



## Port Health & Environmental Services Committee

**Date:** TUESDAY, 15 JANUARY 2019  
**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. **IMPROVING AIR QUALITY PRESENTATION**  
The Air Quality Manager to be heard.  
  
**For Information**
4. **MINUTES**  
To agree the public minutes and summary of the meeting held on 27 November 2018.  
  
**For Decision**  
(Pages 1 - 10)
5. **OUTSTANDING ACTIONS**  
Report of the Town Clerk.  
  
**For Information**  
(Pages 11 - 14)
6. **ANNUAL TERMS OF REFERENCE REVIEW**  
Report of the Town Clerk.  
  
**For Decision**  
(Pages 15 - 16)
7. **BREXIT UPDATE**  
Interim Director of Consumer Protection & Market Operations to be heard.  
  
**For Information**
8. **DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - PERIODIC REPORT**  
Report of the Director of the Built Environment.  
  
**For Information**  
(Pages 17 - 28)
9. **LITTER INTERVENTION TRIAL**  
Report of the Director of the Built Environment.  
  
**For Information**  
(Pages 29 - 34)

10. **CITY CORPORATION'S PROPOSED APPROACH TO CARBON OFFSETTING**  
Report of the Director of the Built Environment.
- For Information**  
(Pages 35 - 52)
11. **DEPARTMENT OF THE BUILT ENVIRONMENT (CLEANSING SERVICES)  
BUSINESS PLAN PROGRESS REPORT FOR PERIOD 2 (AUGUST - NOVEMBER)  
2018**  
Report of the Director of the Built Environment.
- For Information**  
(Pages 53 - 62)
12. **PROJECT TO INCREASE RECYCLING ON MIDDLESEX STREET ESTATE**  
Report of the Director of the Built Environment.
- For Information**  
(Pages 63 - 66)
13. **REVENUE AND CAPITAL BUDGETS - 2019/20**  
Joint report of the Chamberlain, Director of the Built Environment, Interim Director of Consumer Protection & Market Operations, and Director of Open Spaces.
- For Decision**  
(Pages 67 - 92)
14. **CEMETERY AND CREMATORIUM - FEES, CHARGES AND MARKETING**  
Report of the Director of Open Spaces.
- For Decision**  
(Pages 93 - 104)
15. **CREMATOR REPLACEMENT - CITY OF LONDON CEMETERY AND  
CREMATORIUM**  
Report of the Director of Open Spaces.
- For Decision**  
(Pages 105 - 132)
16. **PERIOD 1 & 2 (APRIL - NOVEMBER) CEMETERY & CREMATORIUM BUSINESS  
PLAN PERFORMANCE AND RISK MANAGEMENT UPDATE**  
Report of the Director of Open Spaces.
- For Decision**  
(Pages 133 - 146)

17. **ANIMAL RECEPTION CENTRE - HEATHROW AIRPORT: ANNUAL REVIEW OF CHARGES**  
Report of the Interim Director of Consumer Protection & Market Operations.  
**For Decision**  
(Pages 147 - 156)
18. **MOOR LANE: ULTRA-LOW EMISSION VEHICLE ACCESS RESTRICTION**  
Report of the Interim Director of Consumer Protection & Market Operations.  
**For Decision**  
(Pages 157 - 184)
19. **MEASUREMENT AND MITIGATION OPTIONS FOR OPERATIONAL RAIL NOISE FROM LONDON UNDERGROUND AFFECTING THE BARBICAN ESTATE.**  
Report of the Interim Director of Consumer Protection & Market Operations.  
**For Information**  
(Pages 185 - 242)
20. **PORT HEALTH & PUBLIC PROTECTION RISKS**  
Report of the Interim Director of Consumer Protection & Market Operations.  
**For Information**  
(Pages 243 - 250)
21. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2018/2019: PROGRESS REPORT (PERIOD 2)**  
Report of the Interim Director of Consumer Protection & Market Operations.  
**For Information**  
(Pages 251 - 280)
22. **RESOLUTION OF THE PLANNING AND TRANSPORTATION COMMITTEE**  
Resolution from the Planning and Transportation Committee of 20 November 2018.  
**For Information**  
(Pages 281 - 282)
23. **VENTILATION AND EXTRACTION REQUIREMENTS FOR RESTAURANTS/CAFES**  
Report of the Chief Planning Officer.  
**For Information**  
(Pages 283 - 296)
24. **TREE PESTS AND DISEASES: OAK PROCESSIONARY MOTH URGENT UPDATE**  
Report of the Director of Open Spaces.  
**For Information**  
(Pages 297 - 302)



- 25. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
- 26. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
Any items of business that the Chairman may decide are urgent.
- 27. **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**

- 28. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 27 November 2018.

**For Decision**  
(Pages 303 - 304)

- 29. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
- 30. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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## **PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE**

**Tuesday, 27 November 2018**

**Minutes of the meeting of the Port Health & Environmental Services Committee held at the Guildhall EC2 at 11.00 am**

### **Present**

#### **Members:**

Jeremy Simons (Chairman)	Graeme Harrower
Deputy Keith Bottomley (Deputy Chairman)	Deputy Tom Hoffman
Alderman Nick Anstee	Deputy Wendy Hyde
Alexander Barr	Deputy Jamie Ingham Clark
Adrian Bastow	Shravan Joshi
Deputy John Bennett	Vivienne Littlechild
Peter Bennett	Henrika Priest
John Chapman	Jason Pritchard
Peter Dunphy	Deputy Richard Regan
Mary Durcan	Mark Wheatley
Anne Fairweather	

#### **Officers:**

Sacha Than	- Town Clerk's Department
Chloe Rew	- Town Clerk's Department
Jennifer Ogunleye	- Town Clerk's Department
Grace Rawnsley	- Town Clerk's Department
Laura Simpson	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Warren Back	- City Surveyor's Department
Zahur Khan	- Department of the Built Environment
Jim Graham	- Department of the Built Environment
Karen Marks	- Department of the Built Environment
Jon Averbs	- Markets & Consumer Protection Department
Rachel Pye	- Markets & Consumer Protection Department
Gavin Stedman	- Markets & Consumer Protection Department
Jonathon Poyner	- Barbican Centre

#### **1. APOLOGIES**

Apologies were received from Deputy John Absalom, Caroline Addy, Tijs Broeke, Deputy Kevin Everett, Christopher Hill, Andrew McMurtrie, Adrien Meyers, Deputy Joyce Nash and Deputy Elizabeth Rogula.

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

Vivienne Littlechild declared a non-pecuniary interest in respect of Item 7 due to being a resident of the Barbican.

The Comptroller and City Solicitor advised that if any member has an interest in land in the City, there is no disclosable pecuniary interest in this agenda item that arises from any such property interest. In this case, any property interest is considered too remote from the subject of the report. Whilst it is a matter for each member to decide, and the City Solicitor can only speak for himself, but as far as he is concerned in his role as Monitoring Officer, he is happy to confirm that he has no expectation of any self-referrals being made by any member due to their participation in this agenda item.

3. **MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 25 September 2018 be approved as a correct record.

**Matters Arising**

The Director of Cleansing reported that a meeting had been held with Bloomberg to discuss the issue of littering as raised at the previous meeting, however there had been difficulty confirming a further meeting, but he hoped this would take place soon. Officers have been monitoring the area and he believed that things have improved.

4. **MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 8 November 2018 be approved as a correct record.

5. **OUTSTANDING ACTIONS**

The Committee received the current list of outstanding actions.

Noise Pollution from the London Underground

The Director of Port Health and Public Protection advised that a report summarising the draft recommendations following measurements and investigations has been submitted to London Underground for consideration. A response is expected by the end of November 2018 and a report with recommendations would be brought before the Committee in January 2019.

A Member advised the Committee that a meeting had taken place with residents, Members and the Rt Hon Mark Field MP for the Cities of London and Westminster; following this, Members would continue to raise the issue of noise pollution from the London Underground with the London Assembly Member for the City and Transport for London.

A Member referenced section 122 of the Railways Act 1993, querying whether officers were investigating the extent of the statutory defence as discussed at a previous meeting applied in this case. The Director of Port Health and Public Protection explained that this would be addressed within the January report.

#### Electric Vehicle Charging

The Director of Transportation and Public Realm advised that a charging point at Noble Street will be in operation by mid-December 2018. There will be rapid chargers for taxis, as well as standard chargers for general motorists in off-street locations. The department is working with TfL, Hackney Carriages and the taxi industry in general to implement the plan.

A Member asked how many charging points were needed and the overall cost, in response the Director of Transportation and Public Realm explained he did not have the exact figures but would circulate an update with this information.

#### Low Emission Neighbourhood (LEN)

The Chairman advised that this item could now be removed from the Outstanding Actions list.

#### S. 101 Agreements

The Director of Port Health and Public Protection advised that a draft Section 101 agreement has been submitted to Tower Hamlets and officers were awaiting their response.

The Deputy Chairman expressed concern and disappointment on the arrangement not yet being agreed noting the issue of illegal street trading on the bridges. In response, the Director of Port Health and Public Protection advised that City of London Corporation officers were continuing to liaise with Tower Hamlets to ensure the agreement would be signed. The Chairman offered to write to the relevant Cabinet Member within Tower Hamlets if there was no progress.

#### Water Refill Points

A Member asked how much water was tapped to each refill point, and if the water usage was being monitored. In response, the Director of Cleansing advised that he could not confirm the exact amount of water at each point, but this was metered and regularly monitored. The Director confirmed he would consult with colleagues and circulate an update.

The Chairman asked Members to submit their suggestions for locations of refill sites within the City.

#### Plastic Wrapping

Members expressed concern as to whether envelopes posted out containing Committee meeting papers were recyclable. The Chairman advised that the existing envelopes could be returned to the post room for recycling, however Members raised the point that the envelopes used should be of robust quality, particularly when containing confidential information.

### **6. CITY CORPORATION MODERN SLAVERY STATEMENT**

The Committee considered a report of the Chamberlain concerning the City Corporation Modern Slavery Statement developed in response to the Modern Slavery Act 2015. The report proposes that the City Corporation complies with annual reporting requirements indicated in the Modern Slavery Act on a

voluntary basis, to reflect the organisation's commitment to responsible business principles.

One Member asked if the City Corporation had the power to revoke procurements if it was found that modern slavery was present in the supply chain. The Chamberlain advised that a response would be circulated to Members outside of the meeting.

**RESOLVED** – That the Committee,

- a) approves the publication of a voluntary Modern Slavery Statement by the City Corporation;
- b) approves the version submitted, including the 'Modern Slavery Policy'; and
- c) 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.

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

The Committee considered a report of the Director of Markets and Consumer Protection concerning Consultation on Noisy Saturday Construction Work Activities in the City of London.

A report was produced which considered possible solutions to the issue of noisy construction work on Saturday mornings. This report addressed a variety of factors to consider, including safety concerns, residents' needs, the needs of people with disabilities, and legal advice. Legal advice emphasised the need to comply with the requirements of the Equalities Act 2010 and to ensure that any decision did not discriminate against individuals with disabilities. In particular, it was drawn to the Committee's attention that residents with physical disabilities may be unable to leave their homes and would be more affected by the noise than a person without a physical disability, as they could leave their home to be relieved of the noise. The report proposed limiting noisy works to the hours of 08.00 to 13.00. The Chairman advised Members that the Planning and Transportation Committee had approved the recommendations within the report with the amendment of the hours being changed to 09:00 to 14:00. The Chairman suggested the Port Health and Environmental Services Committee also support this amendment.

A Member stated that he had issues with the statistics provided within the report, an issue which he had previously raised at Committee in 2017. He referred to the 725 responses received to the consultation on this matter, 78% of which were attributable to individuals. He questioned whether these individuals were mostly City workers who would therefore not be affected, for the most part, by proposals on noisy Saturday working. The report went on to state that 21% of all responses were from organisations. If a response was, for example, sent in from one organisation, how could this be classed as representative of the views of all its employees?

The Member went on to argue in favour of option d.ii. – not permitting noisy construction works on Saturdays near residential areas. He also questioned the reference within the report to the potential negative impacts of Saturday noisy working on certain protected groups, suggesting that the response from the City on this point was weak.

The Member explained that the original request to the Committee had been to consider the banning of noisy Saturday working near residential areas. This study had therefore been irrelevantly expanded and should therefore be rejected.

A Member further advised that there is a levy for works, which is paid by construction firms, and the profits are used to monitor behaviours of workers and the impact on the surrounding environment (ie. inappropriate calls to women, spitting, cigarette litter).

A Member expressed concern that regulation enforcement was an issue, even with the current restrictions in place on noisy works, it was difficult to ensure workers adhere to the regulations.

The Director of Port Health and Public Protection advised that enforcement of the relevant rules does take place, however acknowledged that it is not practical to have an officer at every works site to enforce the regulations. Furthermore, some works were necessarily carried out outside of the regulated hours due to the requirements of certain technology.

A Member expressed concern with the Committee's response to the consultation report, stating that the information provided was for their guidance, and Members should not find fault with the consultation process if the result does not bring a desired outcome.

The Member went on to state that the City Corporation should not discourage business in the City with restrictions to construction works, but must continue to encourage business development in order for the City to continue to thrive.

Discussion took place on zoning with Members offering differing opinions, some Members suggested there be specific areas within the City (i.e. largely residential areas) where noisy working on Saturdays be prohibited. However, other Members spoke against creating segregated areas of the City with different regulations. A Member explained that there were zoning policies and democratic arrangements regarding planning and licensing and these should be applied to the City as a whole.

A Member queried whether it was mandatory for vehicles to use beeps when reversing or in movement as this noise was affecting residents at early hours. The Director of Port Health and Public Protection advised they would consult legislation and provide an update to Members.

A Member echoed a previous statement, advising that the City must be able to develop, and although there are areas which are residential, the City must also

encourage growth and development, and should facilitate better consultation between residents and developers. There should be more dialogue and less legislation.

*At this point, a Member requested to adjourn further discussion of this topic to either a later meeting or a special meeting, due to the amount of time which had been spent discussing the item and the need to discuss other items on the agenda. A vote was taken to adjourn further discussion:*

**FOR – 3 votes**

**AGAINST – 15 votes**

*The majority objected to this proposal and the debate carried on.*

Marianne Fredericks spoke as a Member for the Ward of Tower, urging the Committee to consider the needs of residents, workers and businesses, including restaurants and hotels; and asked Members to find the most pragmatic solution that would work for people within the City. A suggestion was made to alert residents to when noisy works would be taking place which would allow them to plan accordingly.

The Chairman asked Members to vote on the recommendations contained within the report before them with the amendment to consider restricting noisy works hours to 09:00 to 14:00

**FOR – 9 votes**

**AGAINST – 5 votes.**

**RESOLVED** – That the Committee:

- a) note the assessment and evidence set out in Appendices 3-6 and 8;
- b) consider the report on the outcome of public consultation set out in Appendix 2; and
- c) 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, decide that standard noisy construction hours arrangements for Saturday mornings in the City of London are changed City wide to 0900 to 1400.

**8. 46TH CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT**

The Committee considered a report of the Director of Markets and Consumer Protection concerning the 46<sup>th</sup> City of London Thames Fishery Research Experiment which details the outcome of the Fishery Research Experiment of Saturday 22 September 2018 on the River Thames in Gravesend.

In response to a Member's query on the involvement of the schools, the Director of Port Health and Public Protection advised that the invitation would be extended to the Academies for the 2019 event.



**RESOLVED** – That the Committee,

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

9. **GARDEN WASTE RECYCLING TRIAL ON THE BARBICAN ESTATE**

The Committee considered a report of the Director of Built Environment concerning the garden waste recycling trial on the Barbican Estate, reporting on the result of the trial which had a low participation from residents and consequently a high cost.

A Member advised that the low participation rate may have been related to poor advertising of the trial, and that the trial was carried out during summer, rather than another time of year when there would be more garden waste.

The Chairman requested a further report at a future meeting following progress with the new cleansing contract. The Director for Built Environment advised that the new contract would start in April 2019, so future reports would reflect the transition from the terminating contract to the new contract.

**RESOLVED** – That the Committee 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. The issue will be revisited as soon as it is 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 to make the provision of a garden waste service more attractive.

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

The Committee received a report from the Director of Markets and Consumer Protection which provided an update on the impact of the UK leaving the EU (Brexit) on Port Health and Public Protection (PH&PP). The report outlined the implications of a 'no-deal' Brexit on the PH&PP and provided an update on representations made by PH&PP to Government and relevant agencies.

The Director of Port Health and Public Protection provided an update on information contained within the report advising that since publication of the papers, the draft agreement had been agreed by the European Union with a vote to take place in Parliament on 11 December 2018 and if this was agreed, the UK would remain part of the customs union for the duration of the implementation period. The Director noted there was continued uncertainty on what deal might be made and officers were continuing to prepare for different scenarios.

In response to a Member's question, the Director of Port Health and Public Protection advised that the throughput at the Ports continued to increase, and as of September 2018, the Port had already exceeded 2017's total level of throughput.

The Director advised that within the City of London Corporation, the Town Clerk has convened a weekly working group with Chief Officers specifically on Brexit and updates would continue to be provided to Committee. The Chairman advised the Committee that subject to Court approval, the Finance Committee had granted a £2M contingency fund to address the financial risks of Brexit.

**RESOLVED** – That the Committee note the report and its contents.

11. **BANKSY ARTWORK - BARBICAN EXHIBITION HALLS**

The Committee received a report of the Director of Built Environment and the Assistant Town Clerk & Culture Mile Director regarding Banksy Artwork at the Barbican Exhibition Halls. The report addresses the two pieces of Banksy artwork which have appeared, how they have been maintained, the public reception, associated reputation risks to the City of London Corporation, and proposes a solution for the medium-term future.

**RESOLVED** – That the Committee note the report and its contents.

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

There were no questions.

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

The Chairman drew the Committee's attention to a recent article in the *Evening Standard* pertaining to the "filthiest" restaurants and boroughs in London with regards to hygiene ratings posted on the doors and asked officers for an update.

The Director of Port Health and Public Protection advised that the City had been omitted from the article, noting that 75% of restaurants within the City have a 5-star rating for hygiene, and only 4% have 2-stars or less. A statement has been sent to the *Evening Standard* from the City of London Corporation.

The Director of Port Health and Public Protection advised that the City of London Corporation supports the Food Standards Agency in making it mandatory for restaurants to display hygiene ratings. This issue will be addressed further once more lobbying has been carried out.

14. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – 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.

Item	Paragraph
15	3, 5, 7
16	3, 4
17	3, 5, 7
18	3
19	3

15. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes and summary of the meeting held on 25 September 2018 were approved as a correct record.

16. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public minutes and summary of the meeting held on 8 November 2018 were approved as a correct record.

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

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

18. **WALBROOK WHARF OFFICES**

The Committee received a report of the Director of Built Environment and Director of Markets and Consumer Protection pertaining to the Walbrook Wharf offices fronting Upper Thames Street.

19. **REPORT OF ACTION TAKEN**

The Committee received a report of the Town Clerk pertaining to decisions taken under urgency powers since the last meeting of the Committee.

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

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

There were no questions.

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

There were no items of urgent business.

**The meeting closed at 12.41 pm**

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Chairman

**Contact Officer: Sacha Than**  
**tel. no.: 020 7332 3419**  
**sacha.than@cityoflondon.gov.uk**

## 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	<p>An interim progress report was provided to the September 2018 committee detailing the work carried out to date and a timetable for the next steps.</p> <p>A report summarising the draft recommendations following measurements and investigations has been produced and LUL are in the process of considering these with a detailed response expected by 11<sup>th</sup> January. A substantive report will be presented to your January meeting.</p> <p>A track walk is scheduled for the 31<sup>st</sup> January 2019.</p>
2.	19 September 2017	<b>Electric Vehicle Charging</b>	Director of Transportation and Public Realm	TBC	<p>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 was due to commence 19th November. This also included power connection and the anticipated installation date for the charging unit was the 5th December, with a potential go live date from the week commencing 10th December.</p> <p>However, officers were informed that TfL have rearranged the installation date for the Noble Street to January.</p> <p>Officers have requested to know the reasons behind this along with a request for a specific date.</p>

					<p>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.</p> <p>The Director of Transportation and Public Realm agreed to circulate further information on the costs of the charging points and number needed. This was done on 11 December 2018.</p>
3.	21 November 2017	<b>S.101 Agreements</b>	Director of Port Health and Public Protection	Ongoing	<p>To combat illegal street trading, the Committee gave authorisation for the City of London Corporation to enter into a S.101 Agreement with the London Borough of Southwark. Members further agreed that officers could enter into a S.101 Agreement with Tower Hamlets and an agreement was negotiated which will be presented to Tower Hamlets Cabinet meeting on the 7<sup>th</sup> February. In June 2018 Members were informed that an agreement had been reached and signed with Southwark.</p> <p>Enforcement is underway on all City bridges where officers have been authorised.</p>
4.	16 July 2018	<b>Water Refill Points</b>	Director of Transportation and Public Realm	TBC	<p>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.</p> <p>The eight locations were recommended for delivery as part of this first phase of the project.</p> <p>Additional fountains, beyond those agreed for the first</p>

					<p>phase, will require approval of a new high-level business case and funding allocation. We will be exploring options going forward and update the committee as part of the considerations.</p> <p>All the existing fountains, except for Carter Lane, are metered and the readings are being collated and will be shared with the committee as soon as the information is available. Metering of the Carter Lane fountain is the subject of on-going discussions with Thames Water.</p>
5.	27 November 2018	<b>Garden Waste Recycling</b>	Director of the Built Environment	TBC	The Chairman requested a report on Garden Waste Recycling at a future meeting following progress with the new cleansing contract.
6.	27 November 2018	<b>Bloomberg litter monitoring</b>	The Director of Cleansing	Ongoing	<p>04.01.19 - Officers are seeking to arrange further meeting with representative from Bloomberg following the initial meeting reported at the last meeting of the committee.</p> <p>Officers continue to monitor the area and have found no issues of concern.</p>
7.	27 November 2018	<b>Modern Slavery</b>	The Chamberlain	TBC	Members requested that the Chamberlain clarify if the City of London Corporation has the power to revoke procurements if it was found that modern slavery was present in the supply chain.
8.	27 November 2018	<b>Vehicle alarms</b>	Director of Port Health and Public Protection	Resolved	<p>A Member queried whether it was mandatory for vehicles to use beeps when reversing or in movement as this noise was affecting residents at early hours.</p> <p>An update was sent to all Members of the Committee in response to this query on 4 January 2019</p>

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee	15 January 2019
<b>Subject:</b> Terms of Reference Review	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report author:</b> Sacha Than, Town Clerk's Department	

## Summary

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

The terms of reference of the Port Health and Environmental Services Committee are attached at Appendix A to this report for your consideration. If approved, it is proposed that any subsequent changes to the Committee's terms of reference required in the lead up to the Court's appointment of Committees in April 2019 be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

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

## Recommendations

It is recommended that:

- the terms of reference of the Committee, subject to any comments, be approved for submission to the Court in April 2019;
- Any subsequent changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and
- Members consider whether any change is required to the frequency of the Committee's meetings.

## Appendices

- Appendix A – Terms of Reference

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

To be responsible for:-

- (a) all the City of London Corporation's environmental health, port health, animal health, consumer protection, licensing (with the exception of those which are in the province of another Committee), public conveniences, street cleansing, refuse collection and disposal, the street trading enforcement functions in the London Local Authorities Act 1990 including any decision as to whether the s.101 arrangements should be discontinued, and cemetery and crematorium functions;
- (b) the implementation of those sections of any Acts of Parliament and/or European legislation which direct that the local authority take action in respect of those duties listed at (a) above;
- (c) the appointment of the Director of the Built Environment (acting jointly with the Planning & Transportation Committee);
- (d) the appointment of the Director of the Markets and Consumer Protection (acting jointly with the Markets and Licensing Committees);
- (e) the appointment of the Director of Open Spaces (acting jointly with the Open Spaces & City Gardens Committee);
- (f) determining any appeals against a decision not to grant City premises a licence under the provisions of the Marriage Act 1994 and the City of London (Approved Premises for Marriage) Act 1996 to conduct civil marriage ceremonies;
- (g) the appointment of the City of London Coroner;
- (h) the Signor Pasquale Favale Bequest (registered charity no. 206949);

<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Services Committee – For Information	15012019
<b>Subject:</b> Department of the Built Environment Risk Management – Periodic Report	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Richard Steele	

## Summary

This report has been produced to provide the Port Health and Environmental Services Committee with assurance that risk management procedures in place within the Department of the Built Environment are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

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

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

There is no Corporate Risk managed by the Department of the Built Environment. No new Departmental risks have been identified. The Departmental Risks are listed at Annex 2.

The Departmental Key Risk (DBE- TP-01 - Road Traffic Collision caused by City of London staff or contractor who is unfit to drive while on City business) continues to be assessed as Unlikely.

## Recommendation

Members are asked to:

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

## Main Report

### Background

1. The Risk Management Framework of the City of London Corporation requires each Chief Officer to report regularly to Committee the risks faced in their department.
2. Risk Management is a standing item at the Senior Leadership Team meetings.

3. Risk owners are consulted and risks are reviewed between SLT meetings with the updates recorded in the corporate (Pentana Performance, formerly Covalent) system.
4. Each risk managed by the Department of the Built Environment is allocated to either the Planning & Transportation Committee or the Port Health & Environmental Services Committees. **This report only considers risks managed by the Department of the Built Environment that fall within the remit of the Port Health & Environmental Services Committee.**

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

### **Current Position**

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

### **Risk Management Process**

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

Changes to risks were, historically, reported to Members as part of the Business Plan report. Members now receive this report quarterly<sup>1</sup> in accordance with the Corporate Risk Management Strategy.

9. All significant risks (including Health & Safety risks) identified by the Department are managed through the Corporate Risk Management System.
10. Members will notice that some risks reported are already at the Target Risk Rating & Score and are only subject to Business As Usual actions. These risks are included in accordance with the Corporate Guidance "Reporting Risk Information to Grand Committees" to assist this committee to fulfil the role of Service Committees (as defined in the Corporate Risk Management Strategy) to

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

“Oversee the significant risks faced by the Departments in the delivery of their service responsibilities.” The annual target date for Business As Usual actions, and risks where we are at Target Risk, will be updated prior to the next report.

### **Significant Risk Changes**

11. Following approval of the contract award by the Court of Common Council the “Cleansing & Waste Contract – Commercial” risk (DBE-TP-12) has been closed.
12. It **may** be that following Contract Award the “Cleansing & Waste Contract – Procurement Timings” risk (DBE-TP-13) will be closed and a new risk targeted on contract mobilisation created.

### **Identification of New Risks**

13. New risks may be identified at the quarterly review of all risk; through Risk reviews at the Department Management Team; or by a Director as part of their ongoing business management.
14. An initial assessment of all new risks is undertaken to determine the level of risk (Red, Amber or Green). Red and Amber risks will be the subject of an immediate full assessment with Red risks being report to the Department Management Team. Green risks will be included in the next review cycle.
15. No new departmental risks have been identified since the last report to Members.

### **Summary of Key Risks**

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

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

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

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

Over 96% (up from 93% at the last report) of City of London staff have now completed Driver Check (the Training Needs Analysis). Completion has improved from “patchy” to good with the lowest performing Department has an overall compliance of 87.9% (up from 67.7% at the last report).

Completion of the Corporate Transport Policy online training course by drivers and their managers (as identified by Driver Check) is over 98.0% (up from 96.6% at the last report).

Overall compliance with both Driver Check and the online training course is now at 95.1% (a very significant increase from 91.2% at the last report). The Business as usual compliance target is 92.5%. It should be noted that, in the

immediate aftermath of the mass registration for City Learning following the need to complete GDPR training, this key measure fell as low as 87% and this improvement is due in no small part to the work of the Transport Technical Support Officer.

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

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

There are currently 658 drivers registered on DAVIS (92% of the 715 who are identified as drivers through Driver Check). Of these there are 618 (94%) for whom licence checks have been carried out.

Work is ongoing to match Driver Check and DAVIS records to increase compliance with driving licence checks.

## **Conclusion**

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

## **Appendices**

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

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

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

### (A) Likelihood criteria

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

### (B) Impact criteria

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

### (C) Risk scoring grid

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

### (D) Risk score definitions

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

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

Contact the Corporate Risk Advisor for further information. Ext 1297

October 2015

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## APPENDIX 2

Generated on: 20 December 2018

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Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
DBE-TP-01c Business As	Monitor the percentage of City of London staff who have completed Driver Check and ensure that it	96.7% of City of London staff have completed Driver Check and over 98.0% of staff who have been identified, through Driver Check, as drivers (or managers of drivers) have completed the	Jim Graham	20-Dec- 2018	31-Dec- 2019

Usual Mitigation	<p>remains above 92.5%</p> <p>Monitor the percentage of City of London staff who have been identified, through Driver Check, as drivers (or managers of drivers) who have completed the Corporate Transport Policy online training course and ensure that it remains above 92.5%.</p> <p>Monitor overall completion rates for both driver check and the online training course and ensure that it remains above 92.5%.</p> <p>Monitor the collection and periodic monitoring of driver licence details (and, in the case of grey fleet drivers, vehicle details).</p>	<p>Corporate Transport Policy online training course. The overall compliance is now over 95.1%.</p> <p>The BAU (business as usual) target for overall compliance remains at 92.5%.</p> <p>The improvement in overall compliance compared with September (when it was below the target at 91.2%) is very positive. This indicates that the work by the Transport Technical Support Officer is effective in improving compliance and it is hoped that the BAU compliance target will continue to be exceeded.</p>			
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29-Dec-2017  
5  
Jim Graham

Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
DBE-TP-13c Member involvement in the decision making process	In order to ensure that Members are able to make an award decision in a timely manner there will need to be regular briefings by the Director of the Built Environment to the Chairman and Deputy Chairman of the relevant committees.	Members involved throughout the process. The contract Award has been approved by the Court of Common Council. [Action Completed]	Carolyn Dwyer	17-Dec-2018	31-Dec-2018

DBE-TP-13d Minimisation of likelihood of legal challenge (1)	In order to minimise the likelihood of a legal challenge representatives of Procurement and C&CS will be present at all "competitive dialogue" meetings with bidders and a full record of these meetings will be kept. Procurement will be the conduit for ALL other communications during the tender process.	No challenge was received. The contract Award has been approved by the Court of Common Council. [Action Completed]	Zahur Khan	17-Dec-2018	31-Dec-2018
DBE-TP-13f Mobilisation - Vehicles & Plant	In order to ensure that vehicles and plant are available at start of contract, the bidders will, at competitive dialogue stage, be required to provide details of procurement/hire/other to demonstrate how they would have vehicles/plant on day 1 of the contract.	Transitional provision of ULEZ compliant vehicles will initially be provided by the contractor via the hire market pending the introduction of permanent vehicles in June 2019.	Zahur Khan	17-Dec-2018	05-Apr-2019

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>DBE-TP-07 A major incident, such as flooding or fire, makes Walbrook Wharf unusable as a depot</b> 27-Mar-2015 Zahur Khan	Cause: A major incident, such as flooding or fire Event: Walbrook Wharf unusable as a depot Impact: Unable to clean streets; collect waste or maintain City of London Police vehicles. City of London unable to meet its contractual arrangements with third parties who use the depot for their commercial purposes.	 Likelihood	4	Due to early contract termination the proposed Q1 2018 exercise was cancelled. Business continuity has been assessed through the procurement dialogue for the new contract and an exercise will be conducted with the new contractor Q3 2019. The new contract commences Q2 2019.  <b>29 Aug 2018</b>	 Likelihood	4	31-Dec-2019	 Constant

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Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
DBE-TP-07a Business Continuity exercise	Conduct annual DBE business continuity exercise	Due to early contract termination the proposed Q1 2018 exercise was cancelled. Business continuity has been assessed through the procurement dialogue for the new contract and an exercise will be conducted with the new contractor Q3 2019. The new contract commences Q2 2019.	Zahur Khan	29-Aug-2018	30-Sep-2019

Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
DBE-TP-12a Effective Procurement Process	This project has very strong support from City Procurement to ensure that the tender process is robust.	The procurement process were robust and no challenge was received,	Zahur Khan	17-Dec- 2018	31-Mar- 2019
DBE-TP-12b Appropriate Contract Scope & Specification	Additional experience and capacity has been recruited to support the process of determining the contract scope & specification (including the creation of a draft Contract Manual).	The final specification was updated following dialogue and reissued and will form the basis for the service provision.	Jim Graham	17-Dec- 2018	31-Mar- 2019

<b>Committee(s):</b> Port Health and Environmental Services – For Information	<b>Date:</b> 15 January 2019
<b>Subject:</b> Litter Intervention Trial	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Jim Graham – Assistant Director Cleansing	

## Summary

In January and February 2019, the Cleansing Service will be participating in an innovative litter intervention trial in partnership with Keep Britain Tidy. This campaign will focus on ‘careful littering’ which has a significant impact on our street environment and is when people place litter in a spot or on a ledge rather than take it away with them or place it in a bin. The campaign will use mirrored posters in three areas with ledges and surfaces that are prone to ‘careful littering’. The idea is that this will ‘help’ people see that they are in-fact littering when placing an item carefully and that littering can have a negative impact on their image as well as our street environment.

The three areas will be monitored during January and February and a full report will be produced detailing the outcome of the trial. If the trial is successful it may be considered for a wider campaign across the Square Mile late in 2019. Keep Britain Tidy will also produce a full case study for sharing with other local authorities and land managers.

## Recommendation

Members are asked to:

- Note the report.

## Main Report

### Background

1. The City of London Corporation Cleansing Service has had a longstanding successful relationship with Keep Britain Tidy, in recent years partnering on high profile anti-litter campaigns such as ‘No Small Problem’ focussing on cigarette litter and ‘Bin It Your Way’ aimed at chewing gum litter in addition to the City’s highly acclaimed “No Ifs, No Butts” campaign.
2. Keep Britain Tidy have received funding from DEFRA to trial innovative anti-littering interventions and approached the Corporation to work together on designing and trialling a campaign to tackle specific types of litter.

## **Current Position**

3. The campaign will focus on 'careful littering' where people place litter in a spot or on a ledge, rather than throwing it onto the floor, these people tend to perceive they are not littering by carefully placing an item and leaving it behind. There is strong evidence litter placement is most prevalent in areas of high footfall such as outside train stations, shops and licenced premises and that this issue has a significant impact on the City's street environment. Items that are mostly commonly observed to be carefully placed are newspapers, cigarette packets, coffee cups, drinks bottles, beer glasses and cans.
4. In an age of social media, smart phone and "selfies", image seems to be everything. This idea will be used to help people see that they are in-fact littering when placing an item carefully and leaving it behind and that littering can have a negative impact of what people think of them. Using reflective posters / mirrors in the campaign will enable the image of that person to be 'reflected back' with messaging focused on 'what would your friends think', 'what do people think of you' etc. This messaging has been tested before by Keep Britain Tidy to tackle blatant littering, but never to highlight that discarding of an item anywhere other than a bin is littering. The use of the reflective posters / mirrors are the intervention which would aim to change people's behaviours. A concept of the materials to be used in the campaign is included as Appendix 1.
5. The campaign will be targeted at identified key 'litter placement' hotspots, with a view that people would then catch themselves in the 'frame' as they carried out the activity and would choose not to litter, thus raising awareness that they are still littering. These hotspots will be Moorgate (outside Metropolitan University), Royal Exchange, and Cheapside (near St Pauls Station).
6. The use of mirrored material within the campaign, putting the individual in the frame, is the first of its kind and the project is innovative as, to our knowledge, it is the first anti-littering campaign focused on litter that is carefully placed.

## **Proposals**

7. The intervention will commence in mid-January with two weeks daily monitoring at the three sites to understand the baseline littering levels for the sites. The reflective posters / mirrors will then be installed and litter levels monitored for another two weeks to assess their impact.

## **Corporate & Strategic Implications**

8. This litter intervention project supports outcomes 11 and 12 of the Corporate Plan, ensuring "We have clean air, land and water and a thriving and sustainable natural environment" and that "Our spaces are secure, resilient and well maintained."



## **Implications**

9. The costs for production of the materials are being covered by Keep Britain Tidy. The monitoring of the sites will be covered by current staff resources.

## **Conclusion**

10. The Cleansing Division, working with Keep Britain Tidy, will trial a new concept of litter intervention using reflective material to deal with 'careful littering' where people place litter in a spot or on a ledge and walk away. This will be carried out during January and February 2019 at three sites across the City.

## **Appendices**

- Appendix 1 – Litter Intervention Materials Concepts.

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**Mirror, mirror,  
on the wall**

**Litter left  
here reflects  
badly on us all**

**Find a bin,  
put your rubbish in.**







<b>Committee(s)</b>	<b>Dated:</b>
Summit Group	26/09/18
Policy and Resources Committee – for decision	15/11/18
Planning and Transportation Committee – for information	20/11/18
<b>Subject:</b> City Corporation's Proposed Approach to Carbon Offsetting	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer – Director of the Built Environment	<b>For information</b>
<b>Report author:</b> Janet Laban - Department of the Built Environment	

## Summary

The Corporate Plan commits the City to “Provide a clean environment and drive down the negative effects of our own activities” as part of a longer term aim to move to a Zero Carbon Emissions City. Development within the City provides opportunities for carbon emission reductions in new buildings or off-setting contributions where this is impractical on-site. The purpose of this report is to set out the City Corporation's approach to the collection and allocation of carbon offsetting contributions associated with development in the City, which will assist in the move to a Zero Emissions City.

The London Plan and the City's Local Plan set targets for carbon emission reduction through development relative to Building Regulations requirements. A carbon offsetting contribution is payable where development is unable to meet these carbon emission reduction targets on site. It is estimated that through carbon offsetting more than £2.3 million will be available over 5 -7 years on completion of developments that have already been granted planning permission. Contributions are likely to increase due to tightening of the London Plan policy from 2019 when all development will need to be zero carbon. The current cost of carbon is set at £60 per tonne and will increase to £95 per tonne in 2019 in line with draft London Plan recommendations.

Carbon offset funds received will be used to deliver reductions in carbon emissions from retrofitting measures in publicly owned operational buildings (i.e. excluding “investment properties”) where those measures provide additional carbon emission reductions that would not otherwise be achieved. The range of projects is identified in Appendix 3. Project approval will be through the Corporate Projects procedure. Funds will be pooled and ring fenced for carbon reduction projects as defined in the Planning Obligations Supplementary Planning Document (SPD). The Built Environment Department will oversee administration, evaluation and monitoring of carbon-offsetting contributions. The City Surveyors' Energy Team will manage implementation of carbon reduction projects.



## **Recommendations**

Members are recommended to

- Approve the proposed approach to carbon offsetting for the City.

