that mention Banksy within the week after it appeared. News coverage of the two new Banksy works, which appeared in the Beech Street tunnel in response to the Basquiat exhibition, made an unbelievable number of headlines all around the globe. A few highlights include BBC News, London News, News 24 and local BBC stations, as well as receiving coverage from The Guardian, BBC News Online, Sky News, Metro, Londonist, Time Out, NME, Evening Standard, Reuters, and The New York Times.

<b>Press highlights</b>	
Sky News (broadcast and online)	A televised news piece including interview with Eleanor Nairne, and as Banksy's inspiration <b>Katie Spencer, 21.09.17</b>
The Guardian (online)	Report on Banksy pieces <b>Nicola Slawson, 17.09.17</b>
BBC News Online (online)	Report on Banksy pieces <b>18.09.17</b>
The Telegraph	Report on Banksy pieces, with video. <b>Helena Horton, 18.09.18</b>
Daily Mail	Report on Banksy pieces <b>Alex Matthews, 18.09.18</b>
Evening Standard (online)	Report on Banksy pieces <b>Sebastian Mann 18.09.18</b>
Huffington Post (online)	Report on Banksy pieces, with video. <b>George Bowden, 18.09.17</b>
Sky news (online)	Report on Banksy pieces <b>18.09.17</b>
Cape Times (South Africa)	Report on Banksy pieces <b>19.09.17</b>

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