## **Main Report**

### **Background**

1. Buildings are responsible for over 76% of the carbon emissions within London<sup>1</sup> with commercial buildings responsible for most emissions in the City<sup>2</sup>.
2. Redevelopment presents an opportunity to improve the energy and carbon performance of individual buildings and the City as a whole. Adopted planning policies in the London Plan and City of London Local Plan aim to secure carbon reduction, moving towards zero carbon buildings from 2019.
3. For new development, where developers are unable to meet London Plan carbon reduction targets on-site, the shortfall can be accounted for through a carbon offsetting financial contribution to the relevant borough which is secured through a S106 agreement.
4. The City Corporation has set up a “Carbon Fund” to receive offsetting payments. The London Plan requires that offsetting payments must be ring fenced to implement carbon reduction projects elsewhere. The Mayor of London’s Sustainable Design and Construction Supplementary Planning Guidance states that “it is essential that boroughs identify a suitable range of projects that can be funded through the carbon dioxide off-set fund” (paragraph 2.5.18) and that “preference should be given to retrofitting publicly owned property as this would provide wider community benefit” (paragraph 2.5.19)

### **Current Position**

5. The City of London Local Plan requires carbon offsetting contributions on major development, where the energy strategy shows that the development will be unable to meet the London Plan carbon targets. The London Plan requires residential development to be zero carbon and non-domestic development to achieve a 35% improvement over the current Building Regulations Part L requirements. Any shortfall is offset through a financial contribution which is secured through a S106 agreement and is payable to the local authority. In the City, this payment is due on completion of the development.
6. The carbon offsetting contribution is set to increase due to the adopted London Plan requirement for all development (residential and non-residential) to meet zero carbon standards from 2019. In addition, the GLA’s proposed cost of carbon is set to rise from £60 per tonne to £95 per tonne from 2019 when the draft London Plan is adopted. Viability testing of the draft London Plan indicates that

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<sup>1</sup> [https://www.london.gov.uk/sites/default/files/london\\_environment\\_strategy.pdf](https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf)

<sup>2</sup> <https://www.cityoflondon.gov.uk/services/environment-and-planning/sustainability/Documents/zero-emissions-city-2018.pdf>

zero carbon requirements would not impact adversely on the viability of development.

7. The carbon offsetting contribution is calculated using the following formula:

$$\text{Carbon Off Set Contribution} = (T - R) \times Y \times Z$$

Where:

T is the target reduction in carbon dioxide emissions (tonnes CO<sub>2</sub>)

R is the actual reduction in carbon dioxide emissions (tonnes CO<sub>2</sub>)

Y is the number of years for which the contribution is payable, being 30 years

Z is the cost of carbon per tonne taken from the Mayor's Sustainable Design & Construction SPG (paragraph 2.5.12) being £60 per tonne of carbon dioxide

Further detail on the policy requirements for carbon offsetting and an example calculation is detailed in Appendix 1.

8. Several carbon offsetting agreements are already in place with an estimated total income of £ 2.3 million projected from developments in the pipeline. Over £1million is projected by 2020 from developments that are already under construction. The remainder will be paid on completion of development up to 2023. Appendix 2 shows the projected carbon offsetting contributions from the development pipeline.

## Options

9. In managing the carbon offsetting process there are several options which will influence the effectiveness of the fund in reducing the City's building-related carbon emissions. These include variation in the price of carbon, whether carbon equivalence is required for offsetting projects, types of carbon reduction projects eligible for funding and project sponsors. Different options for governance, allocation, administration and monitoring of the carbon offsetting fund have also been considered. The preferred approach is outlined below:
10. **Carbon price per tonne.** The price per tonne of carbon must be set at a rate that will not adversely affect the viability of development whilst providing sufficient funding for carbon reduction projects. Setting too low a price would risk developers opting to pay rather than improve carbon performance on site and might not provide sufficient funds for effective carbon reduction elsewhere.
11. The City's current carbon price of £60 per tonne is expected to rise in line with proposals in the draft New London Plan to £95 per tonne in 2019. This figure has been subject to viability testing as part of the London Plan review and found not to adversely impact on the viability of development London-wide.

12. **Carbon equivalence.** The London Plan requires that the carbon offsetting contribution must be ring fenced to deliver carbon reduction elsewhere. There is no requirement to deliver equivalent carbon savings to offset the development's shortfall over a 30-year period (known as carbon equivalence).
13. The City's Carbon Fund will be used for a range of projects without guaranteeing carbon equivalence. However, projects with the highest rate of carbon reduction per pound spent will be prioritised.
14. **Building related projects or wider project base.** Carbon reduction projects funded through financial contributions must provide additionality (emissions reductions that would not have occurred in the absence of the contribution). LED street lighting, tree planting, electric charging points and improvements in the energy efficiency of buildings are all project options. To minimise the City's total emissions from its building stock, building related projects should be prioritised. Building related carbon emissions are reflected in national statistics<sup>3</sup> whereas carbon reduction for other sources is not.
15. The City Carbon Fund will focus on carbon reduction projects in the City Corporation's operational buildings thus reducing the City's total building related carbon emissions.
16. **Project sponsor** – in administering the carbon offset fund the City Corporation could consider bids for funding from a range of different organisations, public, private and third sector. The administrative costs associated with processing bids and ensuring compliance with regulatory requirements would be disproportionate to the levels of funding available in the initial phase. Funding bids from other organisations may be considered in the future. A review of carbon offsetting approaches across all London Boroughs carried out for the GLA<sup>4</sup> found that at the time of the review only 7 boroughs had spent any offsetting funds on projects. Of those boroughs that identified projects the majority listed public or community buildings. This is consistent with advice in the Mayor of London's Sustainable Design and Construction Supplementary Guidance that preference should be given to publicly owned property where wider community benefit can be achieved. It is important to ensure that the funds can be spent as efficiently as possible to avoid disproportionate administration costs and to ensure that they do not have to be repaid under the S.106 Agreement terms
17. Therefore, the City Carbon Fund will initially be spent on carbon reduction projects for City Corporation owned operational buildings.
18. **Funding allocation** Analysis shows that carbon offsetting contributions could yield up to £2.3 million on completion of developments which are currently in the planning pipeline. This level of contributions is likely to increase from 2019. Allocation of this funding must follow an open and transparent process.

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<sup>3</sup><https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-2016>

<sup>4</sup> [National Energy Foundation "Review of Carbon Offsetting Approaches in London" 1 June 2016](#)



19. The City Carbon Fund will be used for carbon reduction projects on City Corporation owned properties (excluding investment properties) where the widest community benefit can be achieved and where measures will deliver carbon reductions additional to those which could otherwise be achieved. The projects will be proposed by the City Surveyor's Corporate Energy Team, within the range identified in Appendix 3, with a capital spend of over £50,000, and considered through the Corporate Projects procedure. The focus on buildings in the City accords with Mayoral advice and will bring local benefits that will be recognised in national monitoring programmes which are published at local authority level associated with residential, commercial and transport carbon emissions. In addition, the City Corporation will continue to address climate change issues in other ways such as its management of open spaces and trees which absorb carbon.
20. **Administration, evaluation and monitoring.** The administration, evaluation and financial and carbon monitoring for the City's Carbon Fund will require additional resource. Administration costs are required from developers to cover the costs incurred in drawing up s106 obligations and monitoring costs are secured for the review of submitted documents. These funds would cover planning officer's administration and monitoring of the City Carbon Fund including publication of an annual monitoring report. Monies will be drawn on as additional duties emerge and periodically reviewed. Project evaluation and implementation costs will be included in the project proposal.
21. The City's building and transport related carbon emissions are published annually by BEIS at local authority level. The use of carbon offsetting funds to benefit the carbon performance of local building stock will be reflected in this Government monitoring. Other options which focus on projects outside the City or non-building related projects such as additional tree planting would also bring benefits, but these would not be reflected in such monitoring. This report therefore proposes that building related projects within the City are prioritised, thereby reinforcing the drive to a more energy resilient, low carbon City. This is in line with the Mayor's Sustainable Design and Construction Supplementary Planning Guidance which states that in spending the carbon offsetting fund "Preference should be given to retrofitting publicly owned property as this would provide wider community benefit."
22. Annual reviews will evaluate the effectiveness of this approach. As the level of funding available through the City Carbon Fund increases this approach will be reassessed to consider a wider range of sponsors and projects.

## **Proposals**

23. Carbon offsetting provides an opportunity to accelerate the City's progress towards achieving zero carbon and becoming a Zero Emissions City, through suitable investment in carbon reduction projects in the City's buildings. The preferred options outlined in the previous section provide the basis for management of this source of funding to deliver the most effective contribution to carbon reduction in the City.

24. Where major development cannot meet London Plan or City Local Plan carbon reduction targets on-site, contributions to the City Carbon Fund will be secured through S106 agreements. Contributions to the City Carbon Fund will be pooled and ringfenced for carbon reduction projects which improve the carbon performance of publicly owned buildings within the range identified at Appendix 3. Approval of suitable projects will be through the Corporate Projects Gateway Approvals process and monitoring will ensure that the City Carbon Fund is appropriately managed, contributing to the City's pathway to zero carbon.

## **Corporate & Strategic Implications**

25. The Corporate Plan 2018-23 includes the aspiration to positively impact people and the environment by championing responsible practices to improve economic, social and environmental outcomes. This proposal will improve the environmental outcomes for the City and has the potential to improve social outcomes depending on the nature of the projects funded.
26. The City of London Responsible Business Strategy commits the City to implementation of a carbon offsetting scheme to invest in carbon reduction projects through the City Carbon Fund.

## **Implications**

27. Carbon offsetting provides a new funding source for carbon reduction projects but will need to be managed effectively and transparently.
28. Under current London Plan policy and carbon price (£60) the City Carbon Fund is set to receive £2.3 million on completion of developments that are already in the planning pipeline. The carbon price is set to rise to £95 per tonne in 2019.
29. The draft London Plan proposes that all developments should be zero carbon from 2019. This compares with the current requirement for a 35% reduction in carbon emissions compared with the 2013 Building Regulations. Under current policy a development with a 31% reduction (a 4% shortfall) would have to make a carbon offsetting payment of £14,500; under a zero-carbon requirement, this payment would increase to £234,000. Viability testing of the draft London Plan indicates that zero carbon requirements would not impact adversely on the viability of development.
30. The City Carbon Fund will initially be relatively small, it could potentially provide substantial funding for carbon reduction projects in the City in future years.

## **Health Implications**

31. The proposals outlined in this report do not have immediate health implications however failure to reduce global carbon emissions could have catastrophic health consequences for some parts of the world. The implementation of this report will assist in the move to a Zero Emissions City.

## **Conclusion**

32. Carbon targets and carbon offsetting provide a means of accelerating carbon reduction through development in the City. This report outlines the City Corporation's proposed approach to carbon offsetting, sets out the parameters for the allocation of funds and the implementation of carbon reduction projects and proposes a governance structure for this funding stream.

## **Appendices**

- Appendix 1 – Policy background and carbon offsetting calculations
- Appendix 2 – Development pipeline-estimated carbon offsetting contributions
- Appendix 3 - Indicative list of carbon reduction projects

### **Janet Laban**

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## Appendix 1 Policy background and example carbon offsetting calculations

### 1) Policy Background

#### 1.1 London Plan

The carbon targets to which offsetting applies derive from the London Plan 2016

London Plan Policy 5.2 - Minimising carbon dioxide emissions

Planning decisions

A. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

B. The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019

#### Residential buildings:

Year	Improvement on 2010 Building Regulations
2010 – 2013	25 per cent (Code for Sustainable Homes level 4)
2013 – 2016	40 per cent
2016 – 2031	Zero carbon

#### Non-domestic buildings:

Year	Improvement on 2010 Building Regulations
2010 – 2013	25 per cent
2013 – 2016	40 per cent
2016 – 2019	As per building regulations requirements
2019 – 2031	Zero carbon

C. Major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy

D. As a minimum, energy assessments should include the following details:

- a) calculation of the energy demand and carbon dioxide emissions covered by the Building Regulations and, separately, the energy demand and carbon dioxide emissions from any other part of the development, including plant or equipment, that are not covered by the Building Regulations (see paragraph 5.22) at each stage of the energy hierarchy
- b) proposals to reduce carbon dioxide emissions through the energy efficient design of the site, buildings and services
- c) proposals to further reduce carbon dioxide emissions through the use of decentralised energy where feasible, such as district heating and cooling and combined heat and power (CHP)
- d) proposals to further reduce carbon dioxide emissions through the use of on-site renewable energy technologies.

E. The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.

These targets are enforced through planning obligations, on a borough by borough basis, and the most common clause in the City's present S106 agreements is the 35% improvement on the 2013 Part L Building Regulations (which is broadly equivalent to a 40% reduction on the 2010 Part L Building Regulations – see Mayor's Sustainable Design & Construction SPG).

The London Plan is under review with the draft New London Plan Policy SI2 *Minimising Greenhouse Gas Emissions* continuing with the requirement for all major development to be zero carbon.

## **1.2 City of London Local Plan 2015**

The City Local Plan reiterates the requirement to offset carbon emissions where carbon targets cannot be met on site.

### **Policy DM 15.2 Energy and CO<sub>2</sub> emissions assessments**

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
  - energy efficiency – showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
  - carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
  - where on-site carbon emission reduction is unviable, offsetting of residual CO<sub>2</sub> emissions through 'allowable solutions' for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
  - anticipated residual power loads and routes for supply.

## **2) Example Carbon Offsetting S106 agreement**

Where carbon offsetting is required this is secured through S106 agreement. An example S106 carbon offsetting clause is included below:

### **CARBON OFF-SETTING**

**1**        *The Developer shall:*

*1.1 pay the Carbon Off-set Contribution (as specified in paragraph 1.2 of this Schedule 3) calculated in accordance with the following formula:*

*Carbon Off-set Contribution = (T – R) x Y x Z*

*Where T is the target reduction (“the Target Reduction”) in the amount of carbon dioxide (expressed in tonnes) which reflects 35% of the New Build / Development’s annual carbon dioxide emissions if constructed in accordance with the 2013 Building Regulations*

*R is the reduction in the amount of carbon dioxide (expressed in tonnes) which reflects the reduction in the Development’s annual carbon dioxide emissions (when compared to the annual carbon dioxide emissions if constructed in accordance with the Building Regulations) which it is calculated will be achieved by the implementation of carbon reduction measures as determined by reference to the Energy Statement submitted to the City Corporation pursuant to the Application OR (in the event that a subsequent revised assessment of carbon dioxide emissions of the completed New Build / Development is provided pursuant to paragraph 1.2) by reference to that subsequent revised assessment*

*Y is the number of years for which the contribution is payable, being 30 years*

*Z is the cost of carbon per tonne taken from the Mayor’s draft Sustainable Design & Construction SPG (paragraph 2.4.39) being £60 per tonne of carbon dioxide*

*and provided that the Carbon Off-set Contribution may be zero (or if negative shall be deemed to be zero).*

*1.2 Following the Completion Date but prior to Occupation the Developer shall confirm that the Energy Statement has been implemented and submit to the City Corporation an assessment of the carbon dioxide emissions of the completed Development so as to calculate the reduction in the amount of carbon dioxide (expressed in tonnes) which reflects the Development’s annual carbon dioxide emissions which it is calculated will be achieved by the implementation of carbon reduction measures (“R” in the formula in paragraph 1.1).*

*1.3 In the event of a shortfall in the Target Reduction, the Developer will calculate the amount of Carbon Off-set Contribution referable to the said shortfall in accordance with the formula in paragraph 1.2 and shall pay the Carbon Off Set Contribution as follows:*

*1.4 to the City Corporation to be paid into the City of London Carbon Off-set Scheme no later than eight (8) weeks following Completion of the Development (as notified to the City Corporation pursuant to clause 17.5); or*

*11.5 evidence that the payment has been made shall be provided to the City Corporation within eight (8) weeks of the payment being made.*

### 3) Example Calculation of the Carbon Offsetting contribution

The City Corporation has set up a carbon offsetting payment calculator to use a BRUKL report, submitted on completion of the development, to discharge the carbon offsetting obligation. This is the easiest and most straightforward way to check how much carbon is required to be offset.

	A	B	C	D
1	<b>Carbon Offsetting Payment Calculator</b>			
2	BRUKL Report:			
3	Application Ref:			
4	Date of report (as designed):			
5	Date of report (as constructed):			
6				
7	Actual Area (m2)			
8	Target CO2 emission rate (TER) kgCO2/m2.annum			
9	Building CO2 emission rate(BER) kgCO2/m2. annum)			
10	Target Reduction	35%		
11				
12	Emissions Baseline as per Part L 2013 Building Regulations	-	tonnes CO2 per annum	
13	Target Emissions Reduction	-	tonnes CO2 per annum	
14	Actual Emissions Reduction	-	tonnes CO2 per annum	
15	Carbon Surplus/Shortfall	-	tonnes CO2 per annum	
16	Overall Reduction	#DIV/0!		
17	Shortfall/surplus	#DIV/0!		
18	Carbon Offsetting Contribution	£	-	
19				

#### BRUKL Output Document HM Government Compliance with England Building Regulations Part L 2013

Project name

**15 Bishopsgate**

As designed

Date: Mon Dec 08 21:25:11 2014

#### Administrative information

##### Building Details

Address: .

##### Certification tool

Calculation engine: TAS

Calculation engine version: "v9.3"

Interface to calculation engine: TAS

Interface to calculation engine version: v9.3

BRUKL compliance check version: v5.2.d.2

##### Owner Details

Name:

Telephone number:

Address: .

##### Certifier details

Name: Mautasimuddin Altamash Mohammed

Telephone number:

Address: .

#### Criterion 1: The calculated CO<sub>2</sub> emission rate for the building should not exceed the target

CO <sub>2</sub> emission rate from the notional building, kgCO <sub>2</sub> /m <sup>2</sup> .annum	23.6
Target CO <sub>2</sub> emission rate (TER), kgCO <sub>2</sub> /m <sup>2</sup> .annum	23.6
Building CO <sub>2</sub> emission rate (BER), kgCO <sub>2</sub> /m <sup>2</sup> .annum	16.3
Are emissions from the building less than or equal to the target?	BER <= TER
Are as built details the same as used in the BER calculations?	Separate submission



The floor area (m2) can be found in the technical data section of the BRUKL report.

Technical Data Sheet (Actual vs. Notional Building)			
Building Global Parameters			Building Use
	Actual	Notional	% Area Building Type
Area [m <sup>2</sup> ]	8326	8326	8 A1/A2 Retail/Financial and Professional services
External area [m <sup>2</sup> ]	6443	6443	A3/A4/A5 Restaurants and Cafes/Drinking Est./Takeaways
Weather	LON	LON	92 B1 Offices and Workshop businesses
Infiltration [m <sup>3</sup> /hm <sup>2</sup> @ 50Pa]	5	3	B2 to B7 General Industrial and Special Industrial Groups
Average conductance [W/K]	3230	2789	B8 Storage or Distribution
Average U-value [W/m <sup>2</sup> K]	0.5	0.43	C1 Hotels
Alpha value* [%]	6.62	6.62	C2 Residential Inst.: Hospitals and Care Homes
* Percentage of the building's average heat transfer coefficient which is due to thermal bridging			C2 Residential Inst.: Residential schools
			C2 Residential Inst.: Universities and colleges
			C2A Secure Residential Inst.
			Residential spaces
			D1 Non-residential Inst.: Community/Day Centre
			D1 Non-residential Inst.: Libraries, Museums, and Galleries
			D1 Non-residential Inst.: Education
			D1 Non-residential Inst.: Primary Health Care Building
			D1 Non-residential Inst.: Crown and County Courts
			D2 General Assembly and Leisure, Night Clubs and Theatres
			Others: Passenger terminals
			Others: Emergency services
			Others: Miscellaneous 24hr activities
			Others: Car Parks 24 hrs
			Others - Stand alone utility block

When these values have been entered – the carbon calculator will work out the charge, and how much carbon shortfall/surplus there is.

	A	B	C	D	E
1	<b>Carbon Offsetting Payment Calculator</b>				
2	BRUKL Report:	15 Bishopsgate			
3	Application Ref:	14/01251/FULMAJ			
4	Date of report (as designed):	Dec 8th 2014			
5	Date of report (as constructed):				
6					
7	Actual Area (m2)	8,326.00			
8	Target CO2 emission rate (TER) kgCO2/m2.annum	23.60			
9	Building CO2 emission rate(BER) kgCO2/m2. annum)	16.30			
10	Target Reduction	35%			
11					
12	Emissions Baseline as per Part L 2013 Building Regulations	196.49	tonnes CO2 per annum		
13	Target Emissions Reduction	68.77	tonnes CO2 per annum		
14	Actual Emissions Reduction	60.78	tonnes CO2 per annum		
15	Carbon Surplus/Shortfall	7.99	tonnes CO2 per annum		
16	Overall Reduction	30.93%			
17	Shortfall/surplus	4.07%			
18	Carbon Offsetting Contribution	£ 14,382.00			
19					

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## **Appendix 2 Development Pipeline – estimated carbon offsetting contributions**

### **Section 106 Pipeline**

The City has been charging for carbon off-setting since 2014 and as a result the City has approximately 30 section 106 agreements signed with the relevant clause, that are likely to result in a financial contribution for failing to meet targets on site. A high-level estimate using submitted energy statements predicts an approximate £2.3 million worth of carbon offsetting contributions in the pipeline. Since the payment is due on completion of the development there is a lag between the granting of planning approval and the collection of offsetting contributions.

### **Predicted Contributions**

Figure 1 shows an estimate of the potential carbon offsetting contributions from developments which are already approved with an S106 agreement on carbon offsetting.

Given the complexity of the assessment process and the uncertainty around what is potentially payable and when, this table attempts to forecast the amounts of carbon offsetting payments currently in the pipeline. It's important to stress that these figures need to be validated again as part of the discharge of planning obligations, however this information can be used as a good starting point to work out how to tackle the use of these funds in the short, medium and long term.

NB: All payments and timescales are liable to change until practical completion and submission of final energy statement.

Figure 1 Potential Carbon offsetting contributions June 2018

Scheme	Application #	Timeline	Amount	Action	
15 Bishopsgate	14/01251/FULL	Completed	£ 14,382		PAID
20 Farringdon Street	15/00509/FULMAJ	Permission implemented Feb 2016 - completion likely late 2018	£ 26,550		Short Term Cumulative Payment due August 2018
2-6 Cannon Street	14/00780/FULMAJ	Implemented completion expected mid 2018	£ 50,886		Short Term Cumulative payment due late 2018
Walsingham House	14/01226/FULMAJ	Intended Completion 30 October 2018	£ 11,700		Short Term Cumulative payment due Later 2018
100 Liverpool Street	15/01387/FULEIA & 17/00276/FULL	Commenced, implementation Sept 2017 Completion 2018/19	£ 90,450		
90 Fetter Lane	16/00299/FULMAJ	Completion 25 June 2018	£ 14,760		
76-86 Fenchurch Street	08/00824/FULEIA and 15/00702/FULMAJ (s73)	Commenced August 2015 - completion unknown	£ 171,900		
56-60 and 62-64 Moorgate	15/01312/FULMAJ	Commencing September 2017 - completion forecast for 2019	£ 32,922		
60 London Wall	16/00776/FULMAJ	Commenced August 2017 - completion unknown	£ -		47% reduction as designed
22 Bishopsgate	16/00849/FULEIA	Commenced	£ 626,832		
Bernard Morgan House 40 Golden Lane	16/00590/FULL	Commenced October 2017			54% reduction as designed Zero Carbon Homes Conditioned
35 Vine Street Emperor House	17/00239/FULMAJ	Commencement January 2018	£ 121,842		
55 Moorgate	16/00405/FULMAJ	Implementation Aug 2018	£ -		59.77% reduction as designed
Fleet House 8-12 New Bridge Street	14/00254/FULMAJ	Not commenced. Date Unknown	£ 29,925		
10 King William Street/Bank Station Upgrade	14/00178/FULEIA	2020/2021	£ 35,880		
63-66 Coleman Street	14/00887/FULMAJ and 16/01010/FULL	Later application pending, long term horizon	£ 5,040		
6-8 Bishopsgate	15/00443/FULEIA and 17/00447/FULEIA (Pending)	Pending new application - completion estimated 2022	£ 196,200		
Fountain House 130 Fenchurch Street	14/00496/FULMAJ and 16/00809/FULMAJ (Pending)	Permission pending. Old one not started. Completion Post 2020	£ 32,202		Long Term Cumulative Paid after 2020
Garrard House 31 Gresham Street	17/00585/FULMAJ		£ 15,444		
1 Leadenhall Street Leadenhall Court	16/00859/FULEIA		£ 20,124		
Creed Court	14/00300/FULMAJ	Implemented July 2018	£ -		38.2% reduction as designed
Tresury Building Inner Temple	17/00077/FULMAJ		£ -		38.97% reduction as designed and proposed
2-3 Finsbury Avenue	16/00149/FULEIA		£ 792,738		
31 Gresham Street Garrard House	17/00585/FULMAJ		£ 15,444		
2 Seething Lane	17/00980/FULMAJ				No Information
21 Moorfields	17/01095/FULEIA				36.49% reduction as designed
150 Fenchurch Street	16/00345/FULMAJ	Not commenced. Date Unknown	£ 7,830		
TOTAL			£ 2,313,051		
Key					
	Short term - payment expected by end 2018				
	Medium term - development commenced payment due on completion				
	Long Term - development not yet commenced				

### Appendix 3 Indicative list of carbon reduction projects

Carbon offset funds will be used to deliver reductions in carbon emissions from retrofitting measures in publicly owned operational buildings (i.e. excluding “investment properties”) where those measures provide additional carbon emission reductions that would not otherwise be achieved. Project approval will be through the Corporate Projects procedure. Funds will be pooled, and ring fenced for carbon reduction projects as defined in the Planning Obligations Supplementary Planning Document (SPD). The City Surveyors’ Energy Team will manage implementation of carbon reduction projects.

Table 1 provides an indicative list of the types of projects which would be eligible for funding. A pipeline of projects will be maintained by the City Surveyor’s energy team

Table 1 Indicative list of carbon reduction projects.

Project	Capital Cost (£)	Savings (tCO2e/year)
LED Lighting upgrades (number of sites)	£226,491	134
Cooling plant upgrade (single site)	£1,000,000	166
Pumps/Fans demand control (number of sites)	£118,032	103
Efficient ventilation fans and motors (number of sites)	£141,951	114
Swimming pool plant upgrades (single site)	£156,400	98
Solar PV (single site)	£141,220	33

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<b>Committee:</b> Port Health & Environmental Services	<b>Date:</b> 15 January 2019
<b>Subject:</b> Department of the Built Environment (Cleansing Services) Business Plan Progress Report for Period 2 (August – November) 2018	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Jim Graham, Department of the Built Environment	

## Summary

This report sets out the progress made during Period 2 (August – November) against the 2015/18 DBE Business Plan for Public Conveniences, Waste Collection, Street Cleansing, Waste Disposal and Transport Services. It details what has been achieved, and the progress that has been made against the departmental objectives and key performance indicators.

At the end of the November 2018, the Department of Built Environment was £308k (6.3%) overspent against the local risk budget to date of £4.867m, over all the services now managed by the Director of Built Environment covering the Port Health & Environmental Services Committee. Appendix B sets out the detailed position for the individual services covered by this department.

Overall the Director of Built Environment is currently forecasting a year end overspend of £349k (5%) for her City Fund services within Port Health & Environmental Services Committee, although this will be fully offset at year end by savings within other Committees she supports.

## Recommendations

Members are asked to:

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

## Main Report

### Background

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

### Key Performance Indicators

2. During Period 2 (August – November) of this Business Plan, the management team is monitoring five Key Performance Indicators (KPIs) relevant to the work of this Committee (shown in Appendix A). Performance against the departmental KPIs was mixed, with performance against NI191 (the amount of residual domestic waste per household) remaining only slightly under target for the

quarter, NI192 (percentage of domestic waste recycled) continuing to be significantly under target, and TPR1 (the number of failing KPIs on the Street Cleansing, Waste Collection and Ancillary Services contract) passing for all four months.

3. Based on the results of this period the overall figure for NI191 for the year would be within 40kg of the rigorous local target. This does not consider any upward adjustment of the housing stock figure used to calculate this KPI which may take place during the year as new residential properties are added.
4. The steady progress of the Recycling Action Plan put in place to improve NI192 performance has continued. The Barbican garden waste trial saw a minimal increase in the overall recycling rate. The bin weights available following the chipping programme have enabled Officers to target specific campaigns and interventions aimed at improving recycling rates. A new approach to waste from short term let apartments has been approved and will see the removal of this waste from the domestic figures in the new year.
5. Over the past 18 months there had been a regular failure of the management and administration of the contract which has resulted in financial penalties for Amey. Officers and managers from Amey have worked hard to turn this around and the KPIs have been consistently achieved for this period. This return to stability should assist in enabling a smooth transfer to the new contractor in April. Officers will continue to closely monitor the services and assist as necessary.

### **Objective Updates**

6. Alongside overseeing the performance of the Refuse Collection, Street Cleansing and Ancillary Services contract officers have been working with colleagues from across the organisation to procure a new contractor to start in April 2019. This process was successfully concluded in November 2018 and the new contractor, Veolia, was awarded the contract in December and are now the preferred bidder.

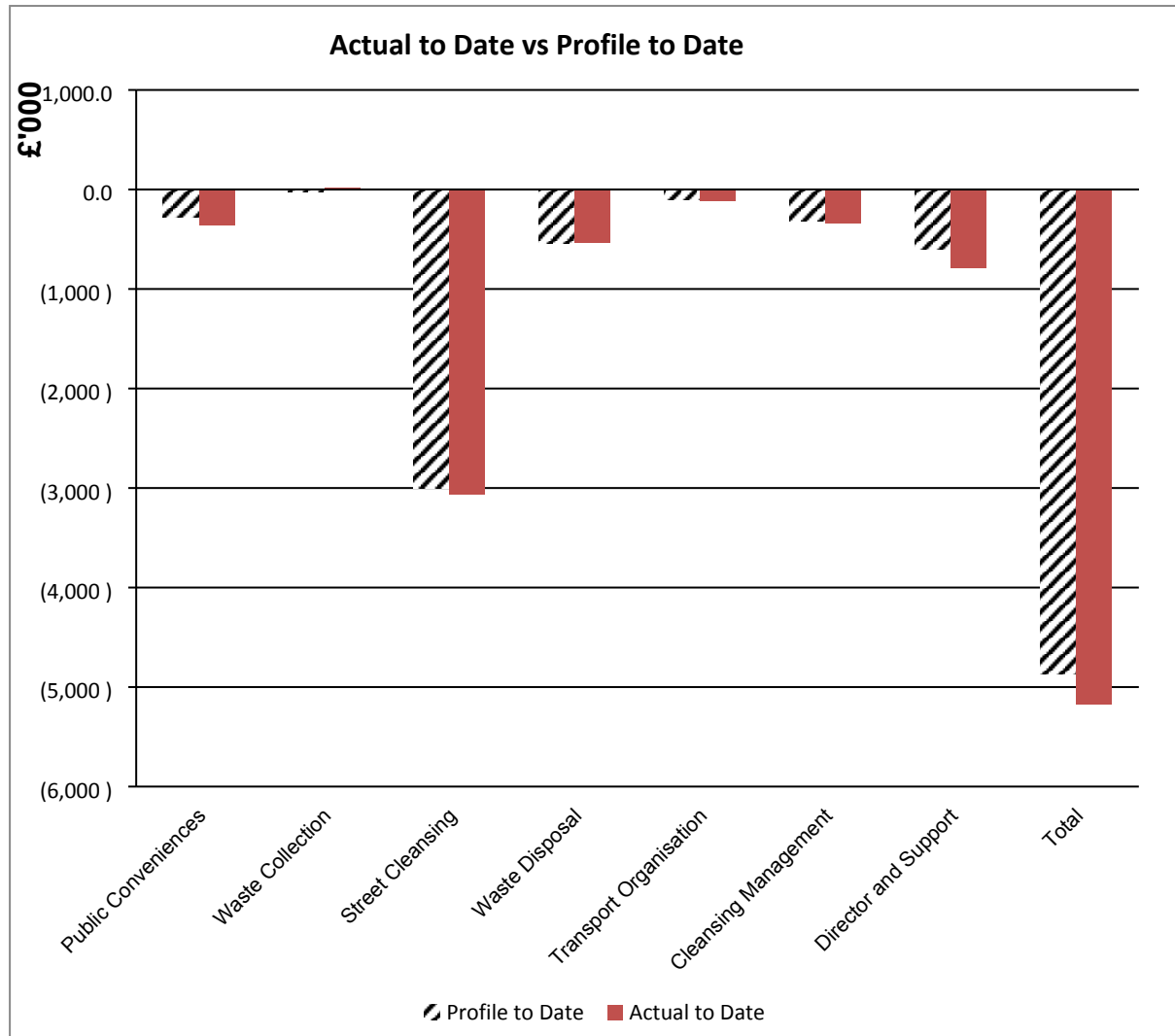
### **Achievements**

7. Our NI 195 scores from Keep Britain Tidy, which indicate the percentage of streets with unacceptable levels of litter, detritus graffiti and flyposting, have remained consistently low at 0.87%, one of the best scores recorded by Keep Britain Tidy in the UK.
8. We have maintained our Gold Standard accreditation with Transport for London Fleet Operator Recognition Scheme (FORS) which acknowledges excellence in all aspects of safety, fuel efficiency, economical operations and vehicle emissions. This scheme recognises over 4,500 fleets that operate throughout London with only just over 100 of these organisations currently achieving Gold. The FORS scheme is closely linked with CLOCS (Construction, Logistics and Cycle Safety), TfL's work-related road risk scheme for lorries, which requires high levels of safety equipment and training for drivers. The City has exceeded the requirements of this scheme in fitting side guards, additional mirrors, audible alarms and cameras to all eligible City vehicles.



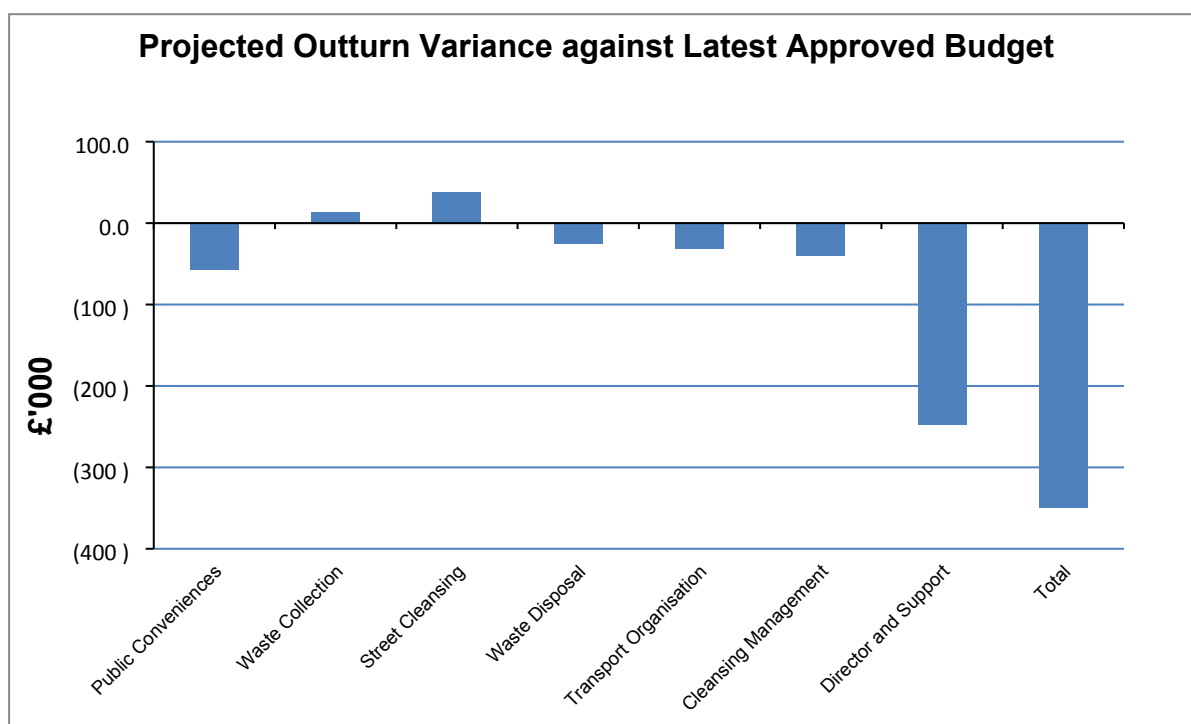
## Financial and Risk Implications

9. The end of November 2018 monitoring position for Department of Built Environment services covered by Port Health & Environmental Services Committee is provided at Appendix B. This reveals a net overspend to date for the Department of £308k (6.3%) against the overall local risk budget to date of £4.867m for 2018/19.



1. Graph shows the actual local risk net position against the profiled budget to date for each Division.
2. A position above the baseline shows overall net income.
3. A position below the baseline shows overall net expenditure.
4. Total actual to date net exp of £5,175k is £308k over the profiled budget to date of £4,867k.

10. Overall the Director of Built Environment is currently forecasting a year end overspend position of £349k (5%) for her City Fund services.



1. Zero is the baseline latest approved budget for each Division of Service.
  2. Graph shows projected outturn position against the latest approved budget.
  3. A variance above the baseline is favourable i.e. either additional income or reduced expenditure.
  4. A variance below the baseline is unfavourable i.e. additional expenditure or reduced income.
  5. Overall the Department is forecasting an overspend of £349k at year end.
11. The reasons for the significant budget variations are detailed in Appendix B, which sets out a detailed financial analysis of each individual division of service relating to this Committee, for the services the Director of Built Environment supports.
  12. The worse than budget position at the end of November 2018 is mainly due to overspends within the Director & Support service relating to recruitment costs for the Transportation & Public Realm Director post; apprentice training costs; consultancy costs for Communications and Media Support Services; Talent Management Programme; revamp of CPAT co-working space; New London Architecture sponsorship; unfunded Programme Management posts; Building Your Potential Programme; London Festival of Architecture membership; media costs and Departmental accommodation moves from Walbrook Wharf to the Guildhall.
  13. Other overspends to date relate to shortfalls for the Public Convenience service for toilet barrier income and additional costs within Street Cleansing service relating to additional agency staff support required during the waste contract tender process and cover for long term sickness absence.
  14. The Director of Built Environment anticipates this current worse than budget position will continue to year end for the services she supports within Port Health & Environmental Services Committee, due to the additional costs mentioned above. However, savings within other Committees the Director of Built Environment supports, will fully offset these overspends at year end.

## **Appendices**

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

## **Background Papers**

DBE Business Plan 2015-18

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## Departmental Key Performance Indicators

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

		Target 18/19	Period 1	Period 2	Period 3	Overall
<b>Transportation &amp; Public Realm</b>						
NI 191	To reduce the residual annual household waste per household.	373.4kg	138.44kg	138.48kg		276.92kg
NI 192	Percentage of household waste recycled.	48%	28.6%	27.85%		28.23%
NI 195	Percentage of relevant land and highways from which unacceptable levels of litter, detritus, graffiti and fly-posting are visible.	2%	0.88%	0.87%		0.87%
TPR1	No more than one failing KPI, per month on new Refuse and Street Cleansing contract	<4 per period	8	4		12
<b>Comments:</b> <b>NI191:</b> This figure is slightly over the target for the year and may be brought down with any upward adjustment of the housing stock figure used to calculate this KPI. <b>NI192:</b> The demand for increased good quality Dry Mixed Recycling (DMR) has increased since new standards were introduced and the City's DMR is of good quality. Our aim to provide good quality has impacted on the overall recycling rate. The Recycling Action Plan is currently being implemented and it is hoped that this will lead to an increase in the recycling rate. <b>TPR1:</b> Officers continue to work hard with Amey to achieve the contract KPI's and the contract is due to end on April 5 2019 at which point the new contract with Veolia will commence along with a new suite of KPI's.						
DM7	To manage responses to requests under the Freedom of Information act within 20 working days. (Statutory target of 85%)	85%	96.5%	100%		98.25%

**Department of Built Environment Local Risk Revenue Budget - 1st April to 30th November 2018**  
**(Expenditure and unfavourable variances are shown in brackets)**

	Latest Approved Budget 2018/19 £'000	Budget to Date (Apr-Nov)			Actual to Date (Apr-Nov)			Variance Apr-Nov £'000	Forecast for the Year 2018/19			Notes
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000		LAB £'000	Forecast Outturn £'000	Over / (Under) £'000	
<b>Port Health &amp; Environmental Services (City Fund)</b>												
Public Conveniences	(554)	(620)	345	(275)	(643)	282	(361)	(86)	(554)	(611)	(57 )	1
Waste Collection	(136)	(730)	704	(26)	(713)	729	16	42	(136)	(123)	13	
Street Cleansing	(3,960)	(3,248)	244	(3,004)	(3,316)	249	(3,067)	(63)	(3,960)	(3,922)	38	2
Waste Disposal	(715)	(907)	365	(542)	(922)	386	(536)	6	(715)	(740)	(25 )	
Transport Organisation	(140)	(166)	62	(104)	(157)	45	(112)	(8)	(140)	(171)	(31 )	
Cleansing Management	(443)	(315)	0	(315)	(333)	0	(333)	(18)	(443)	(483)	(40 )	
Director and Support	(896)	(605)	4	(601)	(786)	4	(782)	(181)	(896)	(1,143)	(247 )	3
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>(6,844)</b>	<b>(6,591)</b>	<b>1,724</b>	<b>(4,867)</b>	<b>(6,870)</b>	<b>1,695</b>	<b>(5,175)</b>	<b>(308)</b>	<b>(6,844)</b>	<b>(7,193)</b>	<b>(349 )</b>	

**Notes:**

1. **Public Conveniences** - overspend is mainly due to lower than anticipated toilet barrier income.

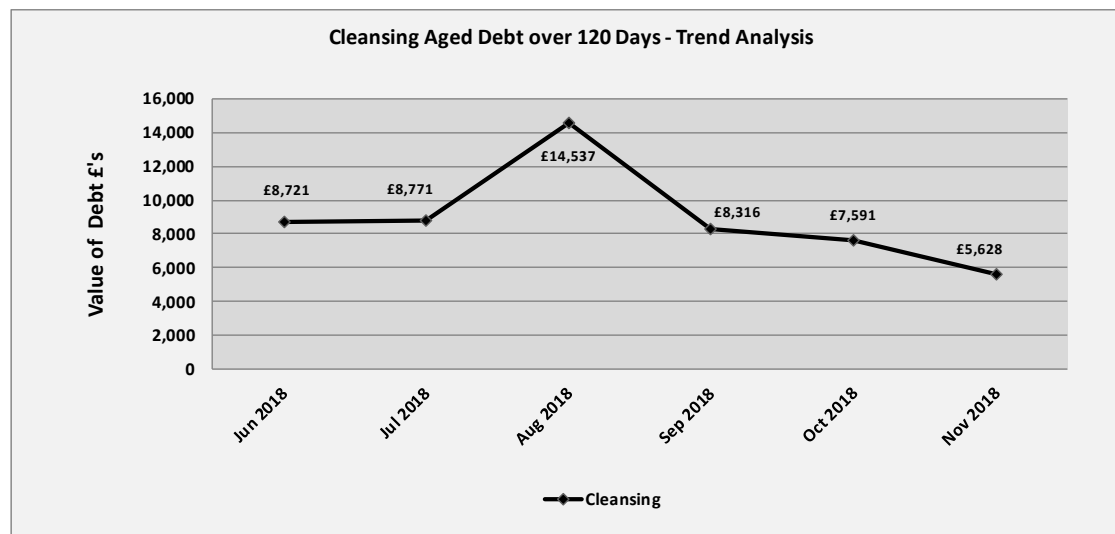
2. **Street Cleansing** - overspend to date is mainly due to additional agency staff support required during the contract tender process and cover for long term sickness absence.

3. **Director and Support** - overspend due to recruitment costs for Transportation & Public Realm Director post; apprentice training costs; consultancy costs for Communications and Media Support Services; Talent Management Programme; revamp of CPAT co-working space; New London Architecture sponsorship; additional unfunded Programme Management posts; Building your potential programme; London Festival of Architecture membership; media costs and Departmental accommodation moves

Cleansing Aged Debt Over 120 Days - as at 30th November 2018

Department	Debts Exceeding 120 Days					
	30-Jun	31-Jul	31-Aug	30-Sep	31-Oct	30-Nov
Cleansing	£ 8,721	£ 8,771	£ 14,537	£ 8,316	£ 7,591	£ 5,628

Composition of Debt - 30/11/2018	
Waste Collection	£ 5,628
Street Cleansing	£ -
	<u>£ 5,628</u>



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<b>Committee(s):</b> Port Health and Environmental Services	<b>Date(s):</b> 15/01/2019
<b>Subject:</b> Project to increase recycling on Middlesex Street estate	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of Built Environment	<b>For Information</b>
<b>Report author:</b> Jim Graham, Assistant Director Cleansing	

## Summary

The City of London Corporation has a statutory duty to collect household waste and recycling from residential properties in the Square Mile. Recycling performance across the City has flatlined in line with regional and national patterns. In June – July 2018, 42% properties were deemed to be participating in the Dry Mixed Recycling (DMR) service and 25% in food waste. Officers intend to trial a project on Middlesex Street estate, which currently receives a twice weekly doorstep collection of DMR and food waste, to incentivise residents to increase their recycling performance by 5%. A donation of up to £1,000 will be made to a community-based initiative on the estate dependent on performance.

## Recommendation(s)

Members are asked to:

Note the report.

## Main Report

### Background

1. The City of London Corporation has a statutory duty under the Environmental Protection Act 1990 to collect household waste and recycling from domestic properties within its area. Residential properties across the Square Mile are provided with comprehensive household waste and recycling services which includes a Dry Mixed Recycling service (DMR), food waste, textiles, low energy light bulb and battery recycling services.
2. The Middlesex Street estate receives a twice weekly doorstep collection of DMR and food waste. Clear recycling bags and food liners are delivered to residents every six months and are also available from libraries across the Square Mile and the Estate Office to enable participation in the doorstep recycling services.

### Current Position

3. Previous communication campaigns to encourage residents to recycle on the estate have included door-stepping campaigns whereby Recycling Advisors visit

all properties to inform them about the recycling service. Residents also receive recycling literature annually via Christmas recycling campaigns and council tax statements. This is in addition to various other literature and campaigns throughout the year, including articles in the City Resident magazine, social media and the City Corporation's website.

4. Despite these measures, participation in the doorstep recycling services remains low. A participation monitoring project on the estate undertaken between 11 June and 6 July 2018 identified that 42% of properties are deemed to be using the DMR service at the doorstep. This drops to 25% properties using the food waste service.
5. In recent years overall recycling performance has flatlined on a local, regional and national level. Middlesex Street estate's recycling performance is no different and despite the attempts to raise the profile of the recycling services, recycling performance on the estate is not improving. Officers have previously incorporated suggestions made by residents such as placing communal food caddies in the chute room to increase participation in the food waste service and participation remains low.

## **Proposals**

6. To encourage residents to increase their use of the recycling services, Officers intend to run a trial on the estate to incentivise residents to recycle more. A trial to incentivise residents to recycle in the Square Mile has not been run in the City previously. The incentive would be that if participation in the recycling and food waste services increase on the estate by at least 5%, the City Corporation would make a one-off donation of up to £1,000 towards an estate based community initiative.
7. Officers have discussed the potential project with ward Councilman and estate management who have identified that a donation towards the estate's Gardening Club to be ring-fenced for the benefit of young people and children would be welcomed.
8. As part of this trial project, all residents will receive recycling bags, food waste liners and caddies to ensure they are able to participate in the services from the outset of the trial. Officers will monitor performance throughout the trial and will engage with the properties which are deemed to not be participating in the services to ascertain why they are not recycling and overcome any barriers.
9. Upon completion of the trial, findings will be reported back. If the project proves to be successful in increasing recycling, we would explore the option to replicate the project elsewhere in the City.

## **Corporate & Strategic Implications**

10. 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**

11. The trial is funded from Cleansing Division's local risk budget. If this was to be replicated across the City on a wider scale separate funding would need to be identified.

## **Conclusion**

12. To try and improve recycling levels, Officers intend to trial a different approach to increase recycling on Middlesex Street estate by incentivising residents to increase their recycling performance by 5%. A one off donation of up to £1,000 will be made to a community based initiative dependent on improved performance.
13. If the trial is deemed to be successful in increasing recycling over a sustained amount of time, subject to available funding, Officers would explore options to replicate the project in other locations.

## **Appendices**

None

### **Jim Graham**

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee	15/01/2019
<b>Subject:</b> Revenue and Capital Budgets – 2019/20	<b>Public</b>
<b>Report of:</b> The Chamberlain Director of the Built Environment Interim Director of Consumer Protection & Market Operations Director of Open Spaces	<b>For Decision</b>
<b>Report Author:</b> Jenny Pitcairn, Chamberlain's Department	

## Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the latest revenue budget for 2018/19 and provisional revenue budget for 2019/20, for subsequent submission to the Finance Committee. Details of the Committee's draft capital budget are also provided. The budgets have been prepared within the resources allocated to each Director, including a 2% reduction for efficiency savings, with the exception of three growth items for which additional funding is sought:

- Built Environment: £3.218M for the increased cost of the new Waste Collection, Street Cleansing and Ancillary Services contract.
- Markets and Consumer Protection:
  - £99,000 to improve Air Quality service provision;
  - £175,000 for the Coroner Service and Mortuary as a result of a substantial increase in workload and pay costs.

<b>Table 1</b> <b>Summary Revenue Budgets</b> <b>2018/19 and 2019/20</b>	<b>Original</b> <b>Budget</b> <b>2018/19</b> <b>£'000</b>	<b>Latest</b> <b>Budget</b> <b>2018/19</b> <b>£'000</b>	<b>Original</b> <b>Budget</b> <b>2019/20</b> <b>£'000</b>
Expenditure	(22,393)	(23,468)	(25,974)
Income	14,121	14,228	14,283
Support Services and Capital Charges	(6,266)	(5,644)	(6,172)
<b>Total Net Expenditure</b>	<b>(14,538)</b>	<b>(14,884)</b>	<b>(17,863)</b>

Overall, the 2018/19 latest budget is £14.884m net expenditure, an increase of £346,000 net expenditure compared to the original budget. Main reasons for this increase are:

- Inflation allowance of £271,000 approved after the original budgets were set
- Approved carry-forwards of £127,000

- An increase in pay costs due to contribution pay, holiday pay and recruitment of apprentices, £293,000
- A net reduction in the cost of the City Surveyor's Additional Works Programme during the year due to changes in phasing, £319,000
- An increase in the City Surveyor's repairs and maintenance costs, £130,000
- Approved allocations from the Priorities Investment Pot, £177,000
- A virement from the Director of Built Environment's budgets within the Planning & Transportation Committee, £289,000
- A net reduction in central and departmental recharge expenditure, £622,000

The 2019/20 provisional budget is £17.863m net expenditure, an increase of £3.325m net expenditure compared to the original budget for 2018/19. Main reasons for this increase are:

- Growth bids totalling £3,492,000
- Inflation allowance of £422,000
- Efficiency savings of £151,000
- A reduction in corporate funding for apprentices, £168,000
- Virements to Planning & Transportation Committee (£118,000) and Licensing Committee (£20,000)
- A net reduction in the cost of the City Surveyor's Additional Works Programme, £220,000
- An increase in the City Surveyor's repairs and maintenance costs, £140,000
- Approved allocations from the Priorities Investment Pot, £42,000
- A net reduction in central and departmental recharge expenditure, £94,000

Business priorities for the forthcoming year include:

#### **Director of the Built Environment**

- waste collection and street cleansing contract demobilisation and mobilisation;
- review and restructure of the street environment officer and contract client team;
- increasing recycling whilst reducing general waste arisings;
- implementing the new corporate fleet management system;
- reviewing and updating the City's Waste Strategy.

#### **Director of Markets and Consumer Protection**

- the impact of the UK leaving the EU on services;
- a new Air Quality Strategy 2019-25;
- implementing the Noise Strategy Action Plan and construction site levy.

#### **Director of Open Spaces**

- progressing the project to replace four unabated cremators with two larger, fully abated cremators;
- development of an action plan following completion of the Cemetery and Crematorium Conservation Management Plan.

## **Recommendation(s)**

Members are asked to:

- Note the latest 2018/19 revenue budget.
- Review the provisional 2019/20 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee.
- Review and approve the draft capital budget.
- Agree additional funding of £3,492,000 in 2019/20 for the following items, which are over and above the resource base, subject to the agreement of Resource Allocation Sub Committee and Policy and Resources Committee:
  - Waste Contract, £3,218,000 (para 16)
  - Air Quality, £99,000 (para 17)
  - Coroner & Mortuary, £175,000 (para 18).
- Agree the transfer of responsibility for the Built Environment Directorate from this Committee to the Planning and Transportation Committee and authorise the Chamberlain to make the necessary budget adjustments (para 24).
- Agree that approval for any minor changes arising from the completion of the asset verification exercise be delegated to the Chamberlain.
- Authorise the Chamberlain to revise these budgets for changes in respect of recharges.

## **Main Report**

### **Background**

1. This report sets out the latest budget for 2018/19 and the proposed revenue budgets for 2019/20. The revenue budget management arrangements are to:
  - Provide a clear distinction between local risk, central risk and recharge budgets.
  - Place responsibility for budgetary control on departmental Chief Officers.
  - Apply a cash limit policy to Chief Officers' budgets.
2. The budget has been analysed by service expenditure and compared with the original budget for 2018/19. The budget is further analysed between:
  - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer's control.
  - Place responsibility for budgetary control on departmental Chief Officers for Central Risk budgets – these are budgets comprising specific items where a Chief Officer manages the underlying service, but where the eventual financial outturn can be strongly influenced by external factors outside of his/her control

or are budgets of a corporate nature (e.g. interest on balances and rent incomes from investment properties).

- Support Services and Capital Charges – these cover budgets for activities provided by one service to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.

3. The report also compares the current year's budget with the forecast outturn.
4. In the various tables, expenditure and adverse variances are presented in brackets. Only significant variances (generally those greater than £50,000) have been commented on.

## **Business Planning Priorities**

### Director of the Built Environment

5. Business priorities for the Cleansing Service in 2019/20 include:
  - finalising demobilisation of the outgoing waste collection and street cleansing contract and mobilisation of the new contract;
  - undertaking a review and restructure of the street environment officer and contract client team;
  - increasing the recycling rate and reducing general waste arisings;
  - implementing and embedding the new corporate fleet management system;
  - reviewing and updating the City's Waste Strategy.

### Director of Markets and Consumer Protection

6. The Port Health & Public Protection Division business priorities for 2019/20 include:
  - The UK leaving the EU – evaluating the outcome of deal/no-deal and putting in place actions to address the impacts on relevant services.
  - Air Quality – consulting upon and implementing a new Air Quality Strategy 2019-25, and pursuing London-wide legislation.
  - Noise control from building sites – implementing the Noise Strategy Action Plan and construction site levy.
  - Trading Standards will continue to collaborate with partners to tackle financial fraud in the City and beyond.
  - Consider potential new accommodation for the Port Health Service and Heathrow Animal Reception Centre and relocate Public Protection.
  - Greater agile and mobile working by field officers including commencing a project to replace M&CP and DBE's back-office systems with a single system that supports this aim (subject to your Committee's approval in a separate report).

### Director of Open Spaces

7. The Superintendent will be focusing on supporting the sustainable operation of the cemetery within the context of the historic landscape. In particular, he will



continue to progress the replacement of the cremators and to develop grave reuse.

8. A customer satisfaction survey was completed in late 2017 and the 400 survey participants were positive about their visit with 87% rating the features and facilities as 'very good' or 'good'. Some minor changes and improvements are being introduced based on the feedback received.
9. The Cemetery & Crematorium was able to achieve its SBR savings through increased income generation, and will continue this approach to meet the on-going 2% efficiency requirements and to preserve the quality of service required to support a sustainable future for the Cemetery. Local risk income was closely managed and a break-even plus position was achieved which enabled £174k to be transferred to the reserve to help fund future liabilities. The Superintendent continues to be mindful of the need to set prices carefully, benchmarking with neighbouring providers and offering a range of options and prices for the bereaved.
10. The Cemetery & Crematorium Conservation Management Plan has been completed and an action plan is being finalised.
11. The project to replace the four unabated cremators with two larger, fully abated cremators continues with a Gateway 3/4 report approved by Project Sub Committee in December and on your agenda today.

#### **Latest Revenue Budget for 2018/19**

12. Overall there is an increase of £346,000 in net expenditure between the Committee's original and latest budget for 2018/19. Table 2 overleaf summarises the movements between the original and latest budgets comprising this increase. A further analysis of the local and central revenue budgets by service is provided in Appendix 1.

<b>Table 2 Latest Revenue Budgets 2018/19</b>	<b>Local or Central Risk</b>	<b>Original Budget 2018/19 £'000</b>	<b>Latest Budget 2018/19 £'000</b>	<b>Movement (Increase)/ Decrease £'000</b>	<b>Variance Reference (Table 3)</b>
<b>EXPENDITURE</b>					
Employees	L	(12,116)	(12,702)	(586)	1a,3-4
Employees	C	(8)	(54)	(46)	2a
Premises Related Expenses	L	(928)	(913)	15	
Premises Related Expenses	C	0	(65)	(65)	2b
City Surveyor – Premises Related Expenses	L	(1,084)	(895)	189	5-6
Transport Related Expenses	L	(428)	(536)	(108)	1b,7
Supplies & Services	L	(2,188)	(2,587)	(399)	1c,8-13
Supplies & Services	C	0	(66)	(66)	2c
Third Party Payments	L	(5,640)	(5,650)	(10)	
Contingencies	L	(1)	0	1	
<b>Total Expenditure</b>		<b>(22,393)</b>	<b>(23,468)</b>	<b>(1,075)</b>	
<b>INCOME</b>					
Government Grants	L	0	0	0	
Other Grants, Reimbursements and Contributions	L	566	588	22	
Customer, Client Receipts	L	13,331	13,640	309	9,15,16
Transfer from Reserves	L	224	0	(224)	14
<b>Total Income</b>		<b>14,121</b>	<b>14,228</b>	<b>107</b>	
<b>TOTAL LOCAL &amp; CENTRAL RISK (EXPENDITURE) / INCOME</b>		<b>(8,272)</b>	<b>(9,240)</b>	<b>(968)</b>	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>					
Central Support Services and Capital Charges		(4,458)	(4,745)	(287)	
Recharges within Fund		(1,457)	(513)	944	
Recharges across Funds		(351)	(386)	(35)	
<b>Total Support Services and Capital Charges</b>		<b>(6,266)</b>	<b>(5,644)</b>	<b>622</b>	para 14
<b>TOTAL NET (EXPENDITURE)/ INCOME</b>		<b>(14,538)</b>	<b>(14,884)</b>	<b>(346)</b>	

13. The significant movements in the local and central budgets are explained in Table 3 below.

<b>Table 3</b> <b>Significant Variances between 2018/19 Original Budget and 2018/19 Latest Budget</b>			
Reason for Variance	Movement Original to Latest Budget 2018/19		
	Expenditure £'000	Income £'000	Net Movement £'000
One-off items:			
1) Approved carry-forwards from 2017/18:			
a) Employees	(20)		(20)
b) Transport Related Expenses	(50)		(50)
c) Supplies & Services	(57)		(57)
2) Approved projects funded from the Priorities Investment Pot:			
a) Employees	(46)		(46)
b) Premises Related Expenses	(65)		(65)
c) Supplies & Services	(66)		(66)
3) Allocations for contribution and holiday pay funded from the central pot	(156)		(156)
4) An increase in employee costs due to:			
a) additional apprentice posts towards the corporate target, funded from the central pot	(137)		(137)
b) additional temporary staff costs mainly for work in preparation for the tender of the waste collection and street cleansing contract	(85)		(85)
c) two previously unfunded Programme Management posts (DBE Directorate) have now been included in the budget	(108)		(108)
d) new fixed term posts at the Ports to meet the increase in throughput	(95)		(95)
5) Changes to phasing of the City Surveyor's Cyclical Works Programme	319		319
6) An increase in the cost of City Surveyor's building repairs and maintenance	(130)		(130)
7) Purchase of electric vehicles to replace old diesel vehicles at the Cemetery and Crematorium	(40)		(40)
8) An increase in supplies and services costs for the Cemetery and Crematorium mainly in relation to consultancy fees and work to increase heat abatement.	(57)		(57)
9) An increase in costs for analysis of samples mainly in relation to increased Port Health	(80)	191	111

throughput and checks on Brazilian meat imports, more than offset by additional income.			
10) Strategic media and communications support associated with the Future Cities Strategy within DBE	(70)		(70)
11) Additional costs for office moves and co-working space development (DBE)	(80)		(80)
12) A reduction in the cost of bags and equipment for Street Cleansing	70		70
13) Purchase and development of fleet management software in preparation for the corporate fleet function returning to Cleansing from the current waste contractor	(44)		(44)
14) A planned transfer from the Landfill Allowances Trading Scheme reserve that is not required.		(224)	(224)
15) A reduction in income from Public Conveniences due to lower than anticipated footfall		(80)	(80)
16) Increases in income from:			
a) Heathrow Animal Reception Centre, mainly in relation to the Passports for Pets scheme		57	57
b) Waste collection, recycling and street cleansing		61	61
c) Cemetery and Crematorium		86	86
Minor variations	(78)	16	(62)
<b>Total Movement Local and Central Risk</b>	<b>(1,075)</b>	<b>107</b>	<b>(968)</b>

14. The decrease of £622,000 in support services and capital charge expenditure between the original and latest budgets shown in Table 2 reflects the net impact of changes in the budgets of central departments and their apportionment between committees, as shown in Appendix 3. In particular, the decrease of £944,000 in recharges within fund is primarily due to a reduction in the cost of Walbrook Wharf depot recharged from Finance Committee.

### **Proposed Revenue Budget for 2019/20**

15. The provisional 2019/20 budgets being presented to your Committee, and under the control of the Directors of the Built Environment, Markets and Consumer Protection, and Open Spaces, have been prepared in accordance with the guidelines agreed by the Policy and Resources and Finance Committees. These include a 2% reduction for efficiency savings. The budget has been prepared within the resources allocated to each Director, with the exception of three growth bids which are subject to the approval of Resource Allocation Sub Committee and Policy and Resources Committee, and which are set out in the following paragraphs.

16. Your Committee, along with Finance Committee and the Court of Common Council, recently approved the award of the new Waste Collection, Street Cleansing and Ancillary services contract, commencing in April 2019. The net

price of the new contract is £6.950M per annum, compared to the current budget of £3.732M, an increase of £3.218M which cannot be met from within existing local risk resources. Funding to meet this increase is therefore requested.

17. A total of £99,000 is requested to fund Air Quality work, including delivery of the City's Air Quality Strategy, previously funded by external grants which will cease at the end of 2018/19. A detailed business case is set out in Appendix 4.
18. A total of £175,000 is requested to meet increased demand on the Coroner's service and associated mortuary costs. A detailed business case is set out in Appendix 5.
19. Overall there is an increase of £3,325,000 in net expenditure between the Committee's 2018/19 and 2019/20 original budgets. Table 4 overleaf summarises the movements comprising this increase. A further analysis of the local and central revenue budgets by service is provided in Appendix 2.

<b>Table 4 Provisional Revenue Budgets 2019/20</b>	<b>Local or Central Risk</b>	<b>Original Budget 2018/19 £'000</b>	<b>Original Budget 2019/20 £'000</b>	<b>Movement (Increase)/ Decrease £'000</b>	<b>Variance Reference (Table 5)</b>
<b>EXPENDITURE</b>					
Employees	L	(12,116)	(12,836)	(720)	1,4
Employees	C	(8)	(29)	(21)	
Premises Related Expenses	L	(928)	(972)	(44)	5
Premises Related Expenses	C	0	(15)	(15)	
City Surveyor – Premises Related Expenses	L	(1,084)	(1,004)	80	para 22
Transport Related Expenses	L	(428)	(683)	(255)	6
Supplies & Services	L	(2,188)	(2,121)	67	3,4,7-9,11
Supplies & Services	C	0	(6)	(6)	
Third Party Payments	L	(5,640)	(8,308)	(2,668)	6,7
Contingencies	L	(1)	0	1	
<b>Total Expenditure</b>		<b>(22,393)</b>	<b>(25,974)</b>	<b>(3,581)</b>	
<b>INCOME</b>					
Government Grants	L	0	0	0	
Other Grants, Reimbursements and Contributions	L	566	161	(405)	4
Customer, Client Receipts	L	13,331	13,832	501	6,10,11
Transfer from Reserves	L	224	290	66	2
<b>Total Income</b>		<b>14,121</b>	<b>14,283</b>	<b>162</b>	
<b>TOTAL LOCAL &amp; CENTRAL RISK (EXPENDITURE) / INCOME</b>		<b>(8,272)</b>	<b>(11,691)</b>	<b>(3,419)</b>	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>					
Central Support Services and Capital Charges		(4,458)	(4,671)	(213)	
Recharges within Fund		(1,457)	(1,083)	374	
Recharges across Funds		(351)	(418)	(67)	
<b>Total Support Services and Capital Charges</b>		<b>(6,266)</b>	<b>(6,172)</b>	<b>94</b>	para 21
<b>TOTAL NET (EXPENDITURE)/ INCOME</b>		<b>(14,538)</b>	<b>(17,863)</b>	<b>(3,325)</b>	

20. The significant movements in the local and central budgets are explained in Table 5 below.

<b>Table 5 Movements between 2018/19 Original Budget and 2019/20 Original Budget</b>			
<b>Reason for Movement</b>	<b>Movement 2018/19 to 2019/20</b>		
	<b>Expenditure £'000</b>	<b>Income £'000</b>	<b>Net Movement £'000</b>
1) An increase in employee costs due to: a) provision for pay increases due to pay award, holiday pay incremental and career grade progression; b) additional Coroner's Officer post and increase in Senior Coroner pay (see para 18) c) two previously unfunded Programme Management posts (DBE Directorate) have now been included in the budget d) one fleet management post which will transfer to Cleansing from the outgoing waste contractor e) new Fixed Term posts at the Ports to meet increase in throughput and in preparation for Brexit f) the removal of a one-off budget for agency staff costs to support the waste contract tender process	(365)  (115)  (114)  (40)  (122)  54		(365)  (115)  (114)  (40)  (122)  54
2) An increase in the planned transfer from the LATs reserve (see note 1 below)		66	66
3) An increase in fees to enable delivery of the City's Air Quality Strategy (see para 17)	(50)		(50)
4) A reduction in contribution income for Air Quality projects due to the end of the Low Emission Neighbourhood and Idling Engine schemes, offset by reductions in staff costs, consultants' fees, works and associated costs.	395	(395)	0
5) An increase in the costs of building and grounds maintenance at the Cemetery and Crematorium	(56)		(56)
6) An increase in the cost of the waste collection, street cleansing and vehicle maintenance contract, including a reduction in the anticipated royalty income for commercial waste (see para 16)	(2,782)	(396)	(3,178)
7) Coroner running costs and associated mortuary fees (see para 18)	(60)		(60)
8) An increase in supplies and services costs for the Cemetery and Crematorium mainly in relation to a new charge bier and a pathways repair project.	(90)		(90)
9) DBE strategic communications and media support	(50)		(50)

10) Anticipated increase in income, in line with current throughput and as a result of planned price increases			
a) Heathrow Animal Reception Centre		272	272
b) Cemetery and Crematorium		268	268
11) An anticipated increase in Port Health income as a result of increasing trade at London Gateway, partly offset by an associated increase in analysis costs	(96)	349	253
Minor variations	(90)	(2)	(92)
<b>Total Movement 2018/19 to 2019/20</b>	<b>(3,581)</b>	<b>162</b>	<b>(3,419)</b>

*Note 1 - The LATs Reserve holds the income from the sale of allowances under the former Landfill Allowance Trading Scheme, which has been set aside to meet increases in the costs of waste management. The balance on the Reserve after the planned transfers set out above will be £10,000.*

21. The decrease of £94,000 in support services and capital charges expenditure reflects the net impact of changes in the budgets of central departments and their apportionment between committees, as shown in Appendix 3.
22. The decrease of £80,000 in the 2019/20 budget for the City Surveyor's local risk reflects changes in the composition and phasing of the Cyclical Works Programme, offset by an increase in the cost of planned and reactive works (see Table 6 overleaf). An asset verification exercise has also been completed by the City Surveyors Department across the Operational estate and has identified an additional 8% of assets to be maintained, including those in new buildings, that are not covered by the current contract. The outcome of this exercise has been reported to the relevant Corporation committee and additional budgetary provision has been sought. Once this is agreed it is intended to adjust the relevant budget shown in this report as appropriate and Members are asked to agree a delegation to the Chamberlain to make these minor budgetary changes, as a result of the completion of the asset verification exercise.



<b>Table 6</b> <b>City Surveyor Local Risk</b>	<b>Original Budget</b> <b>2018/19</b> <b>£'000</b>	<b>Original Budget</b> <b>2019/20</b> <b>£'000</b>	<b>Movement</b> <b>2018/19 to</b> <b>2019/20</b> <b>£'000</b>
<b>Repairs and Maintenance</b>			
<b>Cyclical Works Programme</b>			
Public Conveniences	(78)	0	78
Heathrow Animal Reception Centre	(198)	0	198
Cemetery and Crematorium	(532)	(588)	(56)
<b>Planned and Reactive Works</b>			
Public Conveniences	(25)	(27)	(2)
Street Cleansing	0	(2)	(2)
Heathrow Animal Reception Centre	(35)	(117)	(82)
Port and Launches	(15)	(24)	(9)
Cemetery and Crematorium	(170)	(215)	(45)
<b>Total Repairs and Maintenance</b>	<b>(1,053)</b>	<b>(973)</b>	<b>80</b>
<b>Facilities Management</b>	<b>(31)</b>	<b>(31)</b>	<b>0</b>
<b>Total City Surveyor</b>	<b>(1,084)</b>	<b>(1,004)</b>	<b>80</b>

A summary of the movement in manpower and related staff costs is shown in Table 7 below.

<b>Table 7</b> <b>Manpower Statement</b>	<b>Original Budget</b> <b>2018/19</b>		<b>Original Budget</b> <b>2019/20</b>	
Service	Manpower Full-time Equivalent	Estimated Cost £'000	Manpower Full-time Equivalent	Estimated Cost £'000
Public Conveniences	3.3	(140)	3.3	(145)
Public Conveniences – Agency Staff	-	(375)	-	(383)
Waste Collection	9.2	(562)	9.2	(609)
Street Cleansing	6.5	(414)	6.5	(421)
Waste Disposal	5.1	(298)	5.1	(311)
Transport Organisation	1.0	(53)	2.0	(90)
Cleansing Services Management	4.4	(412)	4.4	(372)
Built Environment Directorate	6.5	(710)	7.9	(813)
Coroner	1.4	(26)	2.0	(143)
City Environmental Health	30.1	(1,975)	30.8	(1,999)
Animal Health Services	38.8	(1,865)	41.8	(1,938)
Trading Standards	5.0	(341)	5.0	(359)
Port and Launches	44.3	(2,558)	49.8	(2,805)
Cemetery and Crematorium	68.1	(2,378)	68.3	(2,477)
<b>Total Port Health and Environmental Services</b>	<b>223.7</b>	<b>(12,124)</b>	<b>236.1</b>	<b>(12,865)</b>

## Potential Further Budget Developments

23. There a number of potential developments which may impact on your Committee's budgets, but which have not been incorporated into the figures presented in this report. The key issues are set out in the following paragraphs.
24. The Department of the Built Environment's Directorate, which includes the cost of the Director and support staff, as well as other costs that cannot be directly allocated to a specific service, currently forms part of your Committee's budgets. The full cost of this service is recharged across the whole of the Department, and the majority (almost 90%) is charged to services within Planning and Transportation Committee. It is therefore proposed that the responsibility for this service should transfer to Planning and Transportation Committee from 2019/20, and approval is sought for the Chamberlain to make the necessary budget adjustments. The impact of this proposal on your Committee's budgets would be a reduction in local risk expenditure, fully offset by a reduction in recharge income, giving an overall neutral effect. The Planning and Transportation Committee gave its approval to this transfer on 20 November 2018.
25. There remains considerable uncertainty about the impact of Brexit, and the proposed budget has largely been prepared on an as-is basis. Additional funding to support the preparations and transition is being sought from the Food Standards Agency and the Director of Markets and Consumer Protection will also consider whether it is appropriate to submit a bid to the City's Brexit Contingency Fund. Your Committee will continue to receive regular update reports.
26. Work to declare the Walbrook Wharf offices surplus to operational requirements and to move staff to Guildhall is currently in progress. The main resulting budget changes are likely to be to accommodation-related recharges, but there may be a small loss of income for the Director of Markets and Consumer Protection. The financial implications will be included in any future reports to your Committee.
27. The financial implications of the schedule of monitoring contribution charges included in the latest edition of the Code of Practice for Deconstruction and Construction Sites ("construction code levy") have not yet been fully assessed, and are therefore not included in the proposed budget. The overall impact is expected to be cost neutral.
28. The potential sub-let of the Port Health office at Tilbury, which is surplus to current operational requirements, has still not been resolved. Whilst it is anticipated that this could generate a net saving of up to £46,000 per annum, the exact financial impact is subject to the conclusion of the outstanding rent review and of the rental income achieved, as well as the terms and date of commencement of any sub-lease, and as a result cannot yet be determined with any degree of certainty.
29. The Heathrow Animal Reception Centre is continuing to investigate new sources of income and alternative methods of service delivery. There is also the potential for redevelopment of the site or relocation, and should any of these projects come to fruition, further reports will be made to your Committee.

30. The provisional nature of the 2019/20 revenue budget recognises that further revisions may be required, particularly in relation to central and departmental recharges.

### Forecast Outturn 2018/19

31. The forecast outturn for the current year is currently £14.6M net expenditure, a net underspend of £285,000 compared with the latest budget, primarily due to anticipated overachievement of income at the Cemetery and Crematorium.

### Draft Capital and Supplementary Revenue Budgets

32. The latest estimated costs for the Committee's draft capital and supplementary revenue projects are summarised in Table 8 below.

Service Managed	Project	Exp. Pre 01/04/18 £'000	2018/19 £'000	Later Years £'000	Total £'000
<b>Pre-implementation</b>					
Cemetery & Crematorium	Cremator replacement and mercury abatement	5	23		28
City Environmental Health	Moor Lane ultra-low emission vehicle pilot		59		59
City Environmental Health	Planning & regulatory services casework management system		4		4
<b>Total Port Health &amp; Environmental Services</b>		<b>5</b>	<b>86</b>	<b>0</b>	<b>91</b>

33. Pre-implementation costs comprise feasibility and options appraisal expenditure which has been approved in accordance with the project procedure, prior to authority to start work. It should be noted that the above figures exclude implementation costs, which are subject to further approvals.
34. The scheme at Moor Lane is the implementation of an experimental traffic order in the southern section of Moor Lane to restrict its use to Ultra-Low Emission Vehicles (ULEV) only.
35. The latest Capital and Supplementary Revenue Project forecast expenditure on approved schemes will be presented to the Court of Common Council for formal approval in March 2019.

### Appendices

- Appendix 1 – 2018/19 Latest Local and Central Risk Revenue Budget: Analysis by Service

- Appendix 2 – 2019/20 Original Local and Central Risk Revenue Budget: Analysis by Service
- Appendix 3 – Support Service and Capital Charges from/to Port Health and Environmental Services Committee
- Appendix 4 – Growth Bid Business Case: Air Quality
- Appendix 5 – Growth Bid Business Case: Coroner and Mortuary

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# APPENDIX 1a

2018/19 Latest Budget Analysis by Service: Local and Central Risk Budgets	Original Budget 2018/19			Latest Budget 2018/19			Movement	Variance Reference (Table 3)
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000	£'000	
<b>DIRECTOR OF THE BUILT ENVIRONMENT</b>								
Public Conveniences	(988)	437	(551)	(957)	357	(600)	(49)	15
Waste Collection	(1,107)	977	(130)	(1,289)	1,008	(281)	(151)	2,16
Street Cleansing	(4,417)	626	(3,791)	(4,403)	496	(3,907)	(116)	4a,12,14,16
Waste Disposal	(1,396)	688	(708)	(1,385)	692	(693)	15	
Transport Organisation	(249)	109	(140)	(287)	109	(178)	(38)	13
Cleansing Services Management	(455)	64	(391)	(547)	0	(547)	(156)	4a-b,14
Built Environment Directorate	(894)	6	(888)	(1,186)	6	(1,180)	(292)	4a,4c,10-11
<b>TOTAL DIRECTOR OF THE BUILT ENVIRONMENT</b>	<b>(9,506)</b>	<b>2,907</b>	<b>(6,599)</b>	<b>(10,054)</b>	<b>2,668</b>	<b>(7,386)</b>	<b>(787)</b>	
<b>DIRECTOR OF OPEN SPACES</b>								
Cemetery and Crematorium	(3,121)	4,821	1,700	(3,261)	4,907	1,646	(54)	7,8,16
<b>TOTAL DIRECTOR OF OPEN SPACES</b>	<b>(3,121)</b>	<b>4,821</b>	<b>1,700</b>	<b>(3,261)</b>	<b>4,907</b>	<b>1,646</b>	<b>(54)</b>	
<b>CITY SURVEYOR</b>								
All Services	(1,084)	0	(1,084)	(895)	0	(895)	189	5-6
<b>TOTAL CITY SURVEYOR</b>	<b>(1,084)</b>	<b>0</b>	<b>(1,084)</b>	<b>(895)</b>	<b>0</b>	<b>(895)</b>	<b>189</b>	

# APPENDIX 1b

2018/19 Latest Budget Analysis by Service: Local and Central Risk Budgets	Original Budget 2018/19			Latest Budget 2018/19			Movement	Variance Reference (Table 3)
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000	£'000	
<b>DIRECTOR OF MARKETS AND CONSUMER PROTECTION</b>								
Coroner	(87)	0	(87)	(79)	0	(79)	8	
City Environmental Health	(2,539)	584	(1,955)	(2,678)	591	(2,087)	(132)	1a,1c,4a
Animal Health Services	(2,323)	3,340	1,017	(2,521)	3,397	876	(141)	1b,4a,16a
Trading Standards	(358)	18	(340)	(377)	23	(354)	(14)	
Port & Launches	(3,375)	2,451	(924)	(3,603)	2,642	(961)	(37)	2c,4d,9
<b>TOTAL DIRECTOR OF MARKETS AND CONSUMER PROTECTION</b>	<b>(8,682)</b>	<b>6,393</b>	<b>(2,289)</b>	<b>(9,258)</b>	<b>6,653</b>	<b>(2,605)</b>	<b>(316)</b>	
<b>COMMITTEE TOTAL</b>	<b>(22,393)</b>	<b>14,121</b>	<b>(8,272)</b>	<b>(23,468)</b>	<b>14,228</b>	<b>(9,240)</b>	<b>(968)</b>	

NB Variance reference 3 is applicable to all services except the City Surveyor

## APPENDIX 2a

2019/20 Original Budget Analysis by Service: Local and Central Risk Budgets	Original Budget 2018/19			Original Budget 2019/20			Movement	Variance Reference (Table 5)
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000	£'000	
<b>DIRECTOR OF THE BUILT ENVIRONMENT</b>								
Public Conveniences	(988)	437	(551)	(996)	432	(564)	(13)	
Waste Collection	(1,107)	977	(130)	(2,557)	581	(1,976)	(1,846)	6
Street Cleansing	(4,417)	626	(3,791)	(5,703)	500	(5,203)	(1,412)	6
Waste Disposal	(1,396)	688	(708)	(1,430)	701	(729)	(21)	
Transport Organisation	(249)	109	(140)	(412)	110	(302)	(162)	1d,6
Cleansing Services Management	(455)	64	(391)	(396)	290	(106)	285	1f,2
Built Environment Directorate	(894)	6	(888)	(1,053)	6	(1,047)	(159)	1c,9
<b>TOTAL DIRECTOR OF THE BUILT ENVIRONMENT</b>	<b>(9,506)</b>	<b>2,907</b>	<b>(6,599)</b>	<b>(12,547)</b>	<b>2,620</b>	<b>(9,927)</b>	<b>(3,328)</b>	
<b>DIRECTOR OF OPEN SPACES</b>								
Cemetery and Crematorium	(3,121)	4,821	1,700	(3,406)	5,089	1,683	(17)	5,8, 10b
<b>TOTAL DIRECTOR OF OPEN SPACES</b>	<b>(3,121)</b>	<b>4,821</b>	<b>1,700</b>	<b>(3,406)</b>	<b>5,089</b>	<b>1,683</b>	<b>(17)</b>	
<b>CITY SURVEYOR</b>								
All Services	(1,084)	0	(1,084)	(1,004)	0	(1,004)	80	para 22
<b>TOTAL CITY SURVEYOR</b>	<b>(1,084)</b>	<b>0</b>	<b>(1,084)</b>	<b>(1,004)</b>	<b>0</b>	<b>(1,004)</b>	<b>80</b>	

## APPENDIX 2b

2019/20 Original Budget Analysis by Service: Local and Central Risk Budgets	Original Budget 2018/19			Latest Budget 2019/20			Movement	Variance Reference (Table 5)
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000	£'000	
<b>DIRECTOR OF MARKETS AND CONSUMER PROTECTION</b>								
Coroner	(87)	0	(87)	(219)	0	(219)	(132)	1b,7
City Environmental Health	(2,539)	584	(1,955)	(2,283)	147	(2,136)	(181)	3,4,7
Animal Health Services	(2,323)	3,340	1,017	(2,403)	3,612	1,209	192	10a
Trading Standards	(358)	18	(340)	(373)	15	(358)	(18)	
Port & Launches	(3,375)	2,451	(924)	(3,739)	2,800	(939)	(15)	1e,11
<b>TOTAL DIRECTOR OF MARKETS AND CONSUMER PROTECTION</b>	<b>(8,682)</b>	<b>6,393</b>	<b>(2,289)</b>	<b>(9,017)</b>	<b>6,574</b>	<b>(2,443)</b>	<b>(154)</b>	
<b>COMMITTEE TOTAL</b>	<b>(22,393)</b>	<b>14,121</b>	<b>(8,272)</b>	<b>(25,974)</b>	<b>14,283</b>	<b>(11,691)</b>	<b>(3,419)</b>	

NB Variance reference 1a is applicable to all services except the City Surveyor.



### APPENDIX 3

Support Service and Capital Charges from/(to) Port Health and Environmental Services Committee	Original Budget 2018/19 £'000	Latest Budget 2018/19 £'000	Original Budget 2019/20 £'000
<b>Support Service and Capital Charges</b>			
Admin Buildings	(598)	(565)	(502)
City Surveyor's Employee Recharge	(205)	(180)	(180)
Insurance	(159)	(138)	(145)
IS Recharges - Chamberlain	(750)	(801)	(746)
Capital Charges	(1,645)	(1,665)	(1,686)
Support Services -			
Chamberlain (including City Procurement)	(483)	(610)	(616)
Comptroller and City Solicitor	(2)	(78)	(76)
Town Clerk	(539)	(609)	(621)
City Surveyor	(77)	(99)	(99)
<b>Total Support Services and Capital Charges</b>	<b>(4,458)</b>	<b>(4,745)</b>	<b>(4,671)</b>
<b>Recharges Within Funds</b>			
Corporate and Democratic Core – Finance Committee	33	33	33
Walbrook Wharf Depot – Finance Committee	(2,348)	(1,681)	(2,131)
Charity Collection Licensing - Police Committee	18	18	18
Directorate Recharge – Planning and Transportation Committee	840	1,117	997
<b>Recharges Across Funds</b>			
Directorate Recharge – Markets Committee	(289)	(314)	(316)
Directorate Recharge – Open Spaces Committee	(62)	(72)	(102)
<b>TOTAL SUPPORT SERVICE AND CAPITAL CHARGES</b>	<b>(6,266)</b>	<b>(5,644)</b>	<b>(6,172)</b>

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Growth Bid Business Case  
Air Quality

The number of officers delivering the City's statutory Air Quality obligations has increased from 1.5 posts in 2016 to 3 full time permanent posts in 2018. This increase has been covered from existing department budgets and has been required due to the increased profile both internally and externally, increase in statutory obligations and significant increase in the demands of the work area. Improving air quality is a red corporate risk and a key output of the Corporate Strategy and Responsible Business Strategy.

£49,000 is requested to fund a permanent Grade D Technical Officer post in the team. This post would carry out air quality monitoring and data analysis, air quality communications and project support. This work is currently being delivered by temporary staff funded by the Mayor of London. The external funding will cease in March 2019.

The annual budget for delivering the air quality programme is currently £40,000. This predominantly covers the running costs of air quality monitoring equipment, excluding staff time. Any additional funding to deliver the City's Air Quality Strategy has previously been sought from external grants. The grants are very specific and tailored to particular projects, which aren't always appropriate for the City. A further £50,000 per annum is therefore requested to deliver the City's Air Quality Strategy and commitments in the Responsible Business Strategy. This will enable further funding to be leveraged from external grants, which often require match funding. It is essential for the City to maintain a high level of delivery in this area in order to help mitigate the Corporate risk.

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Growth Bid Business Case  
Coroner & Mortuary

The Coroner's Service, which forms part of the local risk budget of the Department of Markets and Consumer Protection (M&CP), although entirely independent of its management, has seen an approximate four-fold increase in workload in recent years, largely due to a new acute cardiac unit opening at St Bart's Hospital and a resulting increase in deaths, post-mortems and inquests. This increased workload has until now been covered by a combination of a corporate funded apprentice and agency staff, the latter of which was unfunded and has resulted in the Coroner's service overspending in 2018/19.

Coroner's Officer salaries have traditionally been paid by the City of London Police, but they are unable to meet the costs of the additional staff. The City Police have recently agreed that the budget and responsibility for the existing Coroner's Officer post should be transferred from the Police to M&CP. The details of this transfer are currently being finalised and have not been reflected in the proposed budgets for your Committee.

To ensure sustainable and consistent support for the Coroner it is now essential to employ a second full time Coroner's Officer, at a cost of £60,000. Pay costs for the Senior Coroner are increasing by £55,000 due to the most recent JNC guidelines. In addition, running costs including coroners' fees, medical fees, expert witness costs, body transport and software have also risen substantially as a result of the increased workload, and an additional £30,000 is required.

The City Corporation is also required by s.198 of the Public Health Act 1936 to provide public mortuary and post-mortem facilities. The cost of this service is included within the budgets for City Environmental Health. The London Borough of Camden (LBC) has been providing mortuary services for the City since the closure of its own mortuary over 10 years ago, and at your last meeting it was reported that a one-year extension had been approved for the Public Mortuary Services Contract, during which it is intended that a new contract will go out to tender. Due to the increase in throughput of bodies and of post-mortems, the annual contract price has risen to £45,000, an increase of £30,000 against the existing budget. This also reflects increased charges from LBC after a significant number of years during which the City Corporation has enjoyed very favourable rates.

The total additional cost as a result of the increase in deaths in the City, and which cannot be met from existing resources, is £175,000, and additional funding is therefore requested.

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<b>Committee(s):</b>  Port Health and Environmental Services Committee – For decision	<b>Date(s):</b>  15/01/2019
<b>Subject:</b> Cemetery and Crematorium – Fees, Charges and Marketing	<b>Public</b>
<b>Report of:</b> Director of Open Spaces Department	<b>For Decision</b>
<b>Report author:</b> Gary Burks – Superintendent & Registrar	

## Summary

Fees and charges for the services provided at the City of London Cemetery and Crematorium are reviewed annually and this report presents the proposals for 2019/20. It also sets out the marketing activities which have been undertaken in 2018/19 and outlines those for 2019/20.

The report proposes price increases of 3% for cremations, new graves and most other items and services such as grave permits and urns and caskets. No increase for memorial garden dedications, book of remembrance, grave care and baby burials are recommended. There has also been some rounding of fees. The Cemetery & Crematorium continues to offer a wide range of cremation and burial options to ensure that both services cater to a range of needs and budgets.

The proposed increases are set to meet increased operational costs, support service improvements and help us in our aim to maintain a break-even position for the service.

## Recommendation(s)

Members are asked

- Agrees the fees and charges as set out in this report and shown in the Appendix for implementation with effect from 1 April 2019, and;
- Notes the marketing activities undertaken in 2018 and those planned for 2019 for the Cemetery and Crematorium service.

## **Main Report**

### **Background**

1. The City of London Cemetery and Crematorium reviews the fees and charges that it makes for the services provided each year and the new fees come into force on the 1<sup>st</sup> April each year. This report sets out the proposed fees and charges for the year 2019/20 for your Committee's approval. This report also details the promotional activities undertaken in the year 2018 and outlines those planned for 2019.

### **Marketing – Year 2018 Activities**

2. The Cemetery and Crematorium Service carried out the following marketing and promotional activities in 2018.
3. The staff provided heritage tours throughout the summer months and again took part in Open House London in September. All publicised tours of the cemetery grounds and buildings were well attended, and feedback continues to be very positive. We will therefore continue with our tours in 2019.
4. The cemetery and crematorium continued to provide education and training to schools, universities, hospital trusts and industry partners. The Cemetery also hosted two Christmas Carol services in its burial chapel as well as allowing our modern crematorium to be used by the local Catholic community for a memorial service.
5. The City has continued to lead the way in the reclamation and re-use of graves and the Superintendent has been interviewed for television and newspapers regarding the burial space crisis and grave reuse. The Superintendent also continues to represent the City of London at BCAG (Burials and Cremations Advisory Group) which was set up to advise government in December 2001 following the report on cemeteries by the Environment, Transport and Regional Affairs Committee.
6. The Superintendent has also promoted the work of the City Corporation though providing advice to several London Local Authorities and international cemetery operators.
7. The cemetery and crematorium service is promoted in the bereavement guides and websites for Havering, Redbridge, Newham, Waltham Forest, Westminster and The City as well as the One-Stop-Shops in council offices across East London. All the above have links to the cemetery website.
8. The service has made good use of the internet by providing a great deal of information on its website, including fees and charges, our colour brochure (detailing the services provided), visitor information, newsletters, contact telephone numbers, opening times and so on. Our times of opening are displayed on Google My Business and this has ensured that information retrieved from the internet is more up-to-date. We have also introduced a pilot



on-line search facility to allow people to carry out genealogy searches of our historic register information from their own homes.

<https://col-burialregisters.uk/>

9. The Cemetery was unable to post out its biennial newsletter this year due to GDPR requirements. However, a letter was sent regarding this to the 6,000 or so permit holders also offering an electronic version and the response has been very encouraging and demonstrates significant support for the newsletter and the permit scheme.

### **Year 2019 Activities**

10. The Cemetery will continue to produce biannual newsletters to promote and provide information about the service, will continue advertise in all local bereavement publications and websites and offer history tours and educational visits. The Christmas Carol Service remains extremely popular and will be repeated in 2019.
11. The service will continue to develop closer links with funeral directors through visits and liaison meetings and will continue to work with schools, universities, health trusts and industry bodies to improve education and training in all matters relating to cemetery work. We will also continue to work with the City's Communications Team promoting the use of the grounds and buildings for filming purposes when it does not conflict with our core functions of providing funerals.

### **Fees and Charges**

12. The strategy used when setting fees and charges in previous years has been to keep prices affordable, maintain choice and increase income to meet the needs of the service and operate as close to a break-even position as possible. Last year fees were increased by 6% for cremations, 5% new graves and most other items and services such as grave permits, urns and caskets. But no increase for memorial gardens, book of remembrance, grave care and baby and child burials.
13. In setting fees in a competitive market it is critical to consider those charged by our competitors. We have therefore reviewed the fees and charges amongst other authorities and private companies in the surrounding areas; details are given in tables 1 and 2 below. It should be noted that several of our competitors increase fees in October but most wait for the City to set its fees and use them as a benchmark.
14. Another factor that the cemetery and crematorium consider when setting fees is the affect that our charges place on funeral debt and funeral poverty. The CMA (Competition and Markets Authority) recently published an interim report after carrying out a market study into the funeral sector and the findings highlighted significant concerns regarding price increases over the last decade, it is likely that further investigations will follow. The cost of funerals has climbed significantly in recent years and the City of London Corporation has considered

this when offering a range of funeral choice and in the setting of fees and charges. We provide choice and prices to ensure that burial and cremation remains affordable.

15. There was a government announcement at Easter 2018 regarding the creation of a Children's Funeral Fund for England, and that there would be no charge for the burial or cremation of anyone under the age of 18 years. Sadly, there has been no guidance issued since this statement and therefore fees still apply where historically they always have, until there is guidance from government and a central funding structure is in place to manage this. Advice from central government is that authorities should continue to charge fees as usual until there is time for consultation and a clear way forward regarding government funding.
16. The following tables provide analysis of cremation and lawn grave costs. These have been provided in detail as indicative benchmarks. A full list of all the proposed burial and cremation charges at the Cemetery & Crematorium is provided in the appendix and these include a wide variety of funeral options ranging from early morning "drop off" cremation slots with no service to longer weekend funeral times and from burial in a public or woodland grave through to large fully constructed graves with 100year leases. This wide range helps to ensure choice and that more affordable options remain despite price increases.

**Table 1 – Cremation Statistics and Fees for Other London Crematoria  
Current Position**

Crematorium	Total Cremations 2015	Total Cremations 2016	Total Cremations 2017	Standard Cremation Fees (Current)
City of London	2630	2432	2474	£864
Enfield	2273	2024	1874	£913
Harlow	1813	1824	1719	£895
Forest Park	1334	1321	1234	£895
New Southgate	864	807	836	£895
South Essex	3192	3193	3211	£875
Croydon	1905	1758	1772	£840
East London	596	520	451	£815
Manor Park	391	380	465	£798
<b>Proposed Fee for 2019/20</b>				<b>£890</b>

Table 1 shows that the City's current cremation fee is competitive with other local cemeteries and crematoria and that the proposed fee is in keeping with fees within the general area and continues to provide value for money whilst providing the extra income needed to meet efficiency and inflationary increases.

Please note that City of London Residents receive a 50% reduction on the full cremation fee.

**Table 2 – Residential & Non-Residential Grave Purchase and burial fees**

Cemetery & Crematorium & Lease (in years)	New Lawn grave Resident & Non-Resident (including 1 <sup>st</sup> interment) 18/19	Burial Fee (Current)
East London	Not publicly available *No non-res fees	Not Publicly Available
Manor Park	£3,750 *No non-res fees	£1,587
Forest Park	(Res) £2,760 (Non-Res) £5,260	(Res) £700 (Non-Res) £1,555
South Essex	(Res) £3,390 (Non-Res) £6,780	(Res) £1,320 (Non-Res) £2,640
Enfield	(Res) £5,850 (Non-Res) £8,410	(Res) £1,590 (Res) £1,590
Croydon	(Res) £4,497 (Non-Res) £8,378	(Res) £1,046 (Non-Res) £1,476
New Southgate	Standard Grave £6,250 Heritage Grave £4,500 *No non-res fees	£1,650
City of London (Heritage Grave)	£3,440	£1,560
City of London (Virgin soil) Lawn	£4665	£1,560
<b>Proposed fee for 2019/20</b>	<b>Heritage Grave £3,542</b> <b>Virgin Soil Lawn £4,805</b>	<b>£1,607</b>

17. Table 2 illustrates that there is a significant variation between fees but that the City of London Corporation remains in line with those of other nearby local authorities and with our nearest private competitors and that our burial fees are also broadly competitive. However, the landscape value, service provision and maintenance levels at the site means that it remains the preferred choice for many who choose burial for a loved one.
18. Residents of the City of London currently receive a reduced rate for burial and cremation which amounts to half of the cremation fee (a maximum of £432 in 2018/19).

A copy of the cemetery brochure showing the various burial options can be found using the following link:

<https://www.cityoflondon.gov.uk/things-to-do/green-spaces/cemetery-and-crematorium/Documents/pre-funeral-brouchure.pdf>

## **Proposals**

19. Having considered the information set out above and also having consulted within the funeral industry and with cemetery staff we believe that the market can withstand the price increases proposed in the following paragraphs. However, memorial gardens, book of remembrance and grave care as well as baby burial fees will remain the same as evidence suggests that a further increase at this time will harm the business or create extra hardship on the bereaved families of babies and children. The cost of a child burial in an adult grave is reduced by the full adult cremation fee. (£864 in 2018/19)
20. The general level of increase proposed is 3% for cremations, burials and ancillary services, there will also be some rounding of fees. This will increase our cremation fee to £890 which will provide the income required to meet the efficiency savings and service improvements required. However, we do not envisage that this will affect our market share due to the excellent level of service provided and the likely increases that will be made by our local competitors.
21. It was highlighted in the 2017/18 fees and charges report that it was unlikely that large increases for burial and cremation fees would not be sustainable in the long term but that the Superintendent would continue to closely monitor the local increases to ensure that fees remain at the appropriate level to meet future savings whilst maintaining market position and protecting the City Corporation from significant negative media interest. This is indeed the case but it is felt that the recommended increase will ensure that the Cemetery continues to maximise income whilst keeping fees affordable to the bereaved and service users.
22. Options such as early cremation services at a lower fee ensure that those families on low income can still choose the City of London as a choice for the funeral of a loved one and our fee for funerals with no service means that families choosing to have a funeral service elsewhere (at a local church for example) can do so. This means that our proposed cremation fees range from £445 up to £1272 for those with a full service in our chapel.
23. In March of 2016 your Committee received a report from the cemetery and crematorium highlighting that some burial options would run out soon and that the cemetery would become more reliant on grave reuse. The first such option was lawn graves where that land has been previously used for burial. This was our least expensive burial option where a memorial is possible and the preferred option for the bereaved. Recognising this and wanting to continue to offer an affordable burial option to most local people we introduced a 30year option for Heritage Graves and the fee for this option mirrored that of the lawn graves that

they will replace. I am please to say that this has been successful and has brought the heritage (grave reuse) option into the mainstream of our burial offer, making it the one of the preferred options for the bereaved.

24. Cremation memorialisation, such as the memorial gardens dedications, with a living memorial in the form of a rose or shrub and small bronze plaque has been in decline for the last ten years and research shows that this is a national trend. The option of a formal memorial after cremation is simply not as popular as it once was. We therefore propose that there will be no increase for these options in 2019/20. Similarly, we propose to freeze the fees for grave care and book of remembrance entries for 2019/20 and an assessment will be made on the effect on sales.
25. A list of the main items of the proposed scale of charges for the year 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 is attached as an appendix to this report. A full printed list is available on request.

### **Corporate & Strategic Implications**

26. The Open Spaces Department actively contributes to the following Corporate Plan 2018-23 aims and outcomes:

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

- People enjoy good health and wellbeing
- People have equal opportunities to enrich their lives and reach their full potential
- Communities are cohesive and have the facilities they need

#### **Shape outstanding environments**

- We inspire enterprise, excellence, creativity and collaboration
- We have clean air, land and water and a thriving and sustainable natural environment.
- Our spaces are secure, resilient and well-maintained

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

- Our land management supports local businesses and enterprises

### **Financial Implications**

27. The Cemetery and crematorium is expected to operate as a not for profit service and to meet all costs, where possible. We will achieve this by introducing a new pricing plan rather than by a reduction in staffing as this would place significant stress on the business and risk a reduction in the quality of maintenance and the service provided to bereaved families. The above increases should generate additional income of approximately £80,000. However, it must be stressed that the services that we provide are at the point of need which creates unpredictability around the achievement of income.

### **Legal Implications**

28. The City of London is empowered to make fees and charges for the services provided at the Cemetery and Crematorium under powers provided within Article 15(1) of the Local Authorities Cemeteries Order 1977 and section 9 of the Cremation Act 1902. Such fees must be properly incurred.

## **Conclusion**

29. As the major provider of burial and cremation services for the City and its neighbours, the Corporation is recognised as one of the UK's leading burial and cremation authorities. In addition to meeting the needs of the bereaved, the City of London Cemetery and Crematorium is an historic and listed open space (the largest in the London Borough of Newham) and one that was originally designed as both a park and an educational resource. The Cemetery and Crematorium is however also a business in competition with several local public and privately-owned operators.
30. The above factors have been taken into account in setting the fees and charges for the Cemetery and Crematorium for implementation in financial year 2019/20 which I propose for approval by your Committee.

## **Background Papers:**

Fees, Charges and Marketing Report 2018 – 2019

Burial Space Report March 2016

- Appendix (i) – main items of the Proposed Fees and Charges for 2018/19

## **Gary Burks**

Superintendent & Registrar

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**City of London  
Cemetery and Crematorium  
Fees and Charges 2019/20**

## **Cremation**

Day	Time	Type	Duration of service	2018/19	2019/20
Monday – Friday	0800-0900	No service	Nil	£432	£445
	0830 – 1000	Adult	30 mins	£466	£480
	0945 – 1800	Adult	30 mins	£864	£890
	0830 – 1800	Adult	60 mins	£1134	£1168
	0830 – 1800	Under 16	30 mins	Free	Free
	0830 – 1800	Under 16	60 mins	£270	£278
Saturday - Sunday	0900 – 1330	All	Up to 60 mins	£1235	£1272

## **Burials**

Grave	Grave Type	Type	Duration of Church service	2018/19	2019/20
Burial in a private grave	Lawn	Adult	30 mins	£1560	£1607
		Under 16	30 mins	£696	£717
	Traditional Grave up to 7x3	Adult	30 mins	£1742	£1794
		Under 16	30 mins	£878	£904
	Traditional Grave over 7x3	Adult	30 mins	£1906	£1963
		Under 16	30 mins	£1043	£1074
Burial in a public grave		Adult	30 mins	£1560	£1607
		Under 16	30 mins	£696	£717
		Baby	30 mins	£573	£573
Burial in the garden for babies		Baby	30 mins	£346	£346
Additional costs for chapel services		Weekday	Extra 15 mins	£165	£165
Additional fees & charges					
		Saturday	30 mins	£320	£330
		Sunday	30 mins	£478	£492
Chapels for memorial services			Per hour	£330	£340

*The Child Burial fee in an adult grave is reduced by the adult cremation fee of £890*

## New Private Graves

Grave	Lease (in years)	2018/19 including 1 <sup>st</sup> interment £1560	2019/20 Including 1 <sup>st</sup> Interment £1607	Ground only 2018/19	Ground Only 2019/20	Lease Extension Per year 2018/19	Lease Extension Per year 2019/20
Woodland	30	£2685	£2765	£1125	£1158	£37.50	£38.60
	45	£3247	£3344				
	60	£3810	£3923				
	75	£4372	£4502				
Heritage General	30	£3440	£3542	£1880	£1935	£62.70	£64.50
	45	£4381	£4509				
	60	£5322	£5477				
	75	£6262	£6445				
Conservation Lawn	30	£4665	£4805	£3105	£3198	£103.50	£106.60
	45	£6217	£6404				
	60	£7770	£8003				
	75	£9322	£9602				
Large lawn	50	£7010	£7222	£5450	£5615	£109	£112.30
	75	£9735	£10029				
	100	£12460	£12837				
Heritage (Large)	50	£8210	£8457	£6650	£6850	£135	£137
Traditional Conservation	50	£5990	£6172	£4430	£4565	£88.60	£91.30
	75	£8205	£8457				
Traditional non- constructed	75	£11797	£12152	£9734	£10545	£136.50	£140.60
	100	£15210	£15667				
Traditional part constructed	100	£21850	£22507	£20290	£20900	£202.90	£209
Vault – Constructed	100	£35186	£36242	£33626	£34635	£336.26	£346.35
Catacomb	100	£8395	££8647	£6835	£7040	£68.35	£70.40



## Ashes

Option	2018/19	2019/20
Burial of Ashes in a Lawn Grave (Maximum Depth)	£1074	£1106
Burial of Ashes in a Traditional grave (Maximum depth)	£1161	£1195
Burial of Ashes in a Woodland grave (in an eco urn)	£306	£315
Strewing of Ashes from other crematoria	£196	£201
Scattering of Ashes on a Lawn Grave	£196	£201
Scattering of Ashes in Garden of Rest (if cremation carried out at City of London)	Free	Free
Weekend surcharge for burial / strewing of Ashes	£126	£130
Storage of Ashes – first two months	Free	Free
Storage of Ashes – after two months (per month)	£36	£36
Storage of Ashes – annual fee	£219	£219
Burial of Ashes in a Private Grave* - no Landing	£264	£272
Burial of Ashes in a Private Grave* – 7'x3' Landing	£386	£397
Burial of Ashes in a Private Grave* – over 7'x3' Landing	POA	POA

## Graves for Ashes

Option	2019/20	2019/20
Classic grave for Ashes (10 years)	£1870	£1926
Classic grave for Ashes (20 years)	£2712	£2793
Lawn grave for Ashes (20 years)	£3406	£3508
5 year lease extension	£730	£877
1 year lease extension	£176	£175.40

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<b>Committees:</b>	<b>Dates:</b>	
Projects Sub Committee Port Health and Environmental Services Committee	12 December 2018 15 January 2019	
<b>Subject:</b> Cremator Replacement – City of London Cemetery and Crematorium	<b>Gateway 3/4 Options Appraisal(Regular)</b>	<b>Public</b>
<b>Report of:</b> Director of Open Spaces <b>Report Author:</b> Gary Burks		<b>For Decision</b>

## Summary

### Recommendations

1. That Members agree option 5 is taken forward and implemented.
2. That the total budget of £1,100,000 is approved.

### Progress to date

The City of London Cemetery and Crematorium currently has five cremators. Four are 20 years old and at the end of their working lives and an additional one was fitted in 2009 to meet current needs to remove mercury and other pollutants from the cremation emissions.

The aim of this project is to protect and maintain cremation service provision at the City of London Cemetery and Crematorium, improve energy efficiency and reduce pollution by replacing the old cremators with new ones.

Gateway 1/2 (regular) was passed in September 2017 with the agreed next steps of developing options and costings for the removal of the City Corporations four aging and polluting Evans Universal Cremators with the aim of replacing them with the appropriate number of modern, energy efficient ones. The evaluation of fitting flue gas treatment plant was also to be considered.

The Cemetery and Crematorium management team have employed a specialist consultant to assess the options set out at Gateway 1/2, and to provide a report with costings for an appropriate way forward. The resources expended to date are £9,832.73 for the services of a consultant and 15 hours of officer time to date.

### Overview of Options

Whilst six options were listed at Gateway 1/2, three were listed for the sake of completeness and are not viable in the opinions of the superintendent and management team, this opinion is fully supported by the specialist consultant

(Rose Project Management) employed to carry out an options appraisal on behalf of the City Corporation. The non-viable options were;

- **Option 1** - Do nothing

This option has been considered non-viable as the cremators in question are now 20 years old, one is already beyond economical repair and the remaining three are inefficient, pollute and are at risk of failure when under heavy use.

- **Option 2** - Remove one cremator and retrospectively fit flue gas treatment plant to the three remaining 20 year old cremators.

This option has been considered non-viable for similar reasons to option 1 as the spend of £450,000 + on fitting flue gas treatment plant to such old cremators would not be an effective use of the City Corporation's money.

- **Option 3** - Remove all four of the old cremators and replace with one new cremator complete with flue gas treatment plant.

This option has not been taken forwards as at least 3 cremators are required in order to operate a crematorium carrying out 2,500+ cremation, as there needs to be contingencies in place for break-downs, repairs, servicing and re-lining or refractory brickwork without negatively affecting service provision.

The remaining (viable) options were set out as follows;

- **Option 4** - Remove all of the old cremators and replace with two new cremators, but without fitting flue gas treatment plant.
- **Option 5** - Remove all of the old cremators and replace with two new cremators complete with flue gas treatment plant. **Recommended Option**
- **Option 6** - Remove three of the old cremators (leaving one operational and in situ) and replace with two new fully abated cremators.

#### Proposed way forward

The recommendation of the specialist consultant and the proposed way forwards is to **remove all four of the old cremators and replace them with two new cremators complete with flue gas treatment plant. (Option 5)**

#### Procurement Approach

Procure the services of a specialist contractor to manage and oversee the project through tenders in consultation with City Procurement.

Procure the works aspect of the project (removal, supply and fitting including all other aspects) through the tender process in consultation with City Procurement.

#### Table with Financial Implications

The financial implications for the options set out in this report are shown below. It should be noted that it is possible but unlikely that an electrical upgrade or new electrical supply will be required. This would effectively reduce the costs below by £120,000 but a further electrical survey would be required to confirm this.

- Option 4 - £650,000
- Option 5 - £1,100,000 **(Recommended)**
- Option 6 - £1, 077,500

**Options Appraisal Matrix**

See attached.

**Appendices**

<b>Appendix 1</b>	PT 4 Procurement form
<b>Appendix 2</b>	Financial Calculations
<b>Appendix 3</b>	Project Risk Register
<b>Appendix 4</b>	Project Cover Sheet

**Contact**

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## Options Appraisal Matrix

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
<b>1. Brief description</b>	Remove all four of the 20 year old Evans Universal cremators and install two new cremators without fitting flue gas treatment plant.	Remove all four of the 20 year old Evans Universal Cremators and replace with two new cremators including flue gas treatment plant.	Remove three of the four 20 year old Evans Universal Cremators and replace with two new cremators and flue gas treatment plant. This option leaves one Evans cremator in its original position to be used in emergencies.
<b>2. Scope and exclusions</b>	<p>The scope of works is to;</p> <ul style="list-style-type: none"> <li>• Procure Specialist contractor to project manage the works</li> <li>• Procure removal and replacement of cremators</li> <li>• Remove the four existing Evans Universal Cremators</li> <li>• Assess current electrical supply and upgrade or replace if necessary</li> <li>• Install new cremators</li> <li>• Commission new cremators</li> </ul>	<p>The scope of works is to;</p> <ul style="list-style-type: none"> <li>• Procure Specialist contractor to project manage the works</li> <li>• Procure removal and replacement of cremators and installation of Flue Gas Treatment Plant.</li> <li>• Achieve planning consents where required for installation of heat exchange outlet</li> <li>• Remove the four existing Evans Universal Cremators</li> <li>• Assess current electrical supply and upgrade or replace if necessary</li> </ul>	<p>The scope of works is to;</p> <ul style="list-style-type: none"> <li>• Procure Specialist contractor to project manage the works</li> <li>• Procure the removal of three of the old cremators and installation of two new ones including the installation of flue gas treatment plant.</li> <li>• Achieve planning consents where required for installation of heat exchange outlet</li> <li>• Remove three of the existing Evans Universal cremators and ensure that the remaining one remains fully operational.</li> </ul>

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
	<ul style="list-style-type: none"> <li>Carry out emissions testing</li> </ul>	<ul style="list-style-type: none"> <li>Install new cremators, heat exchange equipment and flue gas treatment plant</li> <li>Commission new cremators</li> <li>Carry out emissions testing</li> </ul>	<ul style="list-style-type: none"> <li>Assess current electrical supply and upgrade or replace if necessary</li> <li>Install new cremators, heat exchange equipment and flue gas treatment plant</li> <li>Commission new cremators</li> <li>Carry out emissions testing</li> </ul>
<b>Project Planning</b>			
<b>3. Programme and key dates</b>	<ul style="list-style-type: none"> <li>Achieve Gateway 3/4 decision at Project Sub Committee November 2018</li> <li>PHES Committee Approval November 2018</li> <li>Achieve Gateway 4a (inclusion in Capital Programme) Jan- Feb 2019</li> <li>Tenders for Project Management and Main cremator removal and replacement projects October 2019 (to allow for 6month lead in period for cremators and/or flue gas treatment plant).</li> <li>Achieve planning consent for any visible alterations to the building (roof mounted air blast coolers).</li> <li>Gateway 5 Authority to Start Work April 2020</li> <li>Project to commence May 2020</li> <li>Project completion August 2020</li> <li>Emission testing and commence use September 2020</li> <li>Gateway 7 report Jan 2021</li> </ul>		
<b>4. Risk implications</b>	<p>Medium risk</p> <ul style="list-style-type: none"> <li>This option meets the current needs of the service.</li> </ul>	<p>Low Risk</p> <ul style="list-style-type: none"> <li>This option meets the current needs of the service and also meets the future</li> </ul>	<p>Low Risk</p> <ul style="list-style-type: none"> <li>This option meets the current needs of the service and also meets the future needs should</li> </ul>

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
	<ul style="list-style-type: none"> <li>The Risk of Medium is based around the fact that this option does not protect the City Corporation from future changes in legislation by installing mercury abatement</li> </ul>	<p>needs should the anticipated OSPAR convention recommendations 2003/4 to achieve 100% abatement of cremation become law.</p> <p><b>Risk Register for this option Completed and attached as Appendix 3</b></p>	<p>the anticipated OSPAR convention recommendations 2003/4 to achieve 100% abatement of cremation become law.</p> <ul style="list-style-type: none"> <li>Whilst it can not be considered a risk at this time, the one remaining old Evans cremator will eventually fail and become uneconomical to repair if its use may be legislated against, but will be difficult and expensive to remove later with the new cremators alongside it.</li> </ul>
<b>5. Benefits and disbenefits</b>	<p>Benefits</p> <ul style="list-style-type: none"> <li>This option provides the City with modern and efficient cremators</li> <li>Is less expensive than options 5 and 6</li> </ul> <p>Disbenefits</p> <ul style="list-style-type: none"> <li>Choosing not to purchase and install flue gas treatment plant risks</li> </ul>	<p>Benefits</p> <ul style="list-style-type: none"> <li>This option offers the appropriate level of cremators to meet the needs of the service</li> <li>This option meets the OSPAR convention recommendations for the abatement of mercury and other toxins.</li> </ul>	<p>Benefits</p> <ul style="list-style-type: none"> <li>This option would save the City of London Corporation £25,000 by not demolishing and removing one of the old existing Evans Universal cremators.</li> <li>By having a 4<sup>th</sup> Cremator on site the City's ability to manage mass fatalities or Pandemic situations would be increased.</li> </ul>



	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
	<p>the City Corporation not meeting the anticipated OSPAR convention recommendations 2003/4 to achieve 100% abatement of Cremation.</p> <ul style="list-style-type: none"> <li>The City Corporation Crematorium would continue to pollute which would contradict the City's efforts elsewhere to reduce pollution where possible.</li> </ul>	<ul style="list-style-type: none"> <li>This option reduces the need to carry spares and purchase servicing for an ageing cremator that there is only very limited demand for.</li> </ul> <p>Disbenefits</p> <ul style="list-style-type: none"> <li>This is the most expensive of the options being considered</li> <li>This option offers a reduced cremation capacity than option 6 but still provides us with adequate provision.</li> </ul>	<p>Disbenefits</p> <ul style="list-style-type: none"> <li>The old cremator is approaching the end of its useful life and each cremation will cost more in gas and electricity when using it.</li> <li>It will not be possible to affix flue gas treatment plant retrospectively to the old cremator</li> <li>The site will have to purchase and hold spares for this cremator as well as meet service costs even if it is not frequently used, if it is to be relied upon at times when there is a high volume of work.</li> <li>Due to its age the old cremator will be less reliable than the others, but will have to be used to ensure that it continues to function.</li> </ul>
<b>6. Stakeholders and consultees</b>	<ul style="list-style-type: none"> <li>As this project is aimed at replacing operational equipment in order to maintain the crematorium service and provision we have not consulted with stakeholders at this time.</li> </ul>		

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
	<ul style="list-style-type: none"> <li>The cemetery management team have consulted with industry experts and colleagues to develop options that meet the needs of the bereaved, support the City's wider environmental aspirations, and provide the best option for the cemetery business.</li> </ul>		
<b>Resource Implications</b>			
<b>7. Total Estimated cost</b>	£300,000 New cremators £90,000 removal of old cremators (4) £65,000 Upgrade electrical system * £55,000 New electrical Supply * £2,000 Asbestos survey £8,000 Emissions testing £130,000 estimated cost of professional services for project management £650,000 NB * it is possible but unlikely that an electrical upgrade or new electrical supply will be required.	£300,000 New cremators £450,000 Abatement equipment £90,000 remove old cremators (4) £65,000 Upgrade electrical system * £55,000 New electrical Supply * £2,000 Asbestos survey £8,000 Emissions testing £130,000 estimated cost of professional services for project management £1,100,000 NB * it is possible but unlikely that an electrical upgrade or new electrical supply will be required.	£300,000 New cremators £450,000 Abatement equipment £67,500 remove old cremators (3) £65,000 Upgrade electrical system * £55,000 New electrical Supply * £2,000 Asbestos survey £8,000 Emissions testing £130,000 estimated cost of professional services for project management £1,077,500 NB * it is possible but unlikely that an electrical upgrade or new electrical supply will be required.
<b>8. Funding strategy</b>	<ul style="list-style-type: none"> <li>All required resources to reach next gateway will be found from local risk budget</li> </ul>		

	<i>Option 4</i>	<i>Option 5</i>	<i>Option 6</i>
	<ul style="list-style-type: none"> <li>This project will be the subject of a bid for an allocation from the City Fund provision for new schemes, which is subject to the approval of Resource Allocation Sub and Policy and Resources Committee</li> </ul>		
<b>9. Estimated capital value/return</b>	<ul style="list-style-type: none"> <li>The total income from cremation in the year 2017/18 was £2,040,945.</li> <li>The cremators have a recommended life expectancy of 15 years, therefore with inflationary increases of 3% the return on the capital investment is £39,098.904. This will equate to £13,032,904 per cremator. A return of £26,065,808 on the £1,100,000 investment. <b>Cremator project Payback Calculation attached as Appendix 2</b></li> </ul>		
<b>10. Ongoing revenue implications</b>	<p>For the 15 year expected life of the cremator the total projected revenue cost, excluding gas and electricity is;</p> <p>£659,000</p> <p>The saving compared to options 5 and 6 is due to the lack of mercury abatement and the fact that this process has an ongoing cost.</p>	<p>For the 15 year expected life of the cremator the total projected revenue cost, excluding gas and electricity is;</p> <p>£859,000</p>	<p>For the 15 year expected life of the cremator the total projected revenue cost, excluding gas and electricity is;</p> <p>£974,000</p> <p>The extra cost for this option is the cost of service, repairs and maintenance on the old Evans cremator.</p>

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
<b>11. Investment appraisal</b>	<p>The whole life costs of purchase, repair, maintenance and operation of the cremators (using 15 years as an industry standard), excluding gas and electricity for this option is <b>£1,309,000</b></p> <p>The projected total income, based on current cremation numbers and including a 3% annual increase on fees is <b>£39,098,714 or £13,032,904 per cremator</b></p>	<p>The whole life costs of purchase, repair, maintenance and operation of the cremators (using 15 years as an industry standard), excluding gas and electricity for this option is <b>£1,959,000</b></p> <p>The projected total income, based on current cremation numbers and including a 3% annual increase on fees is <b>£39,098,714 or £13,032,904 per cremator</b></p> <p><b>Cremator project Payback Calculation for this option attached as Appendix 2</b></p>	<p>The whole life costs of purchase, repair, maintenance and operation of the cremators (using 15 years as an industry standard), excluding gas and electricity for this option is <b>£2,051,500</b></p> <p>The projected total income, based on current cremation numbers and including a 3% annual increase on fees is <b>£39,098,714</b></p>
<b>12. Affordability</b>	<p>Considering the income produced from cremation, all of the options are affordable. The proposed purchase and installation is unlikely to increase cremations carried out at the City of London Crematorium but it will ensure that we continue to be able to provide the level of service and therefore protect the income.</p>		
<b>13. Legal implications</b>	<ul style="list-style-type: none"> <li>• None at present</li> <li>• Choosing not to purchase and install flue gas treatment plant risks the</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
	<p>City Corporation not meeting the anticipated OSPAR convention recommendations 2003/4 to achieve 100% abatement of Cremation.</p> <ul style="list-style-type: none"> <li>•</li> </ul>		
<b>14. Corporate property implications</b>	None		
<b>15. Traffic implications</b>	None		
<b>16. Sustainability and energy implications</b>	<ul style="list-style-type: none"> <li>• Replacing the old Evans cremators with a modern equivalent will produce savings in gas and electricity.</li> <li>• However, not installing mercury abatement equipment will mean that we will still be polluting for half of our cremations.</li> </ul>	<ul style="list-style-type: none"> <li>• Replacing the old Evans cremators with a modern equivalent will produce savings in gas and electricity</li> <li>• Installing mercury abatement will mean the loss of some of the energy savings from the new cremators but will ensure that we reduce emissions as much as possible for all cremations carried out.</li> </ul>	<ul style="list-style-type: none"> <li>• Replacing 3 of the old Evans cremators with a modern equivalent will produce savings in gas and electricity</li> <li>• Installing mercury abatement will mean the loss of some of the energy savings from the new cremators but will ensure that we reduce emissions as much as possible of all cremations carried out using the new cremators.</li> </ul>

	Option 4		Option 5			Option 6	
						<ul style="list-style-type: none"><li>There will still be unfiltered emissions (containing mercury and other toxins) produced from the one remaining Evans cremator</li></ul>	
17. IS implications	None						
18. Equality Impact Assessment	As this report is simply recommending the replacement of aging cremators with new efficient ones, an equality Impact Assessment has not been carried out.						
19. Recommendation	Not recommended		Recommended			Not recommended	
20. Next Gateway	Choose an item.		Gateway 4a - Inclusion in Capital Programme			Choose an item.	
21. Resource requirements to reach next Gateway			Item	Reason	Cost (£)	Funding Source	
			Gateway 4a	Officer Time	£5,000	Local Risk Budget	
			Gateway 5	Officer Time - Procurement		Local Risk	

	<i><b>Option 4</b></i>	<i><b>Option 5</b></i>			<i><b>Option 6</b></i>	

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## PT4 - Committee Procurement Report

This document is to be used to identify the Procurement Strategy and Purchasing Routes associated with a project and only considers the option recommended on the associated Gateway report.

### Introduction

<b>Author:</b>	Diana Morris		
<b>Project Title:</b>	Cremator Replacement – City of London Cemetery and Crematorium		
<b>Summary of Goods or Services to be sourced</b> To replace the crematorium's aging cremators with new, more efficient and environmentally friendly units. This will ensure the sustainability of the service provided by the City of London Cemetery & Crematorium.			
<b>Contract Duration:</b>	TBA	<b>Contract Value:</b>	£970,000 (budget in the Committee Gateway 3-4)
<b>Stakeholder information</b>			
<b>Project Lead &amp; Contract Manager:</b> Gary Burks	<b>Category Manager:</b> Diana Morris	<b>Lead Department:</b> Open Spaces	
<b>Other Contact</b>		<b>Department</b>	

### Specification Overview

<b>Summary of the Specification:</b> No specification provided, see summary above.
<b>Technical and Pricing evaluation ratio</b> 60% (Technical) / 40% (Price)
<b>Is the contract likely to require financial uplifts? (Please describe what method will be used to calculate the uplift and whether this will be capped)</b>
<b>Project Objectives:</b> The project is to protect and maintain cremation services provision at the City of London Cemetery and Crematorium, improve energy efficiency and reduce pollution by replacing the old cremators with new ones.
<b>Does the scope of the project include the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
<b>If yes, have you defined roles and responsibilities within your project specification? For more information visit <a href="#">Designing Specifications under GDPR</a>. You may include your Privacy Impact Assessment or other relevant report as an appendix to this PT form when submitting to Committee (for information).</b>

### Customer Requirements

<b>Target completion date</b>	August 2019	<b>Target Contract award date</b>	September 2019
<b>Are there any time constraints which need to be taken into consideration?</b> The project requires six months lead in period.			
<b>Efficiencies Target with supporting information</b>			
The new cremators will be energy efficient approximately 5 - 10% less energy will be required to run the system.			

### City of London Initiatives

<b>How will the Project meet the City of London's Obligation to</b>
<b>Adhere to the Corporation Social Responsibility:</b> Yes – appropriate RP questions will be agreed with the RP Manager and the PM. The recommended option meets the OSPAR convention recommendations for the abatement of mercury and other toxins.
<b>Take into account the London Living Wage (LLW):</b> Yes – this will be included within the tender documentation
<b>Consideration for Small to Medium Enterprises (SME):</b> Yes
<b>Are there TUPE/Pension liabilities that need to be considered?</b>
<b>Other:</b> N/A

## Procurement Strategy Options

<b>Option 1: Traditional Client Led</b>
<b>Advantages to this Option:</b> Cost certainty Client retains control of the design and cost management Finalised design Contractor is wholly responsible for achieving the stated quality.
<b>Disadvantages to this Option:</b> An underperforming supplier will be on the project unless lengthy legal issues are resolved due to performance. No design changes without varying the contract
<b>Please highlight any possible risks associated with this option:</b> In retaining control of design client continues to take risk which is otherwise transferred by a design & build strategy
<b>Option 2: Contractor's Design portion (Single Stage)</b>
<b>Advantages to this Option:</b> Opportunity for efficiencies to be found by the contractor within the element of design they are responsible for. Contractor will design specific parts of the works
<b>Disadvantages to this Option:</b> Any changes to the design can be very costly The contractor can over evaluate the risk involved in the project with increased costs Increase costs in design elements for the Contractors design
<b>Please highlight any possible risks associated with this option:</b> No early contractor involvement in design development.
<b>Option 3: Design &amp; Build (Two Stage)</b>
<b>Advantages to this Option:</b> Early engagement of the contractor, can start certain works before the pre-construction commences. Buildability and affordability are considered during development of detailed design at second stage of two stage
<b>Disadvantages to this Option:</b> Procurement phase will be increased for incorporating two stage construction process. Design variations after award can be costly to CoL and diminish the transfer of design risk onto the contractor. Price can be inflated due to contractor's perception of risk (use second stage process to mitigate risk). Contractor not performing during the design stage could result in the contractor not being awarded the "Works" contract, thus resulting in a new tender exercise for the procurement of the works which is more time and resource.
<b>Please highlight any possible risks associated with this option:</b> Two stage construction process can be used to manage design risk before award of contract.

## Procurement Strategy Recommendation

<b>City Procurement team recommended option</b>
Option 2 - Contractor's Design Portion is the recommended option. The new cremators will require specialist installation. The successful contractor will have to design the method of installation.

## Procurement Route Options

*Make v buy to be considered; also indicate any discarded or radical options*

<b>Option 1: OJEU – N/A</b>
<b>Advantages to this Option:</b>
<b>Disadvantages to this Option:</b>
<b>Please highlight any possible risks associated with this option:</b>
<b>Option 2: Sub OJEU – Advertised Opportunity</b>
<b>Advantages to this Option:</b> Advertise to seek competitive responses from the market Potential wider range of suppliers Only companies interested in tendering for this opportunity will submit bids
<b>Disadvantages to this Option:</b> No limit on the number of bidders that respond Potential for lengthy process as all the responses have to be evaluated Higher level of resources required to deliver the procurement procedure
<b>Please highlight any possible risks associated with this option:</b> Availability of resources to run this project

<b>Option 3: External Framework – Mini Comp</b>
<b>Advantages to this Option:</b> Quick route to market reducing timescales Compliant procurement route Limited number of responses to evaluate
<b>Disadvantages to this Option:</b> Limited market place Framework capacity to meet the timescale
<b>Please highlight any possible risks associated with this option:</b> Framework busy, suppliers can be more selective in the type of projects that they respond to.

### Procurement Route Recommendation

<b>City Procurement team recommended option</b>
Option 2 Sub OJEU – Advertise opportunity is recommended as the best option due to the specialist nature of these works.

### Price Mechanism

<b>Option 1: Lump sum fixed price</b>
<b>Advantages to this Option:</b> Cost and quality certainty The specification can provide a cost breakdown of the works
<b>Disadvantages to this Option:</b> Quality and cost certainty but at the expense of time Can be more costly to cover unforeseen circumstances
<b>Please highlight benefits and possible risks associated with this option relative to the specifics of the project:</b>
<b>Option 2: Fixed price - schedule of rates/bill of quantities</b>
<b>Advantages to this Option:</b> Easier to vary contract (adding or reducing the works) if changes need to be made.
<b>Disadvantages to this Option:</b> It could be costly if you need to add an item which is not covered in the SoR
<b>Please highlight benefits and possible risks associated with this option relative to the specifics of the project:</b> PM could be tempted to make changes which could impact on the total value of the contract and compliance issues could arise.

### Form of Contract

<b>Option 1: CoL Standard amendments to JCT Minor Works (with Contractor design) 2016 (Single Stage) – Recommended</b>
<b>Advantages to this Option:</b> JCT is considered appropriate for this project, has Design approval stages. Suppliers will be familiar with this form of contract Claims are dealt with retrospectively The JCT contract is familiar to the City PM and the project consultants
<b>Disadvantages to this Option:</b> Variations can be costly
<b>Please highlight benefits and possible risks associated with this option relative to the specifics of the project :</b> The JCT contract is considered to have an adversarial nature. Any changes to the requirements during the contract can be very costly.
<b>Option 2: CoL Standard amendments to NEC3</b>
<b>Advantages to this Option:</b> Fair and transparent form of contract where issues are dealt with as and when they happen SME's may not be experienced in this Form of Contract Early warning systems in place to avoid issues arising
<b>Disadvantages to this Option:</b> PM has to keep on top of the contract administration, as there are opportunities for cost increases. Terms can appear to favour the supplier CoL project governance can conflict with contractual timescale
<b>Please highlight benefits and possible risks associated with this option relative to the specifics of the project:</b> The NEC3 contract can require lengthy project administration from PM and Supplier, which could increase the fees

**Sign Off**

<b>Date of Report:</b>	
<b>Reviewed By:</b>	
<b>Department:</b>	
<b>Reviewed By:</b>	
<b>Department:</b>	<b>Chamberlain's Department</b>

## PT4 - Committee Procurement Report

This document is to be used to identify the Procurement Strategy and Purchasing Routes associated with a project and only considers the option recommended on the associated Gateway report.

### Introduction

<b>Author:</b>	Diana Morris		
<b>Project Title:</b>	Cremator Replacement at the City of London Cemetery and Crematorium – Specialist consultant/ Project Manager		
<b>Summary of Goods or Services to be sourced</b> To appoint a specialist consultant to project manage the replacing of the crematorium's aging cremators with new, more efficient and environmentally friendly units. This will ensure the sustainability of the service provided by the City of London Cemetery & Crematorium.			
<b>Contract Duration:</b>	TBC	<b>Contract Value:</b>	£130,000 (budget in the Committee Gateway 3-4)
<b>Stakeholder information</b>			
<b>Project Lead &amp; Contract Manager:</b> Gary Burks	<b>Category Manager:</b> Diana Morris	<b>Lead Department:</b> Open Spaces	
<b>Other Contact</b>		<b>Department</b>	

### Specification Overview

<b>Summary of the Specification:</b> No specification provided, see summary above.
<b>Technical and Pricing evaluation ratio</b> 60% (Technical) / 40% (Price)
<b>Is the contract likely to require financial uplifts? (Please describe what method will be used to calculate the uplift and whether this will be capped)</b>
<b>Project Objectives:</b> The project is to protect and maintain cremation services provision at the City of London Cemetery and Crematorium, improve energy efficiency and reduce pollution by replacing the old cremators with new ones.
<b>Does the scope of those project include the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>
If yes, have you defined roles and responsibilities within your project specification? For more information visit <a href="#">Designing Specifications under GDPR</a> . You may include your Privacy Impact Assessment or other relevant report as an appendix to this PT form when submitting to Committee (for information).

### Customer Requirements

<b>Target completion date</b>	April 2020	<b>Target Contract award date</b>	May 2019
<b>Are there any time constraints which need to be taken into consideration?</b> The project requires six months lead in period.			
<b>Efficiencies Target with supporting information</b>			
The new cremators will be energy efficient approximately 5 - 10% less energy will be required to run the system.			

### City of London Initiatives

<b>How will the Project meet the City of London's Obligation to</b> <b>Adhere to the Corporation Social Responsibility:</b> Yes – appropriate RP questions will be agreed with the RP Manager and the PM. The recommended option meets the OSPAR convention recommendations for the abatement of mercury and other toxins.
<b>Take into account the London Living Wage (LLW):</b> Yes – this will be included within the tender documentation
<b>Consideration for Small to Medium Enterprises (SME):</b> Yes

Are there TUPE/Pension liabilities that need to be considered?
Other: N/A

### **Procurement Route Options**

*Make v buy to be considered; also indicate any discarded or radical options*

<b>Option 1: OJEU – N/A</b>
<b>Advantages to this Option:</b>
<b>Disadvantages to this Option:</b>
<b>Please highlight any possible risks associated with this option:</b>
<b>Option 2: Sub OJEU – Advertise opportunity</b>
<b>Advantages to this Option:</b> Advertise to seek competitive responses from the market Potential wider range of suppliers Only companies interested in tendering for this opportunity will submit bids
<b>Disadvantages to this Option:</b> No limit on the number of bidders that respond Potential for lengthy process as all the responses have to be evaluated Higher level of resources required to deliver the procurement procedure
<b>Please highlight any possible risks associated with this option:</b> Availability of resources to run this project
<b>Option 3: External Framework</b>
<b>Advantages to this Option:</b> Quick route to market reducing timescales Compliant procurement route Limited number of responses to evaluate
<b>Disadvantages to this Option:</b> Limited market place Framework capacity to meet the timescale
<b>Please highlight any possible risks associated with this option:</b> Framework busy, suppliers can be more selective in the type of projects that they respond to.

### **Procurement Route Recommendation**

<b>City Procurement team recommended option</b>
<b>Option 2 - Sub OJEU advertised opportunity is recommended as the best option due to the specialist nature of these services.</b>

### **Sign Off**

<b>Date of Report:</b>	
<b>Reviewed By:</b>	
<b>Department:</b>	
<b>Reviewed By:</b>	
<b>Department:</b>	Chamberlain's Department

## Cremator Project Payback Calculation

### Assumptions

Income	3% increase each year due to price increases
Staffing	2.5% increase each year due to pay awards
Maintenance	£859K over 15 year UEL
Utilities	£20 gas and £9.50 electric per cremation for 2,500 cremations p.a.
Depreciation	straight line over 15 year UEL
Year 0 being 2018/19	
Year 1 being 2019/20	
Actual income and staff costs from 2017/18 actuals, so already inflated in year 1	

Year 1		£	£
Income			(1,443,492)
Expenditure	Staffing	446,462	
	Maintenance	57,267	
	Utilities	73,750	
	Depreciation	73,333	
			650,812
Net Income year 1			(792,680)

Year 2			
Income			(1,486,797)
Expenditure	Staffing	457,624	
	Maintenance	57,267	
	Utilities	73,750	
	Depreciation	73,333	
			661,974
Net Income year 2			(824,823)

		£	£	
Year 0	Cremators purchase	1,100,000	1,100,000	
Year 1	Net income	(792,680)	307,320	
Year 2	Net income	(824,823)	(517,503)	4.5 months

Therefore, payback is achieved in 1.4 years





City of London: Projects Procedure Corporate Risks Register

Project Name: Cremator Replacement Project

Unique project Identifier: 11943

PM's Overall risk rating: Low

Lifetime total budget estimate: £ 1,100,000

Costed risk allowance requested:

Average unmitigated risk  
Average mitigated

16.2  
1.4

Open Risks 5  
Closed Risks 0

General risk classification										Mitigation actions						Ownership & Action			
Risk ID	Category	Description of the Risk	Risk Impact Description	Likelihood Classification	Impact Classification	Risk score	Costed impact (£)	Contingency requested Y/N	Confidence in the estimation	Mitigating actions	Mitigation cost (£)	Likelihood Classification after mitigation	Impact Classification after mitigation	Costed impact after mitigation (£)	Mitigated Risk score	Date raised	Named Departmental Risk Manager/ Coordinator	Risk owner (Named Officer or External Party)	Date Closed OR/ Realised & moved to Issues
R1	(1) Service Delivery/ Performance	The City of London Crematorium currently operates by relying on 4 old cremators carrying out almost half of our total cremations. All have passed their expected operational life and one has now failed, should the others fail, the crematorium would be unable to operate effectively, provide quality services and meet performance KPIs	If action is not taken to replace the old cremators and they fail, the cost of replacement will be high and the loss of cremation could be 12 months service provision	Likely	Extreme	32	£1,100,000.00	N	A – Very Confident	The planned replacement of our 4 old cremators will mitigate the risk of failure	£1,100,000.00	Rare	Minor	£0.00	1	25.10.2018			
R2	(2) Financial	The Failure to replace the old cremators would mean a loss of up to 50% of cremation income.	Should the old cremators fail (and one already has) the financial cost is likely to be over a million pounds in lost business	Likely	Extreme	32	£1,000,000.00	N	A – Very Confident	The planned replacement of our 4 old cremators will mitigate the risk of failure	£0.00	Rare	Minor	£0.00	1	25.10.2018			
R3	(3) Reputation	As a major cremation Authority covering seven London boroughs the loss of cremation facilities would be significant	If the old cremators fail, the City of London crematorium would have to reduce the number of cremations it carries out by at least 50% and this would significantly affect the good reputation of the City and lead to negative publicity	Likely	Serious	8	£100,000.00	N	A – Very Confident	The planned replacement of our 4 old cremators will mitigate the risk of failure	£0.00	Rare	Minor	£10,000.00	1	25.10.2018			
R4	(4) Legal/ Statutory	Currently the City Corporation is legally required to abate or pay to pollute for 50% of all cremations. Therefore we are meeting current requirements. The City Corporation is not required to operate a crematorium	The risk is not significant as the City Corporation is not required to offer cremation. However if we failed to provide for cremations that had been booked with us due to the failure of cremator equipment there would likely be litigation	Possible	Minor	3	£10,000.00	N	D – Very Uncomfortable	the planned replacement of our 4 old cremators will mitigate the risk of failure	£0.00	Possible	Minor	£10,000.00	3	25.10.2018			
R5	(6) Objectives	As there is no project management expertise in this area within my team and no confirmed commitment elsewhere at gateway 1/2. There is a risk regarding the project running smoothly	If the project is not managed well, it will impact on the timescales, operation and effectiveness of the new cremators, resulting in more closures, a longer lead and an extended period where the crematorium operates at reduced levels.	Possible	Serious	6	£150,000.00	Y	C – Uncomfortable	Therefore the services of a specialist project management consultant has been costed into the project	£130,000.00	Rare	Minor	£0.00	1	25.10.2018			
R6							£0.00				£0.00			£0.00					
R7							£0.00				£0.00			£0.00					
R8							£0.00				£0.00			£0.00					
R9							£0.00				£0.00			£0.00					
R10							£0.00				£0.00			£0.00					
R11							£0.00				£0.00			£0.00					
R12							£0.00				£0.00			£0.00					
R13							£0.00				£0.00			£0.00					
R14							£0.00				£0.00			£0.00					
R15							£0.00				£0.00			£0.00					
R16							£0.00				£0.00			£0.00					
R17							£0.00				£0.00			£0.00					
R18							£0.00				£0.00			£0.00					
R19							£0.00				£0.00			£0.00					
R20							£0.00				£0.00			£0.00					
R21							£0.00				£0.00			£0.00					
R22							£0.00				£0.00			£0.00					
R23							£0.00				£0.00			£0.00					
R24							£0.00				£0.00			£0.00					

[illegible]

# Project Coversheet

## [1] Ownership

**Unique Project Identifier:** 11943 **Report Date:** September 2018  
**Core Project Name:** Cremator Replacement Project  
**Programme Affiliation:** N/A  
**Project Manager:** Gary Burks  
**Next Gateway to be passed:** 4 Regular

## [2] Project Brief

**Project Mission statement:** To replace the crematorium's aging cremators with new, more efficient and environmentally friendly units. This will ensure the sustainability of the service provided by the City of London Cemetery & Crematorium.

**Definition of need:** New cremators are required to replace four of the existing cremators that have reached the end of their working lives.

### Key measures of success:

- 1) Maintain a quality cremation service to the bereaved
- 2) Equipment procured and installed inline with the City's procurement policies and financial regulations.
- 3) Crematorium is fitted with more efficient and environmentally friendly cremators, whilst ensuring service and business continuity.

## [3] Highlights

### Finance:

**Total anticipated cost to deliver:** £650,000 - £1,100,000

**Total potential project liability:** £1,100,000 including specialist consultant fees and risks.

**Total anticipated on-going commitment post-delivery:** £659K - £974K over 15

**Do not use ranges in this table. Either Highest range value or best estimate at this time.**

[A] Budget Approved to Date*	[B] New Financial Requests	[C] New Budget Total (Post approval)
£30,000 (Local Risk)	£30,000	£60,000
[D] Previous Total Estimated Cost of Project	[E] New Total Estimated Cost of Project	[F] Variance in Total Estimated Cost of Project (since last report)
£800,000	£1,100,000	£300,000
[G] Spend to Date	[H] Anticipated future budget requests	
£9,832.73	£1,040,000	

### Headline Financial changes:

#### Since 'Project Proposal' (G2) report:

- ▲ Potential additional cost:
- £130K Project Management Cost
  - £65K Electrical Upgrade
  - £55K New electrical supply
  - £50K Reinforcement of crematory floor

#### Since 'Options Appraisal and Design' (G3-4) report:



Since 'Authority to start Work' (G5) report:



**Project Status:**

**Overall RAG rating:** Green

**Previous RAG rating:** Green

**[4] Member Decisions and Delegated Authority**

<Key decisions taken in Service or other Committees relevant to this projects development and delivery (where decision is an addition or change from a gateway paper as presented at the time).> NA

**[5] Narrative and change**

**Date and type of last report:**

Gateway 1/2 15 August 2017

**Key headline updates and change since last report.**

Options appraisal and costings development complete

**Headline Scope/Design changes, reasons why, impact of change:**

**Since 'Project Proposal' (G2) report:**

Options appraisal and costings completed by Rose Project Management – Whilst the costs of the cremators and abatement equipment has not increased significantly, costs for specialist project management and those to mitigate risks regarding upgrading electrical supply have now been added.

**Since 'Options Appraisal and Design' (G3-4 report):**

<change + short explanation, max 4 lines>

**Since 'Authority to Start Work' (G5) report:**

<change + short explanation, max 4 lines>

**Timetable and Milestones:**

**Expected timeframe for the project delivery:** September 2020 – December 2020

**Milestones:**

- 1) Achieve Gateway 3/4 decision at Project Sub Committee November 2018
- 2) PHES Committee Approval November 2018
- 3) Achieve Gateway 4a (inclusion in Capital Programme) Jan – Feb 2019

**Are we on track for this stage of the project against the plan/major milestones?** Y

**Are we on track for completing the project against the expected timeframe for project delivery?** Y

**Risks and Issues**

**Top 3 risks:** <things that have not come to pass>

<i>Risk description</i>	<i>Not receiving project funding – this will place significant risk on the business as the old cremators become unreliable or fail.</i>
<i>Risk description</i>	<i>Not achieving planning consent for blast coolers – these are required to cool the water used in the abatement process.</i>
<i>Risk description</i>	<i>Not scheduling the works during the summer as planning the works at any other time will have a significant short-term impact on business</i>
<i>Risk description</i>	<i>Changes in legislation, requiring 100% abatement before the new cremators and treatment plant is fitted is a possibility but</i>

	<i>not likely. At present we can only abate slightly more than 55%</i>
--	--

*See 'risk register template' for full explanation.*

**Top 3 issues realised** <risks which have come to pass:>

<i>Issue Description</i>	<i>Impact and action taken</i>	<i>Realised Cost</i>
<i>Managing the installation of new cremators</i>	<i>As there was a lack of clarity around the project management of the installations and removal of cremators, costed project management has been added.</i>	<i>The cost of £130,000 has been stated for expert management of the project.</i>

**Has this project generated public or media impact and response which the City of London has needed to manage or is managing?**

NO

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<b>Committee:</b>	<b>Date:</b>
Port Health & Environmental Services	15 January 2019
<b>Subject:</b> Period 1 & 2 (April - November) Cemetery & Crematorium Business Plan Performance and Risk Management update	<b>Public</b>
<b>Report of:</b> Director of Open Spaces	<b>For Decision</b>

## Summary

This report updates Members on the performance of the Cemetery & Crematorium during the period April to end November 2018. The Cemetery & Crematorium has continued to perform well and risk has been managed such that there has been no increase in the current risk scores. The Cemetery & Crematorium has extended its range of electrical equipment and machinery and work to extend the use of waste heat from mercury abatement is almost complete, both of which help reduce the Cemetery & Crematorium's negative effects of its own activities. Financially, income and expenditure are comparable with this period last year whilst operationally, burials are slightly down and cremations are slightly up over the same period.

## **Recommendations**

Members are asked to

- Note the performance of the Cemetery and Crematorium during this reporting period.
- Approve the removal of the two 'green' risks from future risk reports to this committee as proposed in paragraphs 19 and 20.

## Main Report

### **Background**

1. The Open Space's Departmental Business Plan for 2018-19 was approved by your Committee on 22 May 2018. That plan included several specific actions and four Performance Indicators for the Cemetery & Crematorium.
2. The vision for the Cemetery and Crematorium is to provide the City of London Cemetery and Crematorium as a model cemetery and crematorium constituting both a site of excellence in bereavement services, a forerunner in cemetery conservation and the greatest choice of burial and cremation facilities in the UK. This together with the Department's vision and objectives inform and direct the work of the service.

### **Current Position**

3. The Cemetery & Crematorium continues to perform well. During the four month period August - November 2018 there were 241 burials and 752 cremations. The gross income for the period August to end November is £1.588m.

#### 4. Key achievements between August and November:

- Winners in the Equality and Inclusion Category of the CoL's 'Celebrating Our People Awards'. This was for the joint trainee initiative between the Cemetery & Crematorium and Community and Children's Services. This joint working enabled a profoundly deaf young man to undertake a Traineeship programme. This has progressed such that he is now employed part time within the Cemetery and Crematorium.
- The Superintendent has been interviewed for several publications regarding the City Corporations successful Grave reuse programme
- The cemetery is in the process of purchasing an all electric mini-bus and most of its road going vehicle fleet will now meet ULEZ requirements.
- Work to extend the use of waste heat from mercury abatement to heat all operational areas of the modern crematorium are almost complete.
- The cemetery is working with Epping Forest Division regarding rough sleepers outside the cemetery boundary.

#### Key programmes and projects

5. Three Departmental programmes and projects are of specific relevance to the Cemetery and Crematorium. These are shown in the table below together with details of progress made over this reporting period.

Programmes & Projects	Progress update August – November '18
Continuously develop the visitor offer across the Department in terms of content, processes, technology, customer service and cultural programming	Continue to offer heritage tours throughout the summer and participated in Open House London in September. Take-up of early funerals has increased since we extended the early time to 10am .
Progress the replacement of ageing cremators with new at the Cemetery and Crematorium	Gateway 3 / 4 report on the agenda for Project Sub Committee on 12 December and PHES on 15 January 2019
Progress the Departmental Programmes including; Fleet, Energy Efficiency	A further electric vehicle is being purchased and we have extended our range of electric mowers/blowers and strimmers.

#### Performance Indicators

6. The business plan included twenty four performance indicators. There are four which are exclusive to the Cemetery and Crematorium:

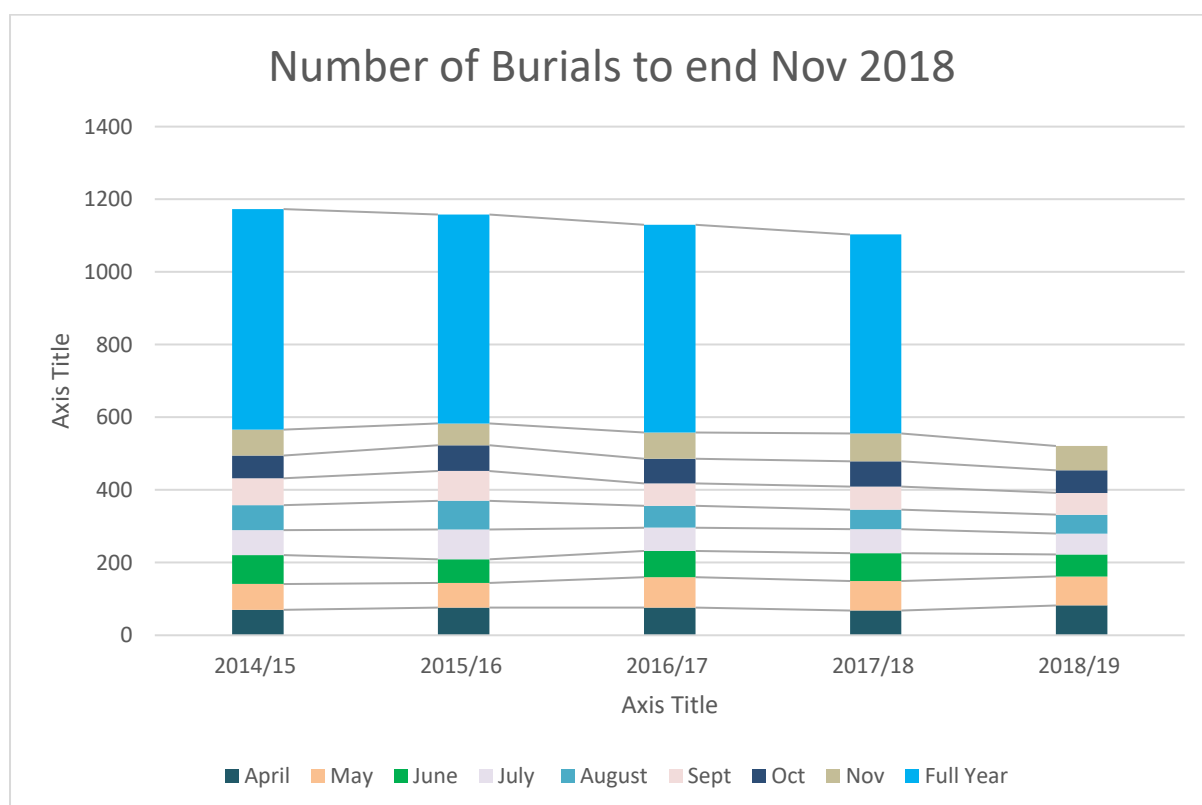
	2017/18 Performance Target	April – Nov 2017 Performance	2017/18 Actual (annual)	2018/19 Performance Target	April – Nov 2018 Performance
Maintain our market share of burials in relation to the Cemetery & Crematorium's seven neighbouring Borough's.	7.6%	7.3%	7.3%	7.8%	7.0%  (To end October as data not yet available for full period)
Increase the number of burials.	890	555	840	861	521



	2017/18 Performance Target	April – Nov 2017 Performance	2017/18 Actual (annual)	2018/19 Performance Target	April – Nov 2018 Performance
Increase the number of cremations.	2,578	1520	2,491	2,528	1,597
As a minimum, achieve local risk Cem & Crem income target.	£4,701,000	£3,299,000	£5,297,836	£4,821,000	£3,267,000

## Burials

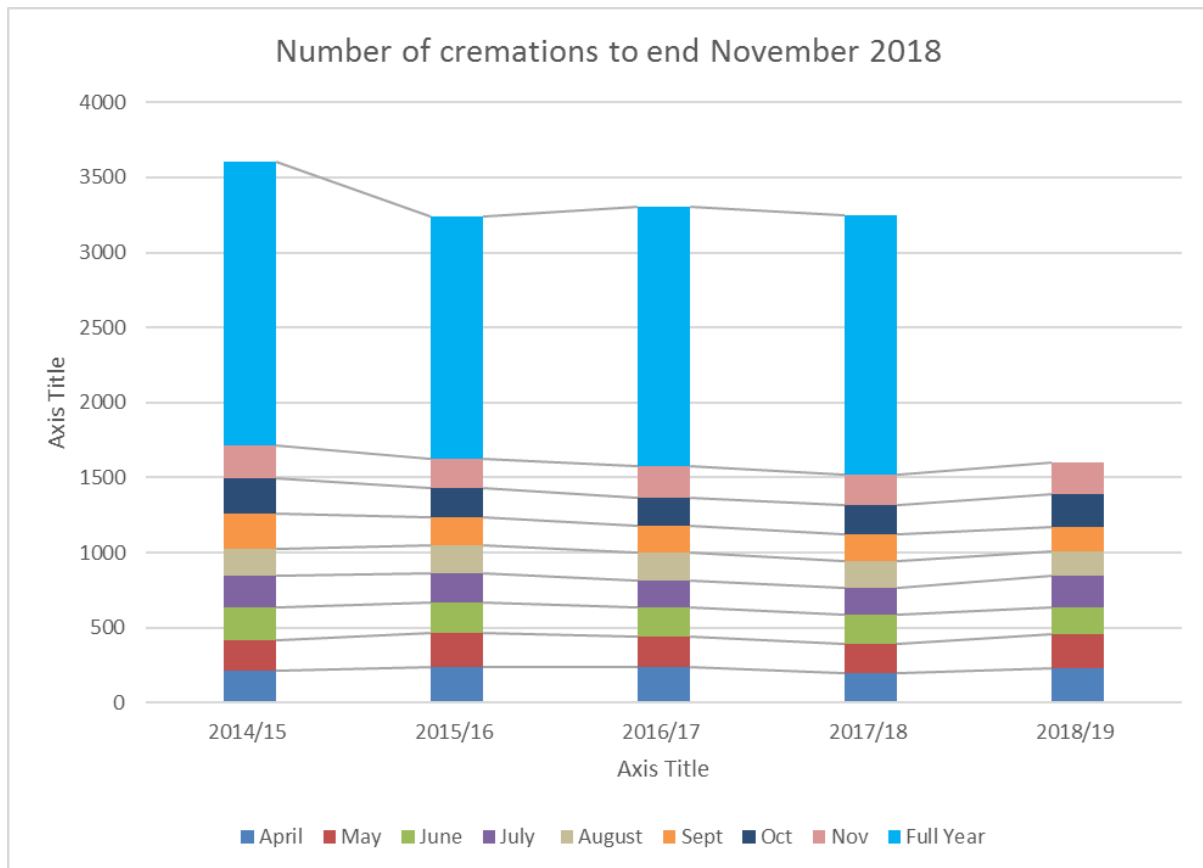
7. The number of burials at the cemetery is approx. 9% down for the same eight month period last year. The graph below shows the number of burials over the last 5 years during April to November and in total for the year.



8. The average number of burials per month from April to November is 65. Appendix 1 shows the average number of burials for the 8 month period over the last five years. The 5 year average over the period is 70 burials.

## Cremations

9. The number of cremations at the cemetery is approx. 5% up on the figure for the same eight month period last year. The graph below shows the number of cremations over the last 5 years during April to November and in total for the year.



10. The average number of cremations per month from April to November is 200. Appendix 1 shows the average number of cremations for the 8 month period over the last five years. The 5 year average over the period is 201 cremations.

### Finance

11. As costs continue to rise, the Superintendent continues to carefully manage his income and expenditure budgets at the Cemetery to ensure a high quality of service is maintained. At period 8 income is at 68% of budget and expenditure at 65%, this is comparable with previous years.
12. The Cemetery and Crematorium has funded several small projects that were not part of the CWP this year and plan to continue this practice while this is possible. This year those projects have been the cost of consultant advice on the cremator replacement project, the extension of the use of waste heat from abatement and the upgrading of the BMS system for heating control around the site. The Cemetery and Crematorium have also used some of the extra income to improve the electric fleet of vehicles and plant.
13. Appendix 2 provides a summary of the budget position. Members will note the continued strong performance with income levels comparable with this period last year. The Cemetery and Crematorium is projecting a managed over achievement of income in order to meet central costs and recharges and work towards the Cemetery and Crematorium's aim of achieving a break-even position across all budgets.

## Risk

14. Risk is reviewed regularly by the Department's Senior Leadership Team as part of the ongoing management of the operations of the Department. It is also reviewed regularly by the Management Team at the Cemetery and Crematorium.
15. There are five risks identified at the Cemetery and Crematorium. These are:
  - OSD CC 002: Financial failure (green, score 4)
  - OSD CC 003: Deterioration of buildings, plant and machinery (green, score 4)
  - OSD CC 009: Systems failure (amber, score 6)
  - OSD CC 010: Extreme weather (amber, score 6)
  - OSD CC 011: Tree and plant diseases (amber, score 6)
16. There are currently three amber risks and two green risks. There are no red risks.
17. None of the current risks scores have decreased or increased since last reported.
18. The detail of the individual risks is shown in Appendix 4. This also shows the actions that are being undertaken to reduce/ manage the current risk score to the target risk score.
19. It is proposed that the following two green risks are removed from future Committee reports.
  - OSD CC 002: Financial failure (green, score 4)
  - OSD CC 003: Deterioration of buildings, plant and machinery (green, score 4)
20. The current risk score for both of these is 'green' and the target risk score for both is green. For Financial failure the current and target score is the same. Details regarding these risks are included in Appendix 4. These risks will continue to be monitored and assessed. If there are any changes which result in an amber or red assessment, then reporting to this Committee will be reinstated.

Risk	Reason for removal from Divisional Risk Register
OSD CC 002: Financial failure	<p>Current risk is green (4). Target risk is green (4)</p> <ul style="list-style-type: none"><li>• Burial and Cremation numbers are consistent with previous years.</li><li>• Annual charges are proposed only after benchmarking with neighbouring and competing facilities.</li><li>• Successful introduction of reduced prices between 0830 and 1000 am Monday to Friday.</li><li>• Grave reuse implemented and promoted.</li><li>• Regular budget monitoring with Chamberlains Department and Open Spaces Director.</li></ul>

<b>Risk</b>	<b>Reason for removal from Divisional Risk Register</b>
OSD CC 003: Deterioration of buildings, plant and machinery	<p>Current risk is green (4). Target risk is green (2)</p> <ul style="list-style-type: none"> <li>• Good communication through effective and regular City Surveyor &amp; Open Spaces Department Client Liaison meetings.</li> <li>• Improved proactive and reactive maintenance work under new contract with Skanska.</li> </ul>

### **Corporate & Strategic Implications**

21. The Business Plan identifies how the department's activities will support the aspirations of the organisation, as reflected in the Corporate Plan.
22. By delivering the Business Plan, the Cemetery and Crematorium will support the Corporation's strategic aims:
  - **Contribute to a flourishing society**
  - **Shape outstanding environments**

### **Implications**

23. The Cemetery & Crematorium continues to provide an important service to the local community. Performance continues to be strong and all risks are being managed.

### **Conclusion**

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

### **Appendices**

Appendix 1 – Average number of burials and cremations per month for the period April to November from 2014/15 to 2018/19

Appendix 2 - Budget

**Appendix 3 – Corporate Risk Scoring Grid**

**Appendix 4 – Risk Register**

### **Background Papers:**

- Open Spaces Business Plan 2018/19 – PHES Committee May 2018
- Period 1 (April-July) Cemetery & Crematorium Business Performance update – PHES Committee – September 2018

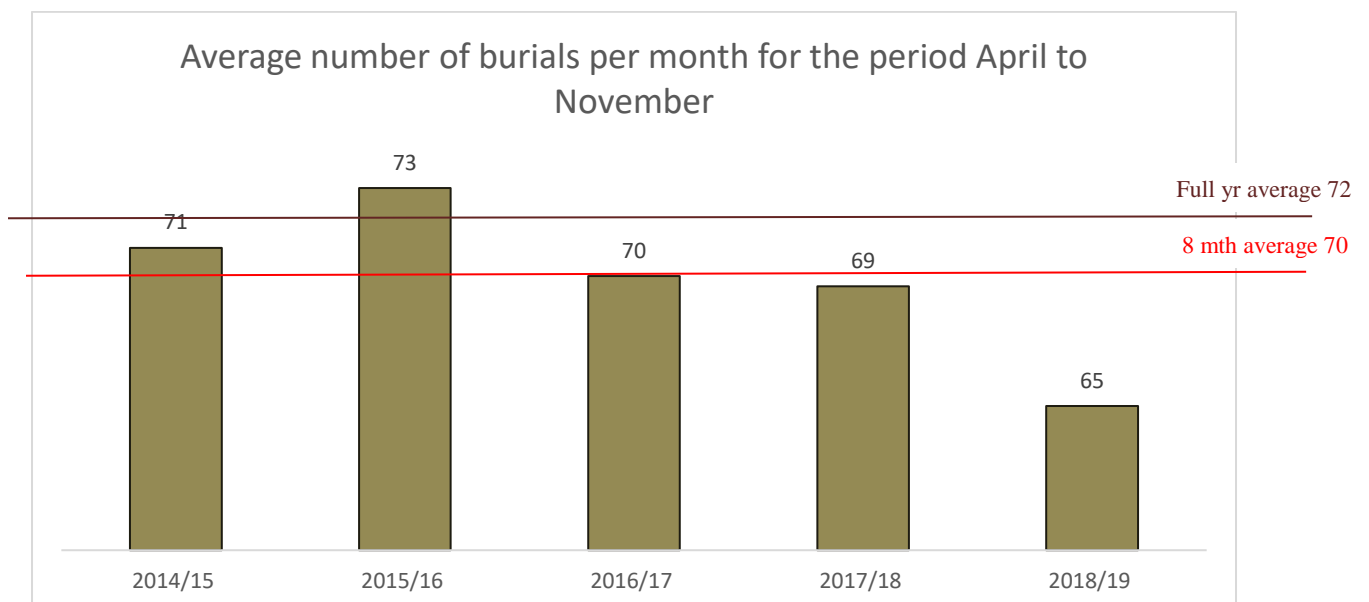
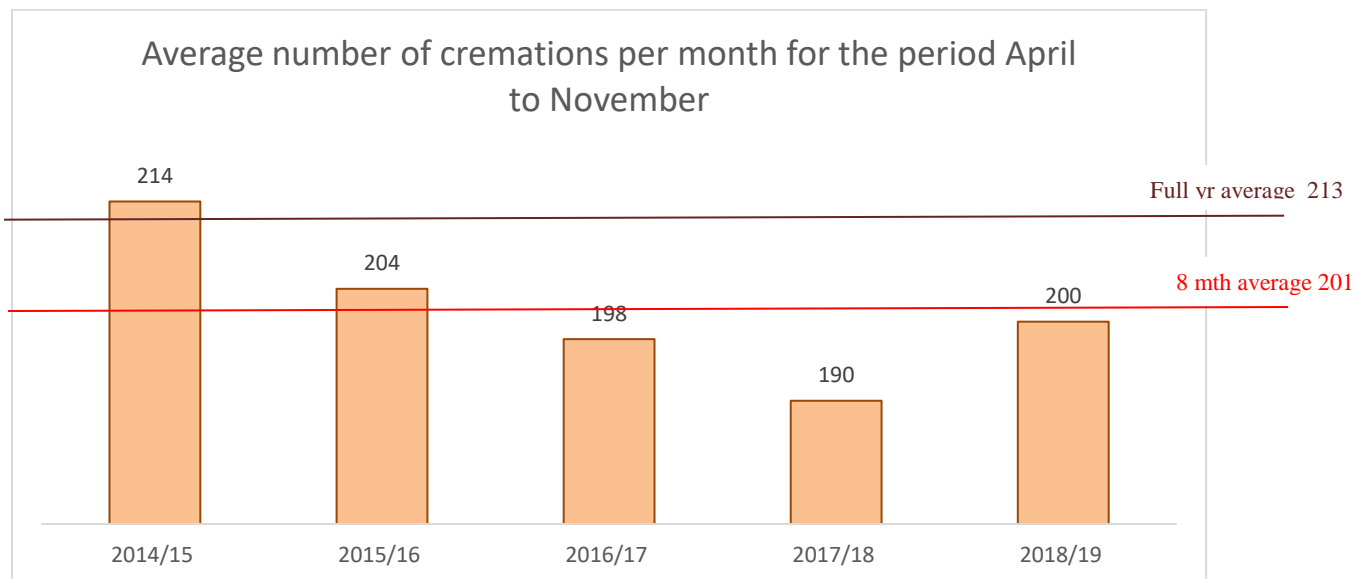
### **Gerry Kiefer**

Business Manager

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E: [Gery.Kieffer@cityoflondon.gov.uk](mailto:Gery.Kieffer@cityoflondon.gov.uk)

**Appendix 1** – Average number of burials and cremations per month for the period April to November from 2014/15 to 2018/19



## Appendix 2

### Department of Port Health & Environmental Services Local Risk Revenue Budget - 1st April - 30th November 2018

(Expenditure and unfavourable variances are shown in brackets)

	Latest Approved	Budget year to date (Apr-Nov)			Actual year to date (Apr-Nov)				Forecast for the Year 2018/19			
	Budget 2018/19	Gross Expenditure	Gross Income	Net Income	Gross Expenditure	Gross Income	Net Income	Variance Apr-Nov	LAB	Forecast Outturn	(Over) / Under	Note
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>Open Spaces (City Fund)</b>												
City of London Cemetery and Crematorium	1,646	(2,093)	3,262	1,169	(2,015)	3,267	1,252	83	1,646	1,989	343	1
<b>TOTAL PORT HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE LOCAL RISK</b>	<b>1,646</b>	<b>(2,093)</b>	<b>3,262</b>	<b>1,169</b>	<b>(2,015)</b>	<b>3,267</b>	<b>1,252</b>	<b>83</b>	<b>1,646</b>	<b>1,989</b>	<b>343</b>	

#### Notes:

1. Although income at the Cemetery is currently on target with the expected position at the end of November 2018, the Superintendent is concerned that income has slowed against last year's actuals and expects that total income will be around £50K below last year's total of £5.3m, leading to a favourable variance of £343,000 at year-end. Expenditure for the year is lower than the expected position, owing to delays with the purchase of a new Electric Vehicle and a large piece of grass-cutting equipment

**Appendix 3:****City of London Corporation Risk Matrix**

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

**Likelihood criteria**

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

**Impact Criteria**

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

**Risk Scoring Grid**

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

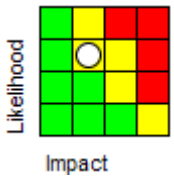
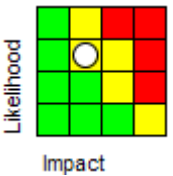

**Risk Definitions**

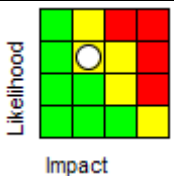
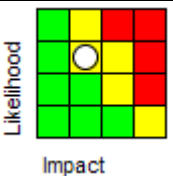

<b>RED</b>	Urgent action required to reduce rating
<b>AMBER</b>	Action required to maintain or reduce rating
<b>GREEN</b>	Action required to maintain rating

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

## Appendix 4 - C&C Detailed Risk report

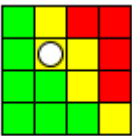
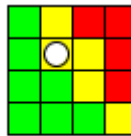

Rows are sorted by Risk Score

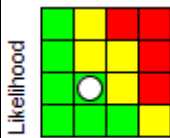


Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 009 Systems Failure</b> 01-Jun-2016 Gary Burks	<b>Cause:</b> IT systems including telephony fail <b>Effect:</b> Unable to operate as per normal. Unable to access Gower system. Unable to speak to funeral directors, doctors and internally across the site <b>Impact:</b> Burials and cremations may have to be cancelled/no bookings can be taken. Burials in the wrong graves. Loss of income. Reputational damage		<b>6</b>	Current risk score and target score remain unchanged.  <b>07 Dec 2018</b>		<b>6</b>	31-Mar-2019	  Constant
Action no, Title,	Description	Latest Note				Action owner	Latest Note Date	Due Date
OSD CC 009 a Business continuity	Review continuity plans on a regular basis and following significant systems failures Ensure staff are familiar with 'alternate operations' as detailed in the continuity plans IS partners aware that C&C is recognised as a 'critical' service and failures are treated as a priority.	Wifi now installed, there have been a number of problems affecting the wider corporation but the Cem and Crem have continued to operate. Manual systems for funeral bookings are still in place.				Gary Burks	07 Dec 2018	31 Mar-2019

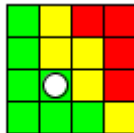
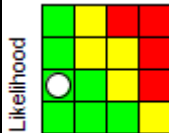

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 010 Extreme weather</b> 21-Jun-2016 Gary Burks	<b>Cause:</b> Strong winds causing significant tree damage within the cemetery and crematorium landscape <b>Effect:</b> Roads closed, exclusion of the public, disruption to funerals <b>Impact:</b> Significant cost to division and possible loss of income/ negative publicity		<b>6</b>	Current and target risk score remain unchanged.  <b>07 Dec 2018</b>		<b>6</b>	31-Mar-2019	  Constant



Action no, Title,	Description	Latest Note	Action owner	Latest Note Date	Due Date
OSD CC 010 a Wind damage	<p>A significant storm could (and has in the past) cause significant damage to tree stocks and buildings meaning that for a short period of time the cemetery roads could be closed and block, and one or more buildings could be out of action.</p> <p>This is managed through:</p> <ul style="list-style-type: none"> <li>• Tree inspections</li> <li>• Maintain staff with chainsaw qualifications</li> </ul>	<p>Ongoing action.</p> <p>Trees are surveyed and inspected with advisory works carried out. A group of staff within the cemetery team are trained in the operation of chainsaws for clearing fallen trees.</p> <p>No change, with 3,500 trees around the site, the risks associated with high winds remain.</p>	Gary Burks	07 Dec 2018	31-Mar-2019

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 011</b> <b>Tree and plant diseases</b> 21-Jun-2016 Gary Burks	<p><b>Cause:</b> Tree Disease or infestation</p> <p><b>Effect:</b> Loss of tree stock or exclusion of the public from certain areas of the cemetery</p> <p><b>Impact:</b> Partial closure of site or loss of mature trees and the affect that this would have on the landscape</p>	 <p>Likelihood</p> <p>Impact</p>	6	<p>Current and target risk score remain unchanged</p> <p><b>07 Dec 2018</b></p>	 <p>Likelihood</p> <p>Impact</p>	6	31-Mar-2019	 Constant
Action no, Title,	Description	Latest Note			Action owner	Latest Note Date	Due Date	
OSD CC 011 a Tree surveys	<p>Regular monitoring of trees</p> <p>Engagement of specialists where required</p>	<p>Ongoing action</p> <p>Inspections and treatment programme is in place and monitoring is being carried out.</p> <p>No Change</p>			Gary Burks	07 Dec 2018	31-Mar-2019	

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>OSD CC 002</b> <b>Financial failure</b> 18-Aug-2015 Gary Burks	<b>Causes:</b> Reduction in the number of burials, cremations and grave purchases. Increased unexpected expenditure due to building, plant or machinery failure. Charges too high for local market. Unanticipated high recharges. Insufficient burial space, cremators cannot be operated, poor budget monitoring, increased competition from other providers <b>Event:</b> Net agreed budget position not met at year end. <b>Impact:</b> Financial and reputational impact. Reduction in quality of service.	 Likelihood Impact	4	Current and target risk score remain unchanged.  <b>07 Dec 2018</b>	 Likelihood Impact	4	31-Mar-2019	 Constant
Action no, Title,	Description	Latest Note				Action owner	Latest Note Date	Due Date
OSD CC 002 a Burial management	This work is on-going: <ul style="list-style-type: none"> <li>The review of remaining and additional burial space informs operational planning.</li> <li>Fees comparisons with neighboring/competitor facilities used to inform annual fees and charges</li> <li>"Whole life" costs considered when setting fees and charges</li> <li>Effective relationships developed with funeral directors.</li> <li>Monitor any significant changes in competition or ownership of nearby crematoria</li> </ul>	The 'Burial Space Plan for the City of London Cemetery' Report to Port Health and Environmental Services Committee in March 2016 set out current availability and a plan for the next 15 years provision and beyond including the new space created by the Shoot and reuse of graves. With the opportunity that grave reuse gives, the cemetery capacity can be extended indefinitely. New Fee structure introduced to encourage more take-up of reuse graves. Lower fee introduced for early morning cremations. Regular review and monitoring of the fees and charges of surrounding cemeteries and crematoria. No Change				Gary Burks	07 Dec 2018	31-Mar-2019
OSD CC 002 b Effective maintenance management	This is ongoing:- Continue to work with City Surveyors to ensure that planned and preventative maintenance and CWP works for buildings and cremators is effective.	Cem & Crem Superintendent continues to work with City Surveyors, City Procurement and industry experts to take a cremator replacement project through the Gateway process. Gateway 3/4 report going to Project Sub Committee in December and PHES in January				Gary Burks	07 Dec 2018	31-Mar-2019

OSD CC 002 c Budget management	Regular monitoring of income and expenditure and budget adjustments made where appropriate and necessary	Regular and ongoing budget monitoring continues.  The Superintendent and his team monitor aged debt, income and expenditure reporting and escalating all significant risks to Chief Officer and Chamberlains. A recent Audit of the cemetery and crematorium income and expenditure recorded no specific red or amber risks.  No Change				Gary Burks	07 Dec 2018	31-Mar-2019
Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
OSD CC 003 Deterioration of buildings, plant and machinery  19-Aug-2015 Gary Burks	<b>Causes:</b> Inadequate proactive and reactive maintenance; failure to identify and communicate maintenance issues <b>Event:</b> Operational or public buildings become unusable. Plants and trees die. <b>Impact:</b> Service capability disrupted; ineffective use of staff resources; damage to corporate reputation; increased costs for reactive maintenance	 Likelihood Impact	4	Current and target risk score remain unchanged.  07 Dec 2018	 Likelihood Impact	2	31-Mar-2019	  Constant
Action no, Title,	Description	Latest Note				Action owner	Latest Note Date	Due Date
OSD CC 003 b Building R&M	Continue to develop relationship with City Surveyors and ways of working to ensure CWP works are delivered Regular meetings with CS's Property Facilities Managers The Superintendent was engaged in the development of the 2017 R&M specification and tender documents	Liaison meetings with CS Department have been regular and CWP work has been carried out to a high standard, Cremator maintenance is good and understanding of the cemetery and crematorium business needs has improved. Currently buildings and plant are operating well. CWP list being monitored to ensure activity such as redecoration and refurbishment doesn't slip beyond its required timeframe.  No change				Gary Burks	07 Dec 2018	31-Mar-2019

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health & Environmental Health Services – For decision	15 January 2019
<b>Subject:</b> Animal Reception Centre – Heathrow Airport: Annual Review of Charges	<b>Public</b>
<b>Report of:</b> Interim Director of Consumer Protection & Market Operations	<b>For Decision</b>
<b>Report author:</b> Rob Quest, Assistant Director (Animal Health & Welfare)	

## Summary

The purpose of this report is to seek approval of the increase to be applied to the Schedule of Charges in respect of services provided at the Heathrow Animal Reception Centre (HARC), for the forthcoming financial year 2019/20.

I propose a general inflationary increase to the fees of 2.5%. I also propose a split fee for dogs, cats and ferrets travelling under the Pet Travel Scheme, with a standard charge if the consignment undergoes a pre-check of its paperwork, and a surcharge of £58 for not having a pre-check done.

A new charge of £15 is also proposed to cover the cost of introducing and administering a new mandatory Customs approved electronic inventory system for the declaration of goods.

It is anticipated that the service will operate at a surplus in 2019/20 due to the continued level of throughput, the modest overall increase in general fees for 2019/20, the surcharge for failing to have Pet Travel Scheme documentation pre-checked and the new administration fee to cover our costs of being an ITSF.

## Recommendations

Members are asked to:

- Approve the charges included in the Appendix to this report with effect from 1 April 2019, or as soon as practicable thereafter.
- Approve the proposed Byelaws contained in the Appendix to this report and recommend to the Court of Common Council that the Byelaws be made, and that the Comptroller and City Solicitor be instructed to seal the Byelaws accordingly.

## **Main Report**

### **Background**

1. The charges for holding animals and provision of other services at the Heathrow Animal Reception Centre (HARC) are due to be reviewed towards the end of the financial year to enable an appropriate variation to be applied with effect from the following April. This advance consideration is necessary because the major proportion of the charges is in respect of quarantine animals and allied services and has to be introduced as an “additional byelaw” to the principal byelaws for the Centre. This takes somewhat longer than a more simplistic, discretionary fee increase. The second, smaller element of the charges is not byelaw controlled and relates to non-quarantine (export and boarding) charges but for practical and operational reasons the two are dealt with together.
2. The funding review in 2011 agreed that the facility should aim to achieve full cost recovery within five years, and this was achieved in 2011/12 (with the exception of one-off capital charges incurred in that year), with continuing surpluses until 2016/17. The budgeted outturn for 2018/19 is a deficit of £49,000, but the latest forecast is for a surplus of circa £40,000.
3. The main source of income at HARC, the Pet Travel Scheme, is a non-statutory function and is thus open to competition from commercial enterprises (see paragraph 14 below). Following a period of substantial fee increases to ensure a move towards full cost recovery, annual increases from 2013 - 2015 were in line with inflation, but in 2015/16 the overall increase was 1% above inflation, returning to an inflationary increase for 2017 - 2019.
4. From 1 January 2012 the UK harmonised its rules with the rest of the European Union for the importation of dogs, cats and ferrets, as the previous derogation to the rules expired on 31 December 2011. The new arrangements make it extremely easy for people to bring their animals in from ‘listed countries’ (these are the countries that were in the Pet Travel Scheme prior to 1 January 2012 and are those deemed rabies free, or with good rabies controls in place) and allows the importation of animals from ‘un-listed countries’, (i.e. the rest of the world) without having to undergo six months quarantine on arrival. The process for the rest of the world is similar to the process for ‘listed’ countries’ prior to 1 January 2012.
5. Thus, there is now a dual set of requirements. For ‘listed countries’, all that is required is a microchip, vaccination against rabies, a wait of 21 days, and then the animal can travel. For un-listed countries, there is a requirement for a microchip, vaccination, a blood test 30 days after vaccination and then a three month wait before travel. This is similar to the former scheme, except that the wait has come down from six months to three months. This consolidates the old legislation and makes very few changes to the current regime. The changes made since the introduction of the Pet Travel Scheme in 2003 have now been consolidated into new EU regulations which have been enacted by an amendment to the UK legislation, which came into force on December 2014.

## **Current Position**

6. The income for Animal Health during 2018/19 was originally projected as £3.340M with the revised estimate being £3.397M and a deficit of £49K. Expenditure at the HARC has risen over the past two years to cover the increased throughput, which has necessitated greater use of consumables (food, bedding etc.) and recruitment of additional staff.
7. Current budgeted income for Animal Health in 2019/20, taking into account the proposed increases in charges in this report, is £3.612M, and the overall projected net outturn for 2019/20 is a surplus of £468K. This will contribute to funding any expenditure on buildings, equipment etc. as part of set-up costs for new services.
8. EU Exit should not have an impact on throughput at HARC in 2019/2020. Government has been quite clear that the 'rules' will remain the same for import consignments for the foreseeable future. It is likely however, that there will be a dip in April 2020 whilst people wait to see what happens on 29 March. There is a longer-term risk that some of the expats who travel to work in the UK may be diverted to other European cities, depending on the outcome of any deal with the EU.
9. The City of Corporation has had discussions with Heathrow Airport Limited regarding a change of location for HARC. However, if a move does go ahead, the timing of it will not impact on HARC during this financial period.

## **Proposals**

10. Having regard to the continuing need to balance and maximise the HARC income against the danger of reducing the customer base at the Centre, I propose that the HARC Schedule of Charges is amended as shown in Appendix 1 and that this is introduced from 1 April 2019, or as soon as practicable thereafter.
11. Generally, I propose that fees are increased by 2.5%, but to promote more efficient use of resources I do not propose to increase the minimum charge for each Pet Travel Scheme consignment. However, I do intend to add a surcharge of £58 to each Pet Travel Scheme consignment that has not been 'pre-checked', based on the overall cost of non-compliant consignments when they arrive at HARC.
12. Pre-checking paperwork has a three-fold benefit: firstly it allows the required paperwork checks to be carried out during quieter periods; secondly it will decrease the levels of non-compliance with the Regulations which are an administrative burden and finally, it decreases the time the pets are with HARC, therefore freeing up kennels for other pets and improving customer service.
13. HARC has been advised by Her Majesty's Revenue & Customs (HMRC) that it has to become an Internal Temporary Storage Facility (ITSF) in its own right, which requires it to have a Customs approved electronic inventory system for the declaration of goods. Historically, HARC has always been an extension to

every other Storage Facility on the airport and has thus benefitted from not being required to have electronic systems in place for the declaration of goods. However, this will come to an end on 31 March 2019 and so HARC is required to have a Customs approved electronic inventory systems for the declaration of goods from 1 April 2019.

14. There is a cost attached to operating the electronic inventory system of £8,000 for its rental and the administration of data entry into the system. I therefore propose a new charge of £15 per consignment for all shipments that terminate at Heathrow. This is competitive when compared to other airport facilities, but will ensure full cost recovery.
15. The Comptroller and City Solicitor will prepare the necessary revised Byelaws that reflect the proposed charges as contained in Appendix 1 for approval by the Court of Common Council and sealed subsequently.

### **Implications**

16. The Comptroller and City Solicitor and the Chamberlain have been consulted and have agreed with the proposal to implement the surcharge on those Pet Travel Scheme consignments that do not send through their documentation to be pre-checked. The Comptroller and City Solicitor also comments:

“The statutory provision under which these charges are now made is Section 30 of the City of London (Various Powers) Act 1987 (which was an enactment removing the need for Ministerial approval of the HARC Byelaws), which provides ... “the charges imposed by such Byelaws shall be such as to secure so far as is possible, that taking one year with another, the aggregate amount raised by such charges is equivalent to the reasonable costs incurred by the Corporation in operating the Animal Reception Centre”. The need for increases to be reasonable is especially important here, since, unusually, the Byelaws machinery which implements the new charges is not subject to any public notification procedure or to confirmation by the appropriate Minister”.

17. There is the potential for competition at Heathrow for the Pet Travel Scheme (PETS) as this part of our business is not a statutory function. At Heathrow Airport, the City Corporation has negotiated Service Level Agreements with all the airlines that are currently in PETS, but this does not mean that a private organisation could not enter this ‘market’ by undercutting HARC fees. There is, therefore, a need to keep charges competitive.

### **Conclusion**

18. Changes to fees in previous years have resulted in the Animal Health Service increasing its income, and the fees that are proposed for 2019/20 should offset recent and future increases in costs, and maintain the service at an operating surplus.



**Appendices:** Appendix 1, Additional Byelaws relating to Heathrow Animal Reception Centre, to incorporate revised charges for 2019/20.

**Rob Quest**

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

**1 April 2019 – 31 March 2020**  
*(2018/19 rates shown in brackets)*

**Minimum charge for any one consignment (excluding those listed under point 2 and 5):**  
£182 (£177)

**Processing and handling fee for all shipments that terminate at Heathrow:** £15 (*new*)

**ANIMALS CHARGE PER CONSIGNMENT**

**1. Mammals** £182 (£177) for up to 24 hours, £56 (£55) per day or part thereof after 24 hours

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

In order to meet the “pre-check” requirements (where applicable) all documentation must be submitted to the HARC no later than 72 hours prior to the animal’s departure.

**a. PETS originating in the EU**

- PETS originating in the EU (including those countries listed in Annex 2 of part 1 to Commission Implementing Regulation (EU) 577/2013) will be charged a handling fee of £45 (£42) per animal in addition to the collection charge of £85 (£83) (see Part 2 section 5).

**b. PETS originating outside the EU**

- If a documentation ‘pre-check’ has been completed and approved by HARC, PETS originating outside the EU will be charged at the minimum charge of £177 for the first animal. Where the consignment consists of more than one animal, a handling fee of £43 (£42) per animal thereafter.
- PETS originating outside the EU that have NOT received a documentation ‘pre-check’ or arrive against the advice of HARC, will be charged at £235 for the first animal. Where the consignment consists of more than one animal, a handling fee of £43 per animal thereafter.

**c. PETS checked at aircraft (Assistance Animals)**

- If a documentation ‘pre-check’ has been completed and approved by HARC, Assistance Animals will be charged at £220 (£210) plus a 1-hour collection charge of £170 (£166) = £390 (£376) for the first animal. Where the consignment consists of more than one animal, a checking fee of £45 (£42) per animal thereafter.
- Assistance Animals that have **NOT** received a documentation ‘pre-check’ or arrive against the advice of HARC, will be charged at £450 for the first animal. Where the consignment consists of more than one animal, a checking fee of £45 per animal thereafter.

**3. Birds** £64 (£62) per box per day £182 (£177) minimum charge

Pet birds: £43 (£42) per bird for up to 24 hours.

Birds of prey £18 per bird for up to 24 hours, £182 (£177) minimum charge

**Transit commercial bird consignments should be booked through to have a maximum stay at Heathrow of 36 hours. Any transit commercial bird consignments that stay more than 36 hours will be charged at £42 (£40) per box per day, or part thereof.**

Bird Quarantine £360-£1250 (£350-£1200) plus laboratory testing fees.

Fees are dependent on size of consignment and housing requirements.

Faecal Sampling and Bird Autopsy costs as per current Animal & Plant Health Agency rates.

Larger consignments to be negotiated see Part 2, Section 6

**4. Reptiles** £182 (£177) for up to 24 hours, £215 (£210) per day or part thereof after 24 hours.  
**Transit commercial reptile consignments should be booked through to have a maximum stay at Heathrow of 24 hours. Any transit commercial reptile consignments that stay more than 24 hours and require transferring from their containers will incur the additional special handling charge detailed below.**

Additional special £215 (£210) minimum per consignment £64 (£62) per day or part thereof handling for any consignment after 24 hours.

**5. Fish/Aquatic Invertebrates/Invertebrates/Semen/Fish and Bird Eggs** £1.95 (£1.90) per box, £34 (£32) minimum charge.

**A surcharge of £645 (£630) will be added to the above for any transit consignment that has landed without an “OK to forward” from the on-going airline.**

**6. Security**

A charge of £21 (£19) will be made in respect of any consignment which requires security screening prior to leaving the ARC.

**7. Not on Board**

Requests for collection of animals from aircraft which are subsequently not found on board will be charged at normal collection charge (see Part 2, Section 5).

***PART 2***  
**CHARGES FOR ANCILLIARY SERVICES**

1. Destruction including disposal of livestock or goods - £40 (£38) per kilogram. Minimum charge £80.

Travelling containers are the owner's property and should be collected with the animal. If they are no longer required, they will be disposed of for a fee of £15.

2. Cleansing and disinfecting aircraft, animal holding facilities, vehicles, loose boxes etc. - £350 (£340) per hour (including disposal of special waste).
3. Identification of species for DEFRA/HM Revenue and Customs/Border Agency - £170 (£166) per hour. Assisting on off airport operations - £85 (£83) per hour/£545 (£530) per day.
4. Re-crating or repair to crates - quotations on request.
5. Collection and delivery of animals and birds to and from the Animal Reception Centre by an Animal Reception Centre member of staff - £170 (£166) per hour or £85 (£83) per consignment if no extra waiting time.
6. Long term rates for government agencies and non-government agencies i.e. RSPCA, to be negotiated.
7. Modification of containers to International Air Travel Association (IATA) standards:-  
  
Space Bars/Battens - £48 (£47) per box  
Air Holes - £21 (£20) per box  
Water Pots - £21 (£20) per box  
  
(If these services are carried out on the airport an additional fee of £85 (£83) applies for 'delivery' of the service).
8. Use of Large Animal Facility (per pallet) £350 (£340)
9. Special handling e.g. re-oxygenation of fish/re-packaging reptiles/additional administrative functions £85 (£83) per hour plus cost of materials

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<b>Committee</b>	<b>Dated:</b>
Port Health and Environmental Services	15 <sup>th</sup> January 2019
Streets and Walkways Sub Committee	22 <sup>nd</sup> January 2019
<b>Subject:</b> Moor Lane: ultra-low emission vehicle access restriction	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Ruth Calderwood, Air Quality Manager	

## Summary

In July 2016 the Mayor of London awarded the City of London Corporation £990,000 over three years to implement a Low Emission Neighbourhood (LEN). The funding was designed to support a range of pilot measures to improve air quality locally. One of the pilot schemes in the LEN area is to introduce an ultra-low emission vehicle (ULEV) access only restriction at the southern section of Moor Lane in April 2019.

682 people replied to an online consultation survey about the proposal. Additional responses were received via email, letter, telephone and consultation meetings with taxi representatives, Barbican residents and businesses.

Most people who responded to the consultation were against the pilot scheme. The main issues cited were:

- Increased congestion on surrounding roads
- Increased air pollution on surrounding roads
- Confusion with the Ultra-Low Emission Zone (ULEZ) also starting in April 2019. The schemes have different emission criteria.
- Lack of electric vehicle charging on-street (taxis), in residential blocks (residents) discouraging vehicle changeover
- Insufficient funds and support to purchase ULEVs
- Lack of electric freight vehicles
- Increased difficulty and cost for people with mobility issues
- Increase in journey times
- Moor Lane considered to be too small an area to pilot the proposed scheme
- Perception that the scheme is discriminatory against the taxi trade and other drivers in the area

## **Recommendation**

It is recommended that introduction of the scheme is postponed for up to 6 months to avoid confusion with the Mayor of London Ultra-Low Emission Zone and provide additional time for drivers to upgrade vehicles.

Approval is sought:

1. from PHES Committee to purchase and install equipment before April 2019, and
2. from the S&W Sub Committee to make the experimental Traffic Management Order restricting access to ULEV only in 6 months' time

## **Main Report**

### **Background**

1. Air quality does not meet health-based standards in the City of London. Several measures are being implemented to improve air quality both locally and across the capital. This includes the Ultra-Low Emission Zone (ULEZ) being introduced by the Mayor of London from April 2019.
2. Despite this, it is anticipated that air quality will continue to remain an issue in the City until 2025 at the earliest. Further measures are therefore required to improve air quality in the Square Mile.
3. In July 2016 the Mayor of London awarded the City of London Corporation £990,000 over three years to implement a Low Emission Neighbourhood (LEN). The funding was designed to support a range of pilot measures to improve air quality locally. The most cost-effective measures could then be rolled out more widely.
4. One of the pilot schemes in the LEN area is to introduce an ultra-low emission vehicle (ULEV) access only restriction at the southern section of Moor Lane in April 2019.
5. A Gateway 1 and 2 project proposal was presented to Corporate Projects Board and Projects Sub (Policy and Resources) Committee in May /June 2018. This was for approval to undertake a feasibility study, consultation and awareness raising campaign. The intention was for the work to follow a light approval route, with the next report being Gateway 5 for officer approval only. Following this, work would commence to purchase and install cameras and implement the scheme by April 2019.
6. Given comments received during the consultation, and other relevant issues, it is considered prudent to agree a way forward with members of the Port Health and Environmental Services Committee and the Streets and Walkways Sub Committee.

### **The scheme**

7. The proposed pilot scheme would restrict access to ultra-low emission vehicles only at the southern section of Moor Lane. A ULEV is a motor vehicle that emits



less than 75g of CO<sub>2</sub>/km from the tailpipe and can operate in zero tailpipe emission mode. ULEVs range from pure electric vehicles, to some plug-in hybrids and 'range extended' electric vehicles, such as the new taxi for London. They are significantly cleaner than vehicles that meet the emission standards of the Mayor of London Ultra Low Emission Zone. The traffic controls would be managed by Automatic Number Plate Recognition (ANPR) cameras.

8. The benefits of the pilot are:

- to assess the cost of enforcement
- understand how to deliver effective signage that is widely understood
- understand the effectiveness of a ULEV only street in delivering local air quality improvements
- ascertain if the scheme would be suitable to roll out to other areas of the City in support of the City's forthcoming Transport Strategy
- assess the potential of a ULEV street to act as an incentive for the uptake of zero emission capable vehicles

### **The consultation**

9. A consultation was held from 1<sup>st</sup> Nov to 30<sup>th</sup> November. 682 people replied to an online survey. Additional responses were provided via email, letter, telephone conversations and consultation meetings with Taxi representatives, Barbican residents and businesses. A detailed summary of responses received during the consultation is provided in Appendix 1.

10. Most people who replied are against the scheme. Key issues cited:

- Increased congestion on surrounding roads
- Increased air pollution on surrounding roads
- Confusion with the Ultra-Low Emission Zone, also starting in April 2019. The schemes have different emission criteria.
- Lack of EV charging on-street (taxis), in residential blocks (residents) discouraging vehicle changeover
- Insufficient funds and support to purchase ULEVs
- Lack of EV freight-compatible technology
- Increased difficulty for people with mobility issues
- Increase in journey times
- Moor Lane is too small an area to pilot the proposed scheme
- Perception that the scheme is discriminatory against the taxi trade and other drivers in the area

11. TfL has been consulted over the modelled impact on congestion on Strategic Road Network (Aldersgate Street and Moorgate) and consider the impact to be minimal

12. The London Borough of Hackney introduced an ULEV scheme in September 2018. This is subject to a legal challenge. Non-ULEV taxis and Private Hire Vehicles have been allowed access as a result. The legal challenge is for:

- the impact on access to a hotel
- failure to carry out meaningful consultation
- aspects from consultation responses not being considered, including disabled access and crime
- impacts on air quality
- negative impacts on the reputation of a hotel

13. The Moor Lane ULEV differs from the London Borough of Hackney scheme:

- it does not prevent access to any point in Moor Lane by non ULEVs
- it is a pilot, with an experimental Traffic Management Order (TMO), which lasts a maximum 18 months. The first six month enables formal responses to be made.
- the only requirement for an experimental TMO is to provide notice of the experiment

## Options

14. It is proposed that the ULEV pilot operates 7am-11pm on weekdays and that the current barrier closure is maintained overnight and at weekends. This was the favoured option in the response to the consultation.

15. Given other issues raised during the consultation, the following options have been considered

- a. **Go ahead with ULEV scheme in April 2019, as originally planned.**

As the Mayor of London ultra-low emission vehicle scheme is being introduced in April 2019 this is not recommended due to the potential confusion. The two schemes have different emissions criteria.

- b. **Go ahead in April 2019, but provide a whitelist of vehicles that would be exempt from any penalty charge e.g. residents vehicles**

The main advantage is that the pilot would go ahead as planned, whilst reflecting comments received during consultation. The proportion of residential vehicles using Moor Lane is low. A whitelist of residents' vehicles could lead to residential support with ongoing air quality initiatives and further traffic management measures. The main disadvantages are that there could still be confusion with the ULEZ and the provision of a whitelist of vehicles would lead to a substantial increase in the time and cost of enforcement.

- c. **Postpone for defined time e.g. 6 months.**

The main advantage would be to avoid confusion with the Ultra-Low Emission Zone being introduced in April 2019. It would also allow for longer time period to publicise the scheme and additional time for drivers to move over to ULEVs. The main disadvantage is that the pilot scheme would be delayed.

**d. Postpone for a longer period to assess the market for ULEV availability**

The advantage of this would be to avoid confusion with the ULEZ and allow additional time for drivers to source vehicles that meet the ULEV criteria. This would be particularly beneficial for businesses that lease vehicles and are tied into a contract. It would also increase the likelihood of a high compliance rate with increased provision of electric charge points to support ULEVs in London. The main disadvantage is that the funding from the Low Emission Neighbourhood project would not be available to purchase and install enforcement cameras. The funding would have to be found elsewhere.

**Corporate & Strategic Implications**

16. This work supports the following outcomes from the new Corporate Plan 2018 to 2023. Outcome 11 'We have clean air, land and water and a thriving and sustainable natural environment'; Outcome 2 'People enjoy good health and wellbeing'.

**Conclusion**

17. The City Corporation has been piloting a range of measures to improve local air quality as part of the Low Emission Neighbourhood. This includes a proposal to implement an ultra-low emission vehicle access only restriction in the southern section of Moor Lane.

18. Overall, most people who responded to the consultation were against the scheme.

19. It is recommended that the introduction of the scheme is postponed for up to 6 months to reflect some of the comments received, and approval be granted from PHES Committee to purchase and install equipment before April 2019, and from the S&W Sub Committee to make the Experimental Traffic Order restricting access to ULEV only in 6 months' time

**Appendices**

**Appendix 1: Summary of consultation responses**

**Ruth Calderwood**  
Air Quality Manager

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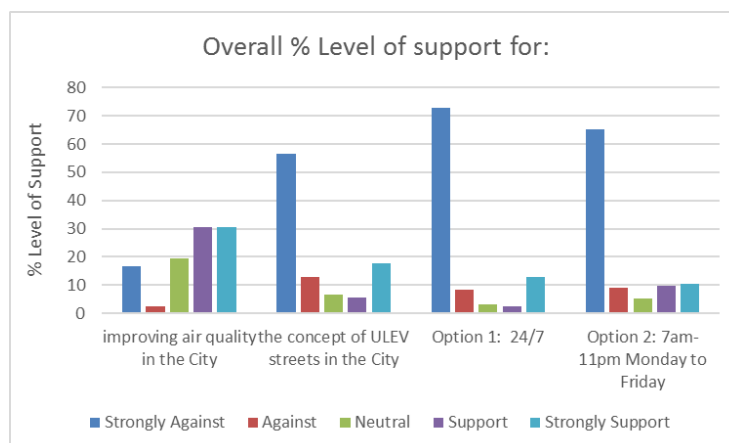
E: [ruth.calderwood@cityoflondon.gov.uk](mailto:ruth.calderwood@cityoflondon.gov.uk)

## Appendix 1: Summary of consultation responses

Held 1<sup>st</sup> Nov to 30<sup>th</sup> November. 682 response were received to the online survey, with additional responses given via email, letter, telephone conversations and consultation meetings with Taxi representatives, Barbican Residents and Businesses.

Summary of online survey response:

- Breakdown of responses
  - 26% residents
  - 22% Taxi / PHV drivers
  - 15% Businesses
  - 7.5% Other drivers
  - The remaining 29% identified themselves in a variety of categories, including commuters, visitors, City workers and cyclists
- Understanding of the term 'Ultra Low Emission Vehicle'
  - 42% correctly defined ULEV as 'Vehicles which emit less than 75g of CO2 per kilometre travelled'
  - 29% defined ULEV as 'electric vehicles only'
  - 22% incorrectly defined ULEV as inclusive of 'Euro 6 petrol/diesel vehicles'
  - 7% responders gave a range of answers, the most prominent being 2.5% who thought ULEV definition should include all taxis
- Additional information:
  - 64% own of fully petrol/diesel vehicle
  - 5% own a ULEV compliant vehicle, with a further 5% not sure if their vehicle is ULEV compliant
  - 26% don't own/drive a vehicle in London
  - 59% drive through the southern end of Moor Lane in both directions
  - 9% generally only drive north through the police checkpoint, while 3% generally only drive south through the police checkpoint
  - 5% of drivers on Moor Lane don't use the southern end at all
  - 24% don't drive through Moor Lane at all
  - Residents most strongly support the ULEV pilot



377 out of 682 survey responders also commented on the proposal. Comments received are detailed below

Comments provided online
<p>Regarding vehicle type:</p> <ul style="list-style-type: none"> <li>- Be selective in banning certain vehicles (e.g. limit / restrict timings of delivery trucks and lorries for evenings)</li> <li>- Only close road closure at off peak time - average commuters (i.e. drivers) to be able to pass through from 7-9am &amp; 5-7pm to allow passage to work</li> <li>- Clarify that a PHEV must be in zero emissions mode to enter the zone. A penalty equal to that received by a non-compliant vehicle should be given if the PHEV is found to be operating on its internal combustion engine (ICE) or strengthen to scheme to become a pure zero emissions zone</li> </ul>

Regarding pilot management:

- Make it clear how the pilot will be monitored & evaluated
- Make clear the success criteria of the project
- Have precise monitoring of air pollution to determine effectiveness of the scheme
- Obtain evidence of displaced emission (and congestion, noise pollution etc) to other routes as a result of the displaced journeys
- Trial morning and evening ULEV only before going to full time
- Should only be a northbound closure
- A system of sending warning notices for first offences should be in place with penalty charge notices for repeat offenders

#### **Other common comments**

##### **Arguments for Option 2 (keep current closures) – Preferred**

- Moor Lane being open 24/7 would have a negative impact on residents. Road closure at night helps reduce noise and air pollution which impact to resident's sleep
- Option 2 (keep current road closures) reduces traffic more than option 1 (ULEV 24/7), as there is a demand for PHV/taxis at night and these will soon switch to ULEV
- Need to retain current closure to provide comparison for results

##### **Arguments for Option 1 (24/7)**

- 24/7 would provide more incentive for drivers to switch to ULEV (considering majority of traffic in Moor Lane is taxi/PHV)

##### **There must be good communication around 'ULEV'**

- Confusion with the TfL Ultra-Low Emission Zone starting in April 2019
- Confusion for visitors / irregular drivers in the area about what is allowed in a 'ULEV' only area
- Must have adequate signage on approach roads to discourage vehicles inadvertently entering Wood and Fore Streets, only to have to exit via the same route to avoid the ULEV restrictions. Very short distance to 'catch' vehicles who are not expecting the closure (this behaviour already common as drivers discover the overnight barrier on Moor Lane)
- Current proposed signage is not clear

##### **Scheme is too small and not ambitious enough**

- Commonly considered that this proposal will have no (observable) impact on AQ in Moor Lane and it is too small an area to have a wider positive impact on AQ,

<p>especially as the road is open from the North end. Therefore another larger location or a higher area of traffic (Beech Street) should be considered</p> <ul style="list-style-type: none"> <li>- Moor Lane is too small an area to act as a reasonable test bed for a ULEV zone</li> <li>- It's a token scheme to use up money and be seen to be doing something</li> </ul>
<p><b>Traffic displacement concerns</b></p> <ul style="list-style-type: none"> <li>- This scheme will create worse congestion and pollution in surrounding roads</li> <li>- Will cause an increase in journey times and therefore cost (to businesses for loss of working time / to customers if taking taxi /to resident's fuel costs)</li> <li>- Will increase traffic on other residential roads causing a detrimental impact to their quality of life (increase in noise and air pollution)</li> <li>- Extra congestion / pollution will be caused by delivery vehicles when all of them are coming via N of Moor Lane</li> <li>- Should focus on reducing no. of vehicles not changing type of vehicle or restricting access. Many roads in the City are already shut /reduced access as a result of cycle lanes/gas works etc leading to high congestion. Roads need to be flowing to reduce AQ.</li> <li>- Proposal will not aid reduction in congestion efforts in the long term, and there are concerns over traffic increase as people switch to ULEV</li> <li>- Negative impact on emergency service response times by closing roads</li> </ul>
<p><b>Affordability/availability of ULEV vehicles</b></p> <ul style="list-style-type: none"> <li>- Most people cannot afford to replace their cars at current ULEV prices and it is unfair to expect them to</li> <li>- Unreasonable to force change to ULEV now when it will happen naturally over the next few years as they become cost effective - have a gradual ULEV roll out approach</li> <li>- LA / Government should subsidise cost of ULEVs</li> <li>- Not enough EV's on market to cover current demand</li> <li>- No EV option for HGVs - provision needs to be made if this scheme is rolled out on a wider basis</li> <li>- Not a comprehensive choice of EV vehicles for taxis, the electric taxi only became available in January 2018.</li> <li>- Not enough cost effective EV choice for disabled drivers/passengers</li> </ul>
<p><b>Availability of ULEV charging infrastructure</b></p> <ul style="list-style-type: none"> <li>- Currently no proper infrastructure in the City</li> <li>- Need charging infrastructure before start limiting vehicles to ULEV only</li> </ul>
<p><b>ULEV technology concerns</b></p>

<ul style="list-style-type: none"> <li>- Long term worries about EV technology and the science behind it (given Diesel gate), especially for those who purchased Diesel vehicles on Government advice</li> <li>- Lack of noise made by EV's is a safety risk</li> <li>- Concerns that EV's are not actually capable of their purported range</li> </ul>
<p><b>Risk to the City</b></p> <ul style="list-style-type: none"> <li>- Businesses will go elsewhere if congestion continues to get worse - People/goods need the ability to move around the City in order to remain productive and most vehicles on Moor Lane are commercial/taxis and therefore needed to keep the City successful</li> <li>- Perception this is just a money-making opportunity</li> <li>- Could result in taxi protest demos</li> </ul>
<p><b>Thoroughness of consultation</b></p> <ul style="list-style-type: none"> <li>- Not considered a proper consultation as there was no 'do nothing' option</li> </ul>
<p><b>Scheme considered discriminatory to:</b></p> <ul style="list-style-type: none"> <li>- the taxi trade - it restricts making a living as a taxi driver and is a 'restraint of trade' for those whose work is dependent on travelling through Moor Lane</li> <li>- Disability groups</li> </ul>
<p><b>Exemptions requested for:</b></p> <ul style="list-style-type: none"> <li>- <b>Taxis</b> - Licensed taxis are 100% wheelchair accessible and are a service to the public. They are part of public transport network and can act as an emergency service. As there is already a strategy for replacing older Taxis to ULEV set by TfL, all London taxis will be electric hybrid within 15 years (discounting natural wastage which will see a faster changeover). Some responses specifically state that they will support this scheme if taxis are exempt.</li> <li>- <b>Delivery vehicles</b> – there is currently no EV option for HGVs and therefore provision needs to be made for their continued movement in the area if this scheme is rolled out. TfL also needs to make provision for servicing and deliveries to Barbican Estate and local businesses.</li> <li>- <b>Residents</b> - Residential access is already frequently impeded by roadworks on Fore St/Wood St, and as resident vehicle movements make up an insignificant amount of the traffic movement on Moor Lane, they should not be penalised too. This proposal also conflicts with TfL's policy of allowing residents in the Congestion Charging area to continue to receive the residents discount until 2021.</li> </ul>



- **Emergency trade vehicles** - e.g. emergency plumbers called out by residents or local businesses

Specific response from organisations replying to the online survey:

**Deutsche Bank**

We own the 21 Moorfields development site, which will become the new headquarters for Deutsche Bank. We support the move towards a cleaner and healthier City and are working with our supply chain and tenants to increase the use of electric vehicles and the increased use of consolidated deliveries. The construction logistics and the long term delivery strategy for the 21 Moorfields development requires access to the site from Ropemaker Street to the North so this closure of the southern access point will not impact our site. However, a future move towards a ULEV only Moor Lane could impact our ability to service our development if the transport and logistics industry has not moved far enough towards 100% ULEV. We, as Landsec, would like to be part of the debate.

**Citypoint**

Implementing this scheme on Moor Lane will severely impact deliveries to Citypoint as the Loading Bay is accessed via this route only. We have already been in contact with our service supply partners regarding electric vehicles and the technology for electric trucks/lorries/delivery vans/waste trucks is not feasible at present.

**Bike Taxi Ltd (Pedal Me)**

Response on behalf of Bike Taxi Limited - trading as Pedal Me Moor Lane is a useful route for cycling as part of Q11. Having quieter streets is beneficial for our company as it improves the speed at which we can deliver to other businesses in the City. It also provides a safer environment for our bike taxi service. However, our concern is that a modal filter that still allows ULEV through will become less and less useful over time as more vehicles become compliant with ULEV rules. Our preference would be a modal filter that removes all motor vehicles from Moor Lane.

**RAC**

I am responding on behalf of RAC Motoring Services, which provides roadside assistance to members in the City of London. We have 2 points we wish to raise in relation to this proposal and the principle of an ultra-low emission street: - Access for roadside assistance vehicles operated by organisations that qualify for a congestion charge 100% discount should have access from either end of Moor Lane. Broken down vehicles cause congestion and therefore attendance times should be minimised for the safety of our members and to prevent congestion. In this instance, it does not make sense to require such vehicles to take a circuitous route to access Moor Lane from the Ropemaker Street end. - We would encourage the City of London to enforce the new ULES with a warning letter for first time offenders. City of London are unlikely to be able to afford a sufficiently high profile communications programme to ensure that all drivers are aware of the restriction and complex messages are difficult and dangerous to communicate via signage in an area as busy as the City of London. It will also be the case that the definition of an ultra-low emission vehicle may well cause confusion for drivers. We would recommend that ANPR be installed to facilitate this.

- Other methods of engagement in the consultation resulted in a further 28 emailed responses from residents and interested parties, which contained a mixture of support for and railing against the proposed ULEV scheme. The following responses from groups/organisations:
  
- Two consultation sessions held at the Barbican Estate resulted in the attendance of 9 people (8 residents and a representative from Land Securities). The key comments:
  - Overwhelming concern over the long-term vision for Moor Lane behind this experimental scheme e.g. will the entire Lane go ULEV only at the conclusion of the 12-18 month trial?
  - Consider the long-term visions' impacts on residents and inform each resident with a vehicle (via the carparking lists)
  - Consider the uptake issues regarding residents' financial ability to afford new ULEV vehicles
  - Proposal for resident's exemption or an 'allowed number of passes through the checkpoint'
  - Scheme may be considered discriminatory against disabled persons
  - Road signs are too loaded with information to be clear
  - Changes/roadworks etc on the wider road network will cause problems in re-routing to avoid the Southern end of Moor Lane
  - Proposal that new resident rental agreements for car parking spaces are available only for ULEV vehicles
  - One-month bedding in period is not enough to reduce confusion, especially given the elderly population on the Barbican Estate

## **Response to the City's Ultra Low Emission Vehicle Only Street consultation from the Barbican Association**

The Barbican Association represents the 4000 or so residents of the Barbican Estate.

The BA supports the trial of a ULEV-only Street as proposed in Moor Lane. Some residents will clearly be inconvenienced by the restriction at the south end of Moor Lane to ultra low emissions vehicles only, but residents in general strongly support the move to have cleaner air and less air pollution. So we welcome this trial.

We also have a very strong preference for option 2. We understand the advantages in terms of simplicity of signage of Option 1, but it has a major disadvantage for the residents who live on Moor Lane or close to the south junction with Moor Lane. Add that to the disadvantage that the pilot will have for residents with non-compliant cars in Moor Lane and Fore Street, and Option 2 would result in severe detriment to residents.

The reason that the barrier was installed, with its closure overnight and at weekends, was to protect residential amenity and in particular residents' night time sleep. Moor Lane is overlooked by 100s of bedrooms, and against a generally quiet night-time environment, vehicle noise in the night can be very disruptive and disturbing of sleep.

The barrier provides an important protection to night-time quiet for these residents, and we do not want to see that protection diminished.

We acknowledge that the intention is that non-compliant vehicles would still not be able to come through the junction at night or at weekends. But instead of a physical barrier, option 1 would offer only the prospect of a fine to stop such vehicles. So the vehicle owner may get a fine, but that is small consolation to a resident who has been woken up in the small hours by a careless vehicle screeching round the corner.

Moreover, compliant low emission vehicles would be allowed through at any time, but their engines may not be quiet, and nor might their passengers. Disturbance can come from noise inside the car, banging doors etc.

On behalf of Barbican Residents, we hope that you will opt for Option 2 and keep the barrier closed at night.

Chair, Barbican Association

I write on behalf of the Barbican Association and the residents.

The members of the BA discussed the Moor Lane ULEV proposition at the November meeting and we understand the need for the project and are supportive of the Pilot Scheme. However, we strongly object to Option 1 in which the gate would in effect be removed at the corner of Fore Street and Moor Lane.

We are also aware of some residents who need to use their cars because of mobility issues and who will find their journeys more difficult with long detours. (Willoughby House car park to drive south for instance) They will write to you I am sure but as a group we do wonder if there is a more suitable road junction in the City that is not affecting so many residential properties.

We choose Option 2 that retains the overnight and weekend road closure, something that was hard won and does not need to be lost just because the signage may be more difficult. The gated road was debated after much consultation. The reasons for the restriction to the traffic at weekends and after 11pm were very good and road users in the area are used to it.

There are some 300 bedrooms facing Fore Street and Moor Lane, both are narrow roads and there are the 6 servicing and delivery areas - Moor Place, Moor House, London Wall Place, City Point with 21 Moorfields and Tenter House soon to be added. There are also bars and restaurants on Moor Lane and within the City Point area. Option 1 that introduces a through route will cause an increase in traffic with resulting road noise and disturbance.

I would be grateful for a confirmation from you that this comment is added to the list of responses to your consultation.

Chair BA Planning Sub-committee  
Deputy Chair BA

### **Consultation meeting with Taxi trade representatives**

- Impact of displaced traffic in the surrounding areas
- Possible increase costs of travel particularly to wheelchair users
- Impact on drivers – extra pressure from passengers
- Increased journey times
- Concerns over measurement criteria for the Pilot – there must be broader measurement of the pilots success or not then the increase in ULEV vehicles
- Favour Option 1 (scheme operates 24/7) as it is clearer and would be easier to communicate to drivers



The Licensed Taxi Drivers' Association  
Taxi House  
Woodfield Road  
London  
W9 2BA  
November 2018

To whom it may concern,

### **LTDA Moor Lane ULEV Scheme Consultation Response**

We are writing to you to in response to the public consultation on the Moor Lane Ultra Low Emission Vehicle Pilot Scheme. The Licensed Taxi Drivers' Association is the professional and authoritative voice of London taxi drivers, representing over 10,500 members. We are committed to ensuring that our member's voices are heard and to maintaining the high professional standards that have become synonymous with London taxi drivers.

We fully commend in principle the City of London's commitment to improving air quality in London, by encouraging the uptake of fully electric and compliant hybrid vehicles, which will reduce CO<sub>2</sub> and NO<sub>x</sub> levels. Taxi drivers are some of the worst impacted by poor air quality, as they are exposed to dangerous levels of air pollution every day whilst driving across our city. London's taxi trade is already leading the way in efforts to clean up London's air and transition to zero emission vehicles and from January 2018 all new taxis licensed in London have been Zero Emission Capable.

However, in the interim, it remains imperative that taxis are allowed maximum possible access to all roads. Mayor Sadiq Khan's planned London-wide Ultra Low Emission Zone exempts taxis in recognition of the action the trade is already taking to combat poor air. Local policies, such as the Moor Lane pilot scheme, should mirror this approach. Taxis are also relied upon by thousands of passengers of limited mobility. All black cabs are wheelchair accessible, with a subsidised 'taxicard' ride scheme operating for disabled passengers. For those who struggle with walking or cycling, accessing the area Moor Lane will be more difficult without the option of a taxi.

Most importantly, whilst we welcome clean air measures, it is more vital that the City of London focuses on delivering the electric vehicle charging infrastructure that is greatly required to encourage more to transition to ZEC vehicles, instead of restricting taxi access to

roads. Our members need to be assured that widespread accessible, affordable and dependable rapid electric charging points are in place. Currently, the nearest fast-charging point to Moor Lane is on Banner Street, EC1Y 8QE, and with only one port. This is 0.8 miles away. If similar ULEV-only schemes are to be piloted across the City of London, there needs to be the infrastructure in place to support a greater number of electric vehicles on London's roads.

**To conclude, we would support the measures if they were to include an exemption to allow taxis continued access to Moor Lane.**

Please do let me know if you would like to discuss the concerns we raise in any further detail, or if you have any questions. You can get in touch at your earliest convenience by contacting Toby North by e-mail ([tobynorth@newingtoncomms.co.uk](mailto:tobynorth@newingtoncomms.co.uk)) or by telephone (020 7234 3338).

Yours sincerely,

Chairman of the Licensed Taxi Drivers' Association

## City of London Moor Lane Ultra Low Emission Vehicle (ULEV) Pilot Consultation

November 2018

### Summary of FTA View

- FTA is opposed to an Ultra-Low Emission Vehicle zone which includes HGVs and vans.
- The Association has concerns about access for commercial vehicles making deliveries to customers in the area.
- The introduction of the scheme only weeks prior to the Ultra-Low Emission Zone in Central London, and operating to different emission standards, is unhelpful for industry.
- There are no diesel vans with emissions lower than 75g CO<sub>2</sub>/km currently available on the market, and HGVs are not measured in the same way as cars and vans for CO<sub>2</sub>. Therefore, this is effectively an HGV ban.

### Background

The Freight Transport Association (FTA) is one of Britain's largest trade associations, and uniquely provides a voice for the entirety of the UK's logistics sector. Its role, on behalf of over 17,000 members, is to enhance the safety, efficiency and sustainability of freight movement across the supply chain, regardless of transport mode. FTA members operate over 200,000 goods vehicles - almost half the UK fleet - and some one million liveried vans. In addition, they consign over 90 per cent of the freight moved by rail and over 70 per cent of sea and air freight.

FTA's mission is to make logistics safer, cleaner and more efficient. We seek to ensure that our members can supply our towns and cities with the goods they require every day, whilst reducing any social impacts – including air pollution. As information about the health impacts of some atmospheric pollutants has grown, the issue of lowering local air quality emissions has risen in its importance. The logistics industry accepts that emissions need to reduce compared to their historic levels.

### FTA response:

FTA has concerns about access for commercial vehicles making deliveries to customers in the area and therefore is opposed to an Ultra-Low Emission Vehicle zone which includes HGVs and vans.

The logistics industry recognises the importance of tackling poor air quality and has been working hard to upgrade its fleet. In London, operators are already working towards the introduction of the Ultra-Low Emission Zone in April 2019, making significant investments to upgrade their fleets to Euro VI/6 standards.

The Moor Lane Ultra Low Emission Vehicle Zone works to different emission standards and is being introduced a matter of weeks before the launch of the ULEZ, which is unhelpful for industry and does not allow sufficient time for them to make the necessary adjustments to their fleets and operations.



Whilst there is a wide range of electric cars currently on the market, the same cannot be said for commercial vehicles. Indeed, electric van supply is severely limited, as is model choice and there are currently no electric trucks on sale, neither are we expecting there to be in the short-medium term. It is far too soon to be introducing restrictive schemes such as this on commercial vehicles. Instead, operators need support such as refuelling and recharging infrastructure and financial incentives to enable them to start to switch their fleet to zero and ultra-low emission technology.

There are no diesel vans with emissions lower than 75g CO<sub>2</sub>/km currently available on the market, and HGVs are not measured in the same way as cars and vans for CO<sub>2</sub> – the main measurement cited for compliance for the pilot scheme. It is also unclear what the position is for zero-emission capable vehicles.

Non-compliant vehicles will need to make longer journeys to access the area from other roads, which is likely to add to congestion in surrounding roads and increase emissions. For truck operators, this will be their only option as there are no Ultra-Low Emission Trucks (ULETs) currently on the market. The Department of Transport in their Road to Zero strategy has committed to creating a definition of a ULET and work will be shortly underway on this. FTA would urge the City to follow progress on this and to postpone the inclusion of commercial vehicles until there is a clear definition and sufficient vehicle supply.

If commercial vehicles were to be included in the scheme, it would effectively be a lorry ban or a tax on commercial vehicles wishing to supply goods and services to their customers based in the zone.

Neither of the two options offered in the consultation (24 hours a day, seven days a week, or 7am to 11pm on weekdays) are helpful to operators, given the restrictions across London that apply regarding night time deliveries.

30 November 2018

Policy Manager – Vans and Urban  
Freight Transport Association

Barbican Centre  
Silk Street  
London EC2Y 8DS  
+44(0)20 7638 4141  
barbican.org.uk

Air Quality Team  
City of London Corporation  
Port Health and Public Protection  
Department of Markets and Consumer Protection  
Guildhall, Gresham Street  
London EC2V 7HH

16 November 2018

Dear Sirs,  
**Re: Moor Lane – ULEV Strategy Consultation Feedback on behalf of the Barbican Centre**

Overall, the Barbican is extremely pleased with and supportive of the improvement strategies proposed for the 'Ultra Low Emissions Vehicle' only restrictions for Moor Lane. We believe this will make for a cleaner and safer environment for our visitors, our staff and local residents. We do however seek clarification on the wider scheme and an understanding of the alignment with other schemes that are in progress or are being considered by the City of London Corporation.

**Re: Vehicular Access to the Barbican for Deliveries & Impact on Other Proposed Strategies**

Whilst this current strategy is concentrating in Moor Lane access, Barbican event activities are serviced via Silk Street and Beech Street. Please can we be reassured that this will not impact further on these key highway arteries that provide access to our loading bays. Any restrictions to access these roads will impact on our ability to maintain adequate vehicular access to the Barbican, which is paramount for both our arts and commercial programmes. Without this provision the Barbican would not be able to deliver its core activities. It would impact the quality and artistic integrity of the programming at the Barbican and there would also be a negative impact in terms of revenue.

Can we also be assured that this will not adversely affect the amount of vehicle traffic that uses Silk Street, therefore increasing the risk for pedestrians using the different crossing points on Silk Street and Beech Street, which are already very busy junctions, particularly at peak times.

Yours faithfully,

  
**Director of Buildings and Operations**  
**Barbican Centre and Guildhall School of Music & Drama**



barbican

NOBLE & ASSOCIATES

RECEIVED

15 NOV 2018

1 Fore Street  
London  
EC2Y 9OT  
UK

9<sup>th</sup> November 2018

Mr David A H McG Smith, CBE  
Director of Markets and Consumer Protection  
City of London  
PO Box 270  
Guildhall  
London EC2P 2EJ

Dear Mr Smith,

**Re: Consultation on Moor Lane Ultra Low Emission Vehicle only access proposal**

Thank you for your letter of 7<sup>th</sup> November and the information leaflet giving notification of this 'pilot'. Before being able to give an informed response to the consultation (both as a Barbican resident and working nearby), I would be grateful if you could provide answers to the following questions I have:

1. You state that the aim of the pilot scheme is, "... to encourage the uptake of fully electric and compliant hybrid vehicles ...". What is the data or evidence on which this assumption has been based?
2. Given the above stated 'aim' of the trial, how will you measure the extent to which it has been achieved as you have not enquired whether or not my ULEV compliant vehicle which will be driven through the Moor Lane barrier was acquired before the trial or as a result of the trial? Do you intend to question all ULEV compliant vehicles that pass through the barrier, 'when and why' they purchased their vehicle?
3. If you DO NOT have a valid means of measuring the success of the pilot on whether or not the 'aim' has been achieved, what is the point of the pilot? Virtue signalling? .... PR? .... distraction from the substantial reduction of road space over many years which has slowed traffic and contributed to pollution?
4. If you DO have a valid means of measuring success on this basis how many people will have to have exchange their non-compliant ULEV vehicle for one that is compliant, in order for the Corporation to conclude that the aim of the pilot has been achieved? 1, 2, 50...?
5. Although 'reducing pollution' is not stated as being a specific goal of the trial (simply that it is being undertaken as 'part of the Low Emission Neighbourhood project'), I assume that it will be a failure if, rather than reducing pollution, it results in adding to pollution in and around the area of the Barbican? Please confirm whether or not this assumption is correct.
6. If it is, then please identify the location of the test equipment that you will be installing in London Wall, Fore Street, Wood Street, Silk Street, Aldersgate Street, Beech Street or other adjacent roads, that will accurately measure whether or not there is an increase in pollution during the period of the trial caused by non ULEV vehicles re-rerouting to avoid the barrier?
7. When will this equipment be installed, so that you can be sure of having valid 'before and after' data?
8. You state that '...Moor Lane has been identified as a suitable location' for this pilot scheme. Who was responsible for making this determination and what were the criteria used?

Thank you for your attention and once I have received your reply, I will be able to offer you my view on the trial.

Yours sincerely

Director

cc: The Editor, City Matters

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## **BREWERY LOGISTICS GROUP RESPONSE TO CoL MOOR LANE PILOT**

### ***Background to Brewery Logistics Group (BLG)***

The BLG is a trade assc representing the key logistics firms servicing pubs, restaurants and bars in London . We sit on a number of groups and forums in the Capital and are core members of the CLFQP

The BLG currently represents 12 members who cover over 1200 vehicle days per week in London accounting for approx. 75% of all beer deliveries within the M25

### ***Response to the proposals outlined in the information and consultation document***

The cost and availability to logistics companies has to be taken into account when reviewing anything that is involved with the vehicles being used

The Mayor has already set his aims to reduce air pollution in his Transport Strategy as follows

Clearly stating that freight must adhere to Euro 6 wef April 2019 (this has been brought forward from September 2020 when most operators were planning their new fleets)

Why has the City of London decided to use a different standard for ULEVs which are not available in any quantity?

You are using the following to set the standard for your ULEV

“The vehicle must emit less than 75g of CO<sub>2</sub> per kilometre travelled”

This is even harder to understand when the EU is aiming at” 95g of CO<sub>2</sub> per kilometre travelled”

Shouldn't the City of London take a step back and make sure it is setting standard that the Mayor wants and that the vehicle manufacturers are being guided to

Boroughs going off on their own and setting different areas of “clean air” is certainly not conducive to achieving the bottom line, as most one of schemes might have benefits in the close area involved and then it all goes pear shaped in surrounding areas leading to increased emission , more congestion ,less productivity and therefore the need for more vehicles not less

### ***Points of concern from your document***

- How is the pilot scheme going to help inform whether it is suitable for the City of London?
- By closing one end and offering alternative access don't you think that this will cause more congestion and emissions than before you put in this scheme
- Who are the advantages and disadvantages aimed at?

***conclusion***

This scheme should be shelved until the basis of use is cleared by TfL and a standard for all boroughs is agreed across London

Regards

Chairman BLG

# **The John Lewis Partnership**

***Response to: The City Of London Moor Lane (ULEV) Pilot***

***Dated 6<sup>th</sup> December 2018***

The John Lewis Partnership welcomes the opportunity to respond to the proposals outlined in the City of London Ultra Low Emission Vehicle pilot.

The Partnership operate a number of stores within London for both John Lewis and Waitrose, and these require a number of both scheduled and un scheduled daily deliveries, from both the Partnership and third party vehicle fleets.

Home delivery also plays an important part in supporting these stores, with hundreds of on line orders being fulfilled through van deliveries within London on a daily basis and around the proposed area of change.

## **About the John Lewis Partnership**

The John Lewis Partnership is the UK's largest employee-owned business, where all 84,000 Partners are co-owners. The Partnership is one of the UK's largest retailers, forming both John Lewis and Waitrose stores located throughout the UK.

The principles of the Partnership model and our written Constitution underpin how we do business and define our role in society and in the community. This includes commitments to:

- Contribute to the wellbeing of the communities where we operate
- Deal honestly with our customers and secure their loyalty and trust by providing outstanding choice, value and service
- Conduct all of our business relationships with integrity and courtesy

As a business, we work hard to reduce our overall environmental impact and in transport, are committed to distributing our goods in the most resourceful way, encouraging innovation as we do this. For example, last year, Waitrose became the first company in Europe to use lorries which are run entirely on biomethane gas generated from food waste.

### **Response to the proposals:**

The Partnership welcomes any initiatives to improve the air quality in and around London and the uptake and use of cleaner, quieter vehicles.

Option number two: ULEV incorporating the existing road closure is considered a more acceptable proposal however there are concerns with both options 1&2, and the further proposal of a fine being levied for failure to comply.

This road closure appears to offer a limited solution, as access can be gained via other routes, does this proposal add value?

The Mayor of London in his strategy has set the Ultra Low Emission Zone using the Euro standards for both petrol and Diesel vehicles (this incorporates low emission vehicles), therefore why is the City of London proposing to set a standard at a lower level than this, (75g CO<sub>2</sub> per kilometre travelled , electric vehicles and some hybrids) as this standard is not yet attainable for many delivery vehicles due to manufacturing and availability restrictions.

It is very important for successful delivery and serving in London that street access is maintained, and vehicle speeds/journey times are not reduced and congestion is kept to a minimum to assist journey times whilst contributing to reducing pollution.

### **Conclusions:**

The John Lewis Partnership fully supports the requirement to ensure the Capitals streets are safer and that vehicle emissions are reduced to acceptable levels.

Concern is expressed to the fact that the Capital has already been given a transport strategy as produced by the Mayors Office, which vehicle operators and others, are prepared to work with to help improve safety and emissions, to introduce a smaller scheme as proposed will cause confusion, and further concern is given to how effective this will be ?

The Partnership, and no doubt other fleet operators would be happy to engage with the City of London, to discuss the proposed changes within their transport strategy.

## **About the London Cycling Campaign**

London Cycling Campaign (LCC) is a charity with more than 20,000 supporters of whom over 11,000 are fully paid-up members. We speak up on behalf of everyone who cycles or wants to cycle in Greater London; and we speak up for a greener, healthier, happier and better-connected capital.

This response was developed with input from LCC's borough groups.

### **General comments on this scheme:**

The scheme to restrict motor traffic to only "Ultra Low Emission Vehicles" (ULEVs) on the southern end of Moor Lane is opposed.

The small size of trial site is unlikely to yield meaningful results about traffic redistribution and/or evaporation, or the use of ULEVs in the City (that can't be gathered by other means) etc.

On top of that, given the high-end nature of many private hire and private motor vehicles, as well as the trajectory for new taxis and emissions, it is unlikely that even in the short to medium term excluding higher emissions cars on streets in the City will have much impact on motorised traffic levels. Other methods of restricting and reducing motor traffic, such as physical modal filters, are likely to yield far better results than this proposal.

### **Specific points on this scheme:**

- The current proposal does not cover a significant area or even a street with significant problems.
- ULEVs do not reduce emissions or pollutions to zero – such vehicles simply shift emissions from the highway to the point of power generation, and the evidence is that use of braking systems, tyres and other moving motor vehicle systems are a significant source of dangerous particulate pollution even when there are no fuel-derived emissions. ULEVs also do not reduce congestion, or increase activity levels in themselves. As such, while schemes such as this could encourage shift from heavily-polluting vehicles to cleaner ones, they are not likely to encourage or enable mode shift to healthier and more sustainable forms of transport, such as walking, cycling and public transport. In other words, a street used heavily by ULEVs will be no better for cycling and little better for walking than a street used heavily by motor vehicles with higher emissions.
- This is particularly likely to be true in the City where private car use is low, and where many private cars are at the higher end of the market, including those used by private hire vehicles. Given this, introducing ULEV-only streets and zones in the City is very unlikely to significantly reduce motor vehicle traffic.
- For these reasons, enabling more sustainable modes, including for deliveries, servicing, construction etc., is more important than cutting out higher emission motor vehicles from individual streets or areas. And providing and enabling genuine alternatives to driving for as many journeys as possible will be increasingly vital to keep the City moving. It is important then to ensure the overall transport strategy does not end up favouring and/or incentivising ULEVs above more sustainable and active forms of travel.



- For the many reasons listed in the above points, a pilot of a full-time, permanent modal filter here, instead of a ULEV section of street, would be of greater use than this proposal.
- Given the physical filtering of Moor Lane at certain hours at present offers a far more useful facility for those cycling (and walking) by restricting all motor traffic, retaining the existing “road closure” in Option 2 is a preferred option. In either case, concerns about signage being “complex and less easy to understand” in Option 2 seem unrealistic, as outside of ULEV pilot operational hours, there will be a physical barrier stopping motor vehicles accessing the space.

### **General points about infrastructure schemes:**

- LCC requires infrastructure schemes to be designed to accommodate growth in cycling. Providing space for cycling is a more efficient use of road space than providing space for driving private motor vehicles, particularly for journeys of 5km or less. In terms of providing maximum efficiency for space and energy use, walking, cycling, then public transport are key.
- As demonstrated by the success of recent Cycle Superhighways and mini-Holland projects etc., people cycle when they feel safe. For cycling to become mainstream, a network of high-quality, direct routes separate from high volumes and/or speeds of motor vehicle traffic is required to/from all key destinations and residential areas in an area. Schemes should be planned, designed and implemented to maximise potential to increase journeys – with links to nearby amenities, residential centres, transport hubs considered from the outset.
- Spending money on cycling infrastructure has been shown to dramatically boost health outcomes in an area. Spending on cycling schemes outranks all other transport modes for return on investment according to a DfT study. Schemes which promote cycling meet TfL’s “Healthy Streets” checklist. A healthy street is one where people choose to cycle.
- All schemes should be designed to enable people of all ages and abilities to cycle, including disabled people.
- LCC wants, as a condition of funding, all highway development designed to London Cycling Design Standards (LCDS), with a Cycling Level of Service (CLOS) rating of 70 or above, with all “critical issues” eliminated.

**London Cycling Campaign**

[www.lcc.org.uk](http://www.lcc.org.uk)

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services	15 <sup>th</sup> January 2019
<b>Subject:</b> Measurement and mitigation options for operational rail noise from London Underground affecting the Barbican Estate.	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information (PHES)</b>
<b>Report author:</b> Rachel Pye, Assistant Director, Public Protection.	

## Summary

Operational rail noise from London Underground Limited (LUL) sub-surface Circle, Hammersmith and City and Metropolitan lines running beneath the Barbican Estate, between Barbican and Moorgate Stations continues to affect residents of the Barbican Estate.

The importance of this as a public health issue is recognised and officers commissioned an independent investigation and subsequent report, examining -

- The potential public health impact to residents;
- The acceptability of existing noise / vibration levels experienced;
- The potential impacts of night tube to residents;
- Mitigation options.

The report is presented here and will be used to inform further discussions with LUL as to what mitigation measures may be implemented to gain a reduction in the noise and vibration experienced.

This work meets the key aims of the City's Noise Strategy 2016 to 2026 and the Corporate Plan outcome "People enjoy good health and wellbeing".

## Recommendation

The contents be noted and the further actions in paragraphs 15 to 18 be endorsed, subject to any comments by this committee.

## Main Report

### Background

1. Parts of the Barbican Estate, specifically Brandon Mews, Defoe House and Lambert Jones Mews are affected by noise and vibration generated by London

Underground trains running on the Circle, Hammersmith and City and Metropolitan Lines between Moorgate and Barbican Stations.

2. Vibration created by LUL train services propagates through the ground and surrounding structures and results in the vibration of floors, walls and ceilings, this can be heard as a low frequency 'rumbling' sound.
3. The effects of noise and vibration from the railway were considered when the existing railway was realigned and enclosed in 1965; historical records show that mitigation in the form of separation to the railway and the Barbican structure and the placing of the precast deck on rubber blocks was part of the design.
4. Complaints however, began to emerge in the late 1970's and there is written evidence of complaints and subsequent noise studies dating back to the 1990s in LUL and City archives.
5. More recently residents are reporting an increase in the noise and vibration experienced and a number of previously unaffected properties have raised complaints.
6. City officers have been in discussion with LUL for some time to determine the level and extent of the disturbing noise and vibration, the primary causes and an examination of measures that could be implemented to mitigate it.
7. The Chairmen of Port Health and Environmental Services (PHES) and Planning and Transportation Committee's raised the issue of operational train noise in July 2016, November 2017 and again in July 2018 in letters to Mark Wild, the Managing Director of London Underground. Positive responses were received and LUL have shown a positive attitude to date in resolving the matter.
8. Whilst improvements have been secured by activities such as rail grinding and partial track replacement; and issues with construction noise on the running tunnels and stations have now been resolved, the disturbance from operational rail noise under the Barbican remains caused in part by rail discontinuities, joints and points.
9. To assist the investigation the City appointed independent expert consultancy, Cole Jarman to review the work undertaken to date, carry out independent measurements and present suggestions as to what mitigation measures might be available in order to mitigate the effects of the operational railway on Barbican residents.

### **Measurement Summary**

10. Independent initial measurements have been carried out to determine levels of noise and vibration generated at four properties (1 property in each of Brandon Mews, Defoe House, Lambert Jones Mews and Gilbert House) on the Barbican Estate located above the LUL railway lines. The measurements are broadly in line with those most recently recorded by LUL.
11. Noise level changes, although identifiable, are less obvious than vibration level changes because LUL pass-by noise levels are not significantly higher than the

background noise during parts of the day when people are active. Vibration level changes are more identifiable as very few naturally occurring sources can excite a building structure to the same extent as an underground train.

12. The data acquired over different times of the day show that both noise and vibration generated by LUL train pass-bys exceed the background levels by a greater amount in the very early morning or late evening and are more perceptible, seeming louder and are more disturbing.
13. There are no British Standards for assessing ground-borne noise from trains and in the absence of this, guidance has been drawn from guidelines developed for HS1, assessment criteria for the Crossrail project and the World Health Organisation Night Noise Guidelines for Europe 2009. The measured levels of LUL train pass-by in Brandon Mews, Defoe House and Lambert Jones News exceed the thresholds set out in all three sets of guidelines. The noise thermometer on page 29 of the Cole Jarman report provides some context as to the actual levels of noise experienced.

### **Mitigation Options**

14. Part 2 of the Cole Jarman report details and discusses a number of potential mitigation options summarised below;
  - a. Removal of debris and rerouting of services bridging the space between the running tunnel structure and the Barbican structures.
  - b. Rail and wheel grinding.
  - c. Removal of points, crossings and rail discontinuities such as track joints.
  - d. Track replacement using under ballast mat.

The City of London has some responsibility for option a. The City Surveyor and the Barbican are reviewing the works required to meet this recommendation. Option a on its own is not expected to have a significant effect, but taken together with the other options and implemented carefully across the estate, they would be expected to lead to worthwhile results.

Options b, c and d are options only available to LUL.

### **Further Actions**

15. The recommendations made in the Cole Jarman report have been provided to LUL and will form the basis of further discussion where the City will seek commitments as to potential mitigation measures. A detailed response is expected from LUL by the 11<sup>th</sup> January. A track walk has been scheduled for City Officers on 31<sup>st</sup> January 2019 to facilitate and inform these further discussions. LUL have committed to undertaking further measurements in properties previously assessed to better understand quantitatively the reduction in noise levels provided by the new section of track.

16. LUL have committed to a Residents Transport Forum to enable liaison between residents and LUL on matters related to the underground railways including Crossrail. The first forum meeting was held on 29<sup>th</sup> November 2018.
17. The Barbican Estate are reviewing the mitigating options in option a above outside of the tunnels outlined in the report and the possibility of carrying out a scoping exercise to consider the ownership, feasibility, costing and funding implications of carrying out the works.
18. A further report will be made to this committee in July 2019 updating on the outcomes of paragraphs 15, 16 and 17 above.
19. I propose that, subject to comments received, the above actions are progressed.

### **Legal Position**

20. The City's statutory powers in dealing with nuisance are contained in Part III Environmental Protection Act 1990. Section 80 of the Act provides that where a local authority is satisfied as to the existence of a statutory nuisance it shall serve a notice requiring the abatement of the nuisance. Section 79 of the Act defines matters which can be considered to constitute a statutory nuisance which includes noise. Failure to comply with an abatement notice is a criminal offence.
21. However, Section 122 Railways Act 1993 provides an authority as a defence to actions in nuisance. In particular, it provides that there shall be an authority to use, or to cause or permit any agent or independent contractor of his to use, rolling stock on any track, any land comprised in a network, station or light maintenance depot for or in connection with the provision of network services, station services or light maintenance services. The authority is subject to "qualifying conditions" which are: -
  - i. In relation to the use of any rolling stock on track, that the track is comprised in a network, station or light maintenance depot, and that the operator of that network, station or light maintenance depot is the holder of an appropriate licence or has the benefit of an appropriate licence exemption;
  - ii. In relation to any use of land for or in connection with the provision of network services, station services or light maintenance services, that the operator of the network, station or light maintenance depot in question is the holder of an appropriate licence or has the benefit of an appropriate licence exemption.
22. London Underground/Transport for London meet the two qualifying conditions and therefore benefit from the authority contained within the legislation and therefore can rely upon the defence of statutory authority in respect of any proceedings, whether criminal or civil, in nuisance. Therefore, in the event that the City of London was satisfied that a statutory nuisance existed it would not be able to serve an abatement notice on London Underground/Transport for London due to the statutory authority contained in Section 122 Railways Act 1993.

23. The potential for control through the planning regime has been investigated and the only relevant condition attached to the original outline planning permission (application no. 4997) dated 7<sup>th</sup> December 1962, is Condition 4 (xi). This requires details to be submitted for approval of *“any railway cuttings properly covered and integrated with the proposed treatment of the adjoining land”*. This is concerned with the landscaping rather than any noise mitigation issues. It is also worth noting that Informative 9 of the same permission states: *“(9) This permission although requiring the railway cuttings to be covered, does not imply any consent from the London Transport Executive for this work to be carried out; it will be necessary therefore for you to obtain any necessary agreement from the Executive and to satisfy them so far as their requirements are concerned.”* The Informative implies that the structure of the covering tunnels/rafts would need to meet LTE’s requirements rather than any planning/City requirements.
24. In summary, as the noise issue is primarily related to track maintenance rather than any physical changes to the tunnel structures that the issue is not one related to development but rather maintenance, there is no planning control that can be exercised.
25. It is relevant to note that works on LUL/TfL’s operational land that is required in connection with the movement of traffic by rail is permitted development outside of planning control (see Class A, Part 8, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015).

### **Financial Implications**

26. The consultant costs of the investigation have been funded from underspend in the Port Health and Public Protection Service budgets.
27. The financial implications for the City of London or London Underground of implementing any mitigation measures are not yet known.

### **Corporate and Strategic Implications**

28. The work on noise supports the aims and objectives of the City of London Noise Strategy 2016 to 2026 and the key Corporate Plan outcome: ‘People enjoy good health and wellbeing’.

### **Conclusion**

29. The City Corporation has carried out an investigation to determine the level and extent of the operational rail noise affecting the Barbican Estate.
30. A report on the primary causes and recommendations as to what measures can be implemented to mitigate it has been produced and provided to LUL for their consideration, the City is awaiting their response.
31. Officers continue to meet LUL and lobby for noise and vibration mitigation to be considered and implemented.

## **Appendix 1**

Cole Jarman: Barbican Estate, LUL Noise and Vibration Measurements and Mitigation Report 18/0197/R3

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Barbican Estate: LUL Noise and Vibration

# Measurements and Mitigation

Report 18/0197/R3

Barbican Estate: LUL Noise and Vibration

# Measurements and Mitigation

Report 18/0197/R3

City of London

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Revision	Revision	Revision	Revision	Revision
0	Issue 1	13 December 2018	Vernon Cole	Johnny Berrill
1	Issue 2	18 December 2018	Vernon Cole	Johnny Berrill

This report and associated surveys have been prepared and undertaken for the private and confidential use of our client only. If any third party whatsoever comes into possession of this report, they rely on it at their own risk and Cole Jarman Limited accepts no duty or responsibility (including in negligence) to any such third party.



## Measurements and Mitigation

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### Attachments

#### **Glossary of Acoustic Terms**

#### **18/0197/THNV01 to THNV08**

Sample noise and vibration time histories at each measurement location

#### **18/0197/TOB1 to TOB4**

LUL train pass-by noise and vibration spectra

#### **Appendix A**

Review of Track Walk between Barbican and Moorgate Station: LUL 04/09/2018

#### **Appendix B**

Track Mitigation Options and Under Ballast Mat details.

■ End of Section



## Measurements and Mitigation

# Introduction

---

## 1 Report Content

- 1.1 Underground train noise and vibration is perceptible in a number of residences on the Barbican Estate. These have led to complaints which started to emerge in the 1970's but there is written evidence of complaints and subsequent noise studies dating back to 1990.
- 1.2 The Corporation of London (CoL) are currently engaged in discussions with London Underground Limited (LUL) to determine the level and extent of the disturbing noise, the primary causes of it and what measures can be implemented in order to mitigate it. Cole Jarman (CJ) have been instructed by CoL to review the work undertaken to date, carry out independent measurements and provide independent input into those on-going discussions.
- 1.3 The first part of this report sets out the results of measurements undertaken at selected locations on the Barbican Estate above the Circle, Metropolitan and Hammersmith and City lines. The measurements were carried out between 17<sup>th</sup> and 19<sup>th</sup> July 2018. The results are largely in line with those obtained by London Underground Limited (LUL) in their own investigations of the same properties, and they confirm that levels are high enough to exceed criteria for acceptability that are commonly applied in these circumstances.
- 1.4 Discussions have been held between LUL and the Corporation of London (CoL) regarding the level and extent of the disturbing noise, the primary causes of it and what measures can be implemented in order to mitigate it. Some information on the configuration of the underground railway lines has been provided by LUL and some information has been obtained through research by CoL.
- 1.5 The second part of this report aims to summarise what is known about the LUL lines, their interface with the Barbican structure and the levels and causes of the noise and vibration generated. It also identifies where further information would be helpful to clarify understanding and considers what measures might be available to LUL and CoL in order to mitigate the effects of the railway on the Barbican residents.
- 1.6 The attached Glossary of Acoustic Terms defines and explains the noise and vibration indices used in this report. It also contains a 'Noise Thermometer' which presents the levels at which everyday sounds can occur, giving some context the levels of train pass-by noise that are set out in this report.



## Measurements and Mitigation

### Part 1: Measurements

## 2 Methodology

### 2.1 Locations

#### 2.1.1 Measurements were carried out at:

- Brandon Mews, living room and kitchen (ground floor);
- Defoe House, bathroom and bedroom;
- Gilbert House, living room and kitchen;
- Lambert Jones Mews, living room and kitchen (ground floor).

#### 2.1.2 These locations are shown relative to the LUL railway lines below.

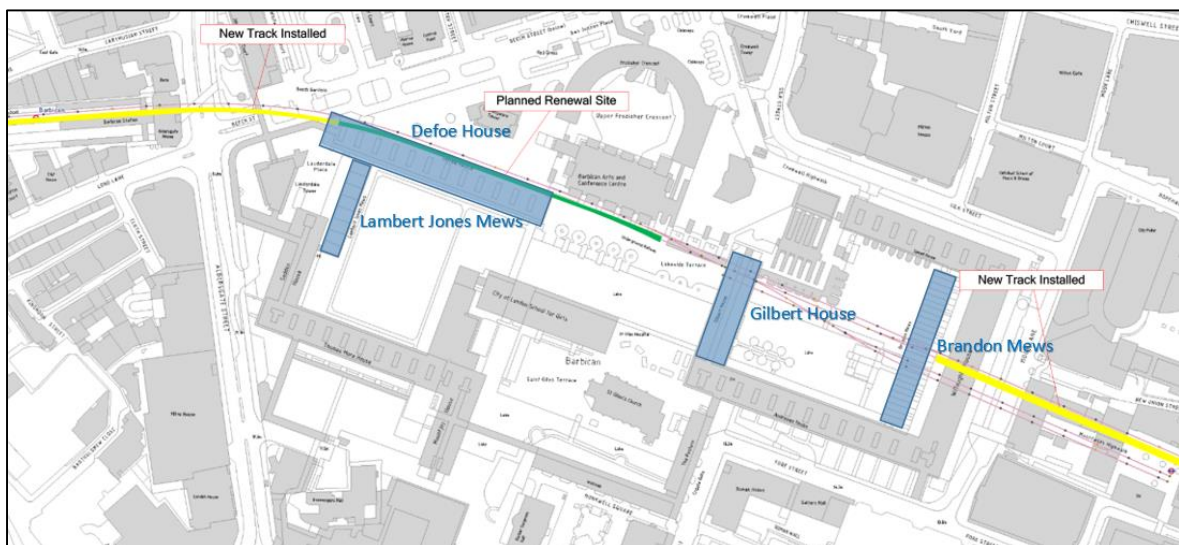


Figure 1: LUL track alignment and configuration below the Barbican Estate

### 2.2 Timing

#### 2.2.1 Attended measurements were carried out on Tuesday 17<sup>th</sup> July within each of the above properties as follows:

- Brandon Mews: 11h30 to 12h00;
- Defoe House: 12h30 to 13h30;
- Gilbert House: 14h30 to 15h15;
- Lambert Jones Mews: 15h30 to 16h00.

#### 2.2.2 In addition, continuous noise and vibration logging was carried out within:



## Measurements and Mitigation

- Brandon Mews, living room: 17<sup>th</sup> July - 16h30 to 18<sup>th</sup> July - 10h00;
- Defoe House: 18<sup>th</sup> July -11h30 to 19<sup>th</sup> July -11h00;

### 2.3 Instrumentation

- 2.3.1 Attended measurements and unattended logging of noise and vibration levels were carried out using calibrated instrumentation as follows:

Item	Manufacturer	Type
Tough book PC running Samurai real time analyser software	<i>Panasonic, and Noise &amp; Vibration Works</i>	Soundbook 4 channel interface + siNoise version 1.1.25
Microphone	<i>GRAS</i>	41AL
Acoustic Calibrator	<i>Norsonic</i>	1251
Accelerometer x3	<i>Dytran</i>	3191A1 (10V/G)

T1 Equipment used during LUL train pass-by noise and vibration measurements

- 2.3.2 Three accelerometers were used to obtain tri-axial vibration data as follows:

- Channel 1: vertical z-axis;
- Channel 2: horizontal x-axis – orientated approximately parallel with the LUL tracks;
- Channel 3: horizontal y-axis – orientated approximately perpendicular with the LUL tracks.

- 2.3.3 The three accelerometers are fixed within a metal block that holds them in mutually perpendicular orientations, and the metal block sits on three spiked feet. The spikes allow the block to make firm contact with the underlying structure even when it is set up on carpet, which was necessary at some measurement locations.

- 2.3.4 The equipment was set to monitor the maximum noise and vibration level during each consecutive 1-second period. This enabled us to capture and report the following information for each train pass-by:

- Noise:  $L_{Amax,f}$  and one-third octave band  $L_{max,f}$  (20 Hz to 2,500 Hz), dB re  $2 \times 10^{-5}$  Pa;
- Vibration:  $L_{max,f}$  and one-third octave band  $L_{max,f}$  (6.3 Hz to 200 Hz), dB re  $10^{-6}$  ms<sup>-2</sup>.

- 2.3.5 The actual frequency range over which noise and vibration data were recorded is greater, but we have limited reporting to the indicated range for simplicity of presentation and to focus on the important spectral components of the overall noise and vibration levels.

- 2.3.6 Supplementary attended measurements were made using additional calibrated instrumentation as follows:



## Measurements and Mitigation

Item	Manufacturer	Type
Sound Level Analyser	Norsonic	140 (serial no. 1405822)
Vibration Analyser	Norsonic	140 (serial no. 1403015)
Accelerometer x1	DJB	A/120/V

### T2 Supplementary noise and vibration measurement equipment

- 2.3.7 Norsonic 140 (serial no. 1405822) was set to measure noise levels, while Norsonic 140 (serial no. 1403015) was connected to the DJB accelerometer, which was in turn affixed to an appropriate hard surface using beeswax, and set to measure vibration levels in the vertical (z-axis) only.
- 2.3.8 Each meter recorded data during each consecutive 1-second period.
- 2.3.9 The purpose of the supplementary measurements was to double check and validate the data recorded on the Soundbook and detailed results are not set out in this report.

## 3 Results

### 3.1 Vibration Levels

- 3.1.1 It should be noted that at this stage of our analysis we are presenting data for vibration levels in the vertical (z-axis) only. This has been found to be the dominant vibration component and therefore gives a fair indication of the overall tri-axial vibration levels at any given location.
- 3.1.2 In addition, we believe that the data presented in the various LUL reports pertains to vertical vibration level only, and a comparison between the CJ data and the LUL data has more substance if vibration is assessed on a like for like basis.
- 3.1.3 The tri-axial vibration data remains available for further analysis should be deemed helpful at any stage of the on-going investigation.

### 3.2 Time Histories

- 3.2.1 Time histories of the noise and/or vibration levels are available over the full period for which measurements were carried out. In the case of Brandon Mews and Defoe House, the extended monitoring periods means that a significant amount of data has been acquired. We are not attempting to present it all in this report.
- 3.2.2 Instead, we have assessed the data and selected a number of shorter time periods during which train pass by noise or vibration levels are materially above the ambient conditions and



## Measurements and Mitigation

therefore provide data which lends itself to analysis. The time varying noise and vibration levels are set out for these shorter time periods in the following figures:

### Brandon Mews

18/0197/THNV01: 17<sup>th</sup> July, 11h52 to 11h56: attended measurements, 4 pass-bys;  
18/0197/THNV02: 18<sup>th</sup> July, 05h20 to 05h40: unattended measurements, 4 pass-bys;  
18/0197/THNV03: 18<sup>th</sup> July, 08h00 to 08h10: unattended measurements, 8 pass-bys.

### Defoe House

18/0197/THNV04: 17<sup>th</sup> July, 12h33 to 12h43: attended measurements, 5 pass-bys;  
18/0197/THNV05: 19<sup>th</sup> July, 05h20 to 05h40: unattended measurements, 4 pass-bys;  
18/0197/THNV06: 19<sup>th</sup> July, 08h00 to 08h20: unattended measurements, 8 pass-bys.

### Lambert Jones Mews

18/0197/THNV07: 17<sup>th</sup> July, 15h50 to 16h00: attended measurements, 4 pass-bys.

### Gilbert House

18/0197/THNV09: 17<sup>th</sup> July, 14h36 to 14h47: attended measurements, 5 pass-bys.

## 3.3 Train Direction

- 3.3.1 We are unable, at present to distinguish between east and west bound operations as we do not have access to the LU intranet application 'Trackernet replay'. The information can be obtained if the time history information is sent to LUL (Noise and Vibration Section) who will be able to advise whether the direction of train travel (east or west) for each individual occurrence.
- 3.3.2 For the purposes of this stage of the data processing, the information is not deemed crucial, although it will be sought if or when a more detailed analysis of noise and vibration effects is undertaken.





## Measurements and Mitigation

### 3.4 Overall Levels

- 3.4.1 The noise and vibration levels attributable to LUL train pass-bys in each of the assessed properties is set out in table T3 below:

Property	Noise Level $L_{Amax,f}$ (dB re $2 \times 10^{-5}$ Pa)			Vibration Level $L_{max,f}$ (dB re $10^{-6}$ g)		
	No. Events	Range	Average	No. Events	Range	Average
Brandon Mews	16	39.7 – 49.4	45.1	16	90.9 – 101.6	95.9
Defoe House	16	36.6 – 47.8	42.3	16	87.0 – 92.2	89.4
Lambert Jones Mews	4	45.6 – 50.9	48.4	4	94.7 – 98.3	96.4
Gilbert House	-	-	-	5	79.2 – 89.5	84.7

T3 LUL train pass-by noise and vibration levels at the Barbican Estate

### 3.5 Noise and Vibration Spectra

- 3.5.1 The frequency content of the noise and vibration signals captured for each individual pass-by shown in the time histories has been analysed to determine an aggregate spectrum in each receptor property. The results are set out in the following figures:

Brandon Mews: 18/0197/TOB01;  
 Defoe House: 18/0197/TOB02;  
 Lambert Jones Mews: 18/0197/TOB03;  
 Gilbert House: 18/0197/TOB04.

## 4 Observations

### 4.1 Time Histories

- 4.1.1 LUL train pass-bys are identified on the time histories with a red outline.
- 4.1.2 At Brandon Mews and Defoe House a clear correlation can be seen between the vibration levels and the noise levels. The primary indicator is an increase in vibration levels (shown as ■■■■) over a period of between 7 and 12 seconds. A confirming indicator is a commensurate rise in noise levels (shown as ■■■■) over the same time period.
- 4.1.3 Noise levels changes, although identifiable, are less obvious than vibration level changes due to the fact that LUL pass-by noise levels are not significantly higher than the ambient or background noise during parts of the day when people are active there are multiple airborne noise sources contributing. This is less of an issue for vibration since very few naturally occurring sources can excite a building structure to the same extent as an underground train pass-by.



## Measurements and Mitigation

- 4.1.4 Comparing the data acquired at different times of the day at Brandon Mews and Defoe House, it is clear that both noise and vibration generated by LUL train pass-bys exceed the background levels by a greater amount during the very early morning when most people are sleeping than they do later in the day when people are active. The absolute noise levels are not on aggregate higher in one period vs, another, although clearly there is variation from one pass-by to another. However, train pass-bys will almost certainly be more perceptible during the otherwise quiet hours (very early morning or very late evening), which is to say they will seem louder and may be more disturbing since they protrude above the background noise level to a greater degree.
- 4.1.5 At Lambert Jones Mews, the time history confirms the subjective impression that train pass-bys generate noise levels that were difficult to distinguish above the ambient noise that prevailed at the time of the recording. The vibration trace clearly shows when pass-bys occurred and the noise trace indicates corresponding changes that would almost certainly be audible and more noticeable at times when the background noise levels are lower.
- 4.1.6 At Gilbert House the vibration trace clearly indicates the passage of LUL trains whereas the noise trace does not. This corresponds with the observation on site that vibration is feelable but structure borne sound is not audible. This correlates exactly with the experience of the residents of this property.
- 4.1.7 One effect of train induced vibration that should not be overlooked is its propensity to lead to secondary noise effects such as rattling of loose building components, fittings, ornaments or crockery. This effect has certainly been commented on by at least one of the residents, although the noise levels so induced do not form part of the result we report.

### 4.2 Overall Levels

- 4.2.1 The overall noise and vibration levels presented in section 3.3 above can be compared to those reported in the most recent LUL reports for the individual receptor properties.

Property	Noise Level (dB re 2 x 10 <sup>-5</sup> Pa)			Vibration Level (dB re 10 <sup>-6</sup> g)		
	CJ	LUL West	LUL East	CJ	LUL West	LUL East
Brandon Mews	45.1	45	48	95.9	88	94
Defoe House	42.3	42	32	89.4	94	75
Lambert Jones Mews	48.4	37	37	96.4	76	76
Gilbert House	-	-	-	84.7	85	81

T4 Comparison of LUL and CJ measured train pass-by average noise and vibration levels

- 4.2.2 It should first be noted that the CJ data currently does not distinguish between west bound and east bound trains, and the average values stated is for all recorded movements. Since the average stated is an acoustic energy, or logarithmic, average of the individual measured levels, the result will be more influenced by the higher recorded values. It is therefore likely that the CJ average value reflects more closely the higher west or east bound values quoted by LUL.



## Measurements and Mitigation

4.2.3 It should also be noted that some differences in the values recorded by each party does not necessarily:

- Indicate that one set of data must be incorrect or invalid; or
- Provide evidence that there has been a demonstrable change in the noise or vibration conditions over the time period between the two sets of measurements.

4.2.4 While both of these factors remain a possibility, the data must be viewed in the light that each set is for a sample of train pass-bys only and there are numerous reasons why the noise and vibration generated by one train differs from that generated by another of the same type. This natural variability must be accepted as being a strong contributing factor to differences in reported values, although it could be minimised by undertaking more comprehensive sets of measurements to gain a better statistical view.

### Noise Levels

4.2.5 Taking this natural variability into account, the pass-by noise levels recorded by each party at Brandon Mews and Defoe House are consistent.

4.2.6 At Lambert Jones Mews, the CJ data indicate markedly higher noise levels than those recorded by LUL at this property in February 2015. The report in question, RP-R1712 dated 3<sup>rd</sup> March 2015, identifies the measurements were made in the downstairs bedroom: the CJ measurements were carried out in the downstairs living room. It should be noted that during the CJ measurements the property was occupied and there was a fair amount of activity noise being generated by the occupants. While we have tried to exclude this from the indicated pass-by noise levels so far as possible, we cannot be 100% certain that this activity does not have some residual effect on the stated levels.

4.2.7 It is, of course, possible that LUL track or operating conditions have changed in the 3+ years since the LUL data were recorded, and we are aware that the rolling stock replacement program could well be a contributing factor. If we need to substantiate this proposition it would be prudent to carry out further measurements at a time when the property is unoccupied and ambient noise levels are otherwise low (e.g. early on a weekday morning).

### Vibration Levels

4.2.8 At Brandon Mews, the CJ data suggest levels are similar to, but marginally higher than, those recorded by LUL in June 2017 (N&V-R2093 dated 20<sup>th</sup> June 2017). The differences are not great and do not point to an obvious systematic change in conditions.

4.2.9 At Defoe House, the CJ average levels are within the range of west and east bound values indicated in the LUL report N&V-R2351 for measurements carried out on 17<sup>th</sup> May 2018. It should be noted that the LUL report does not explicitly tabulate the measured vibration levels, and the values set out in Table T4 above are estimated from the time history shown in Figure 2 in that report. In any event, it is unlikely that there has been a systematic change in conditions in the 2-month period between the measurements.



## Measurements and Mitigation

- 4.2.10 At Lambert Jones Mews, the finding for vibration is very similar to that for noise in that the CJ recorded vibration levels are demonstrably higher than those reported by LUL in 2015. In the case of vibration levels, however, the ambient conditions produced by occupants of the property are not significant, and the CJ reported values are considered to accurately reflect vibration generated by LUL train pass-bys. The differences could be due to a change in track or operating conditions or they could be due to differences in measurement location or methodology. In any event the differences should be confirmed and explored further.
- 4.2.11 At Gilbert House, train pass-by noise is inaudible but vibration is perceptible. Both sets of measurements confirm this and both sets result in comparable recorded vibration levels.

### 4.3 Noise and Vibration Spectra

- 4.3.1 Structure borne noise due to LUL train pass-bys exhibits a characteristic frequency peak at 50 – 63Hz in all properties where that noise is audible. Subjectively, it is characterised as a low frequency thudding or rumbling noise.
- 4.3.2 At those properties, the vibration signal contains components at other frequencies, both above and below the 50 – 63 Hz range, but in all cases the correlation between the energy content in the vibration signal and the noise signal is clear to see.
- 4.3.3 At Gilbert House, the frequency content of the vibration signal is different, with a peak energy at the much lower frequency of 12.5 Hz. This is indicative of the source vibration being modified by the response of the building structure which, effectively, filters out the higher frequency audible components (at 50 - 63 Hz) but which amplifies the lower frequency energy due a resonant response of the structure.
- 4.3.4 The resonant mode at play is not known. It could be a response of the floor slab on which the measurements are made or it could be a whole building response given that it is supported on relatively slender concrete columns above Barbican Water. Either way, subjectively the vibration perception in Gilbert House is quite different to that experienced in the other buildings which have been assessed in that is characterised by a more 'bouncy' feel with a strong resonant component.
- 4.3.5 The structural response at Gilbert House is a factor that may need to be considered in more detail when determining possible means of mitigating the LUL train pass-by effects.

## 5 Context

### 5.1 Noise Criteria

#### Ground Borne Train Noise

- 5.1.1 There are no British Standards for assessing ground-borne noise from trains. Guidance is therefore drawn from Local Authority (LA) guidelines developed for HS1 as well as assessment criteria for the Crossrail project. These are summarised in table T5.



## Measurements and Mitigation

Building	Source	Limit
Residential dwelling	LA guidance for HS1	35 dB $L_{AFmax}$
Residential building, Offices, Hotels, Schools, Colleges, Hospitals, Laboratories, Libraries	Crossrail	40 dB $L_{ASmax}$

### T5 Underground train ground-borne noise criteria

#### Who Guidelines

- 5.1.2 On 10<sup>th</sup> October 2018, the WHO 2018 Environmental Noise Guidelines were published. The main purpose of the guidelines is to provide recommendations for protecting human health from exposure to environmental noise arising from various sources including railways. For the first time, WHO have provided threshold values that are specific to the individual sources, and for railways these values are: 54dB  $L_{den}$  for average exposure and 44 dB  $L_{night}$  for night-time exposure. WHO strongly recommends reducing noise levels produced by railways below these values, as above them noise from railways is associated with adverse health effects.
- 5.1.3 The WHO noise thresholds are presented in noise metrics that aggregate the effects of train pass-bys over a 24-hour period in the case of average exposure and an 8-hour (23h00 to 07h00) period in the case of night-time exposure. In addition, they are external values intended to apply at the most exposed façade of any affected building within which people are living, working or carrying out recreational activities.
- 5.1.4 Applying these guidelines to the assessment of LUL train pass-bys affecting people living in the Barbican Estate is therefore not appropriate, as they provide no assistance in determining the effects of individual pass-bys experienced within a dwelling as structure borne noise.
- 5.1.5 More relevant in this instance are the WHO: Night Noise Guidelines for Europe 2009. These include a summary of effects and threshold levels for observed effects, and in relation to events best characterised by the  $L_{Amax}$  value, threshold levels that are supported by sufficient evidence are:
- 32 – 42 dB  $L_{Amax, inside}$  thresholds for biological and sleep quality effects

*Sufficient evidence: A causal relation has been established between exposure to night noise and a health effect. In studies where coincidence, bias and distortion could reasonably be excluded, the relation could be observed. The biological plausibility of the noise leading to the health effect is also well established.*

*A number of instantaneous effects are connected to threshold levels expressed in  $L_{Amax}$ . The health relevance of these effects cannot be easily established. It can be safely assumed, however, that an increase in the number of such events over the baseline may constitute a subclinical adverse health effect by itself leading to significant clinical health outcomes.*



## Measurements and Mitigation

- 5.1.6 The WHO 2009 guidelines are therefore consistent with the thresholds values adopted for the assessment of new railway projects giving rise to ground borne noise.

### 5.2 Feelable Vibration

- 5.2.1 Relevant feelable vibration criteria are set out in British Standard BS6472:2008, which looks at the vibration dose value (VDV). For information, the vibration dose value ranges and their equivalent probabilities of adverse comment are listed below.

Vibration dose value ranges ( $\text{ms}^{-1.75}$ ) which might result in various probabilities of adverse comment within residential buildings

Place	Low probability of adverse comment <sup>(1)</sup>	Adverse comment possible	Adverse comment probable <sup>(2)</sup>
Residential, 16h day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential, 8h night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

<sup>(1)</sup> Below these ranges adverse comment is not expected

<sup>(2)</sup> Above these ranges adverse comment is very likely

T6 Table 1 of BS6472:2008

- 5.2.2 VDV values have not been recorded in each property and it is therefore more instructive to consider the effect of vibration generated by individual pass-bys.
- 5.2.3 In addition, the older 1992 edition of the standard can also be used, as this provides useful information regarding the perceptibility of vibration at different frequencies. While the targets in BS6472:1992 are less representative of human perception, they can be useful when considering engineering means to control vibration.
- 5.2.4 BS6472:1992 defines a reference Curve 1 which can approximate the threshold of human vibration perception. The curve has different values for vertical and horizontal motion and is determined between 1 and 80Hz.
- 5.2.5 For residential buildings at night the standard suggests a multiplying factor of 1.4 to this Curve 1 would typically be acceptable. This curve has been added (as —) in figures 18/0197/TOB01 to TOB04 in order to determine the degree of perceptibility of the recorded vibration levels.

### 5.3 Measured Levels

- 5.3.1 The LUL train pass-by noise levels measured by CJ in all properties, with the exception of Gilbert House, exceed all of the relevant thresholds set out in Section 5.1. The aggregate pass-



## Measurements and Mitigation

by noise level measured by CJ exceeds the thresholds value by the following amounts, depending on which threshold value is selected (32 dB  $L_{Amax,f}$  being the lowest and 42 dB  $L_{Amax,f}$  being the highest):

- Brandon Mews: 3 - 13 dB;
- Defoe House: 0 – 10 dB;
- Lambert Jones Mews: 5 – 15 dB;
- Gilbert House: N/A.

5.3.2 These excesses are corroborated by LUL's own measurements.

5.3.3 The measured LUL pass-by vibration levels are assessed in third octave bands on each of figures 18/0197/TOB01 to TOB04. It can be seen that, with the exception of Defoe House, all properties are subject to pass-by vibration levels that exceed the relevant threshold in the frequency region for which energy is the highest.



## Measurements and Mitigation

### Part 2: Mitigation

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#### 6 Noise and Vibration Features

##### 6.1 Character

- 6.1.1 Structure borne noise due to LUL train pass-bys exhibits a characteristic frequency peak at 50 – 63Hz in all properties where that noise is audible. Subjectively, it is characterised as a low frequency thudding or rumbling noise.
- 6.1.2 At those properties where train pass-bys are clearly audible, the vibration signal contains components at other frequencies, both above and below the 50 – 63 Hz range, but in all cases there is a clear correlation between the energy content in the vibration and the noise signals.
- 6.1.3 At Gilbert House, the frequency content of the vibration signal is different, with a peak energy at the much lower frequency of 12.5 Hz. This is indicative of the source vibration being modified by a resonant component (or components) of the transmission path which, effectively, filters out the higher frequency audible components (at 50 - 63 Hz) but which amplifies the lower frequency energy.
- 6.1.4 The resonant mode at play is not known. It could be a response of the Gilbert House structure, such as the floor slab on which the measurements are made or a whole building response given that it is supported on relatively slender concrete columns above Barbican Water.
- 6.1.5 Alternatively, it could be a feature of the track installation, which on this particular section have the ballast supporting deck supported on resilient rubber bearings. Further details of the resiliently supported track sections are set out in Section 3.1 below, but there is a possibility (so far unchecked and therefore uncorroborated) that the system has a resonant response at 12.5 Hz.
- 6.1.6 Either way, subjectively the vibration perception in Gilbert House is quite different to that experienced in the other buildings which have been assessed in that is characterised by a more 'bouncy' feel with a strong resonant component.

##### 6.2 Track Replacement

- 6.2.1 It should be noted that since the measurements referred to above were undertaken, a section of track at the western end of the Barbican Estate has been replaced. We understand this to be that section coloured green in Figure 1 above, and the works have involved replacing the ballast and then installing flat bottomed rail on concrete sleepers (replacing bull head rail on timber sleepers).
- 6.2.2 We also understand that jointed rail has been replaced by continuously welded rail.





## Measurements and Mitigation

- 6.2.3 Anecdotally, this has led to a reduction in the levels of noise and vibration perceived by the occupants of Defoe House. Measurements undertaken and reported by LUL on 5<sup>th</sup> and 9<sup>th</sup> October 2018 identify that noise levels are indeed lower in two apartments in Defoe House than were recorded in May 2018.
- 6.2.4 It is also worth noting that the annotation in Figure 1 suggests that there is a section of track between the eastern end of the Arts Centre running beneath Gilbert House, past the Guildhall School of Music and Drama (GSMD) and beneath Brandon Mews which has not been replaced and which is not scheduled to be replaced. It is important to clarify LUL intentions with regard to this section of track and why it is deemed that no replacement is necessary, if that is indeed their judgement.

## 7 LUL Tracks

### 7.1 Known

- 7.1.1 Appendix A is a copy of a report received from LUL following a track walk by LUL Noise and Vibration Section. The report is extremely helpful in establishing the line configuration and type of track form installed beneath different parts of the Barbican Estate.
- 7.1.2 Figure 5 of that report is replicated as Figure 2 below as it provides a very helpful overview of the LUL system directly beneath the Barbican Estate.

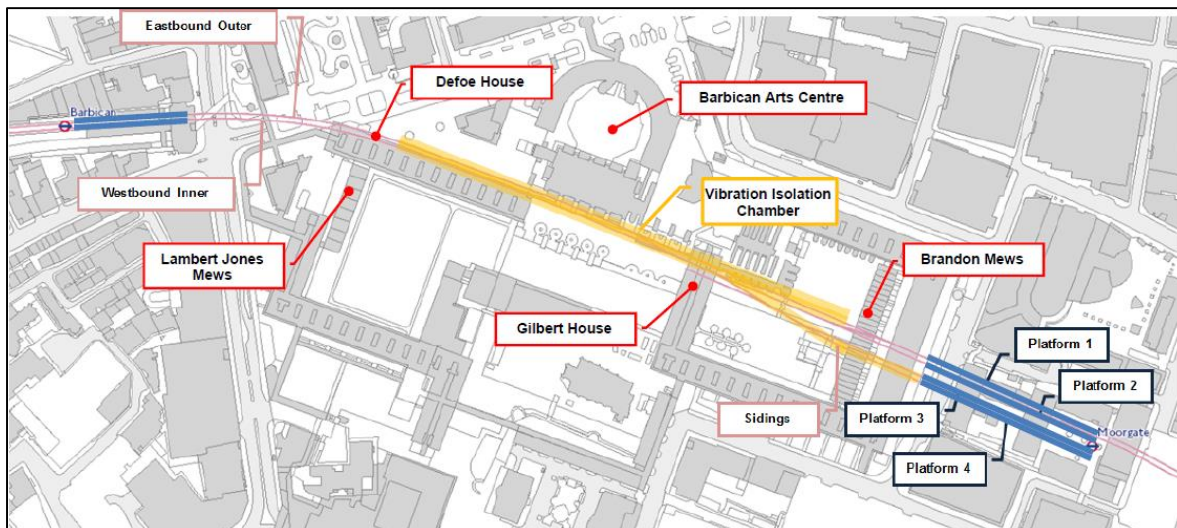


Figure 2: LUL track alignment and configuration below the Barbican Estate

- 7.1.3 The following important points are worth noting:



## Measurements and Mitigation

### Cut and Cover Tunnel

- 7.1.4 Originally, the railway running across the site comprised surface tracks, but these were realigned and covered over prior to construction of the Barbican Estate. This was started in about 1959 and involved straightening the alignment of the tracks between Moorgate and Aldersgate (now renamed Barbican) stations. It also involved a reversal of the gradients, such that the railway was dropped to a low spot between the two stations, some 15 ft. 6 in. (4.7 m) below the original level.
- 7.1.5 The foundations of the covered railway were cast on in-situ bored piles, with the enclosing structure designed in reinforced concrete. The roof of the tunnel containing new, realigned railway was also of in situ concrete but where a roof was installed over existing railway pre-cast construction was used.
- 7.1.6 The form of construction, commonly referred to as 'cut and cover', means that the LUL lines are contained within relatively shallow tunnels, the structure of which would need to be carefully coordinated with the foundations and lower levels of the later built Barbican buildings.
- 7.1.7 This is in contrast to the deep bored tunnels that have been constructed for Crossrail and which pass under the Barbican Estate substantially lower than any part of its foundations or other structure.

### Ballast Track Form

- 7.1.8 For its entire length beneath the Estate every track on the LUL line takes the form of rails fixed to sleepers supported by ballast. Our understanding is that the sections of track coloured yellow and green in Figure 1 are flat head rail on concrete sleepers, while the uncoloured section is older bull head rail on timber sleepers.
- 7.1.9 Photos of each of these track types are shown in the LUL report attached as Appendix A.

### Vibration Isolated Railway

- 7.1.10 The section of track coloured yellow in Figure 2 has the ballast carrying concrete deck supported on resilient rubber bearings as a means of reducing noise and vibration transmission from the railway to the buildings above. Photos of the resilient bearings and their support details are shown in the appendix, but effectively the arrangement forms a lower, accessible chamber beneath the railway deck via which the bearings can be accessed for inspection, maintenance replacement etc.
- 7.1.11 The arrangement is shown in Figure 3 below, which is an image taken from a Higg & Hill cross section drawing N18203 dated august 1966, as supplied by LUL:



## Measurements and Mitigation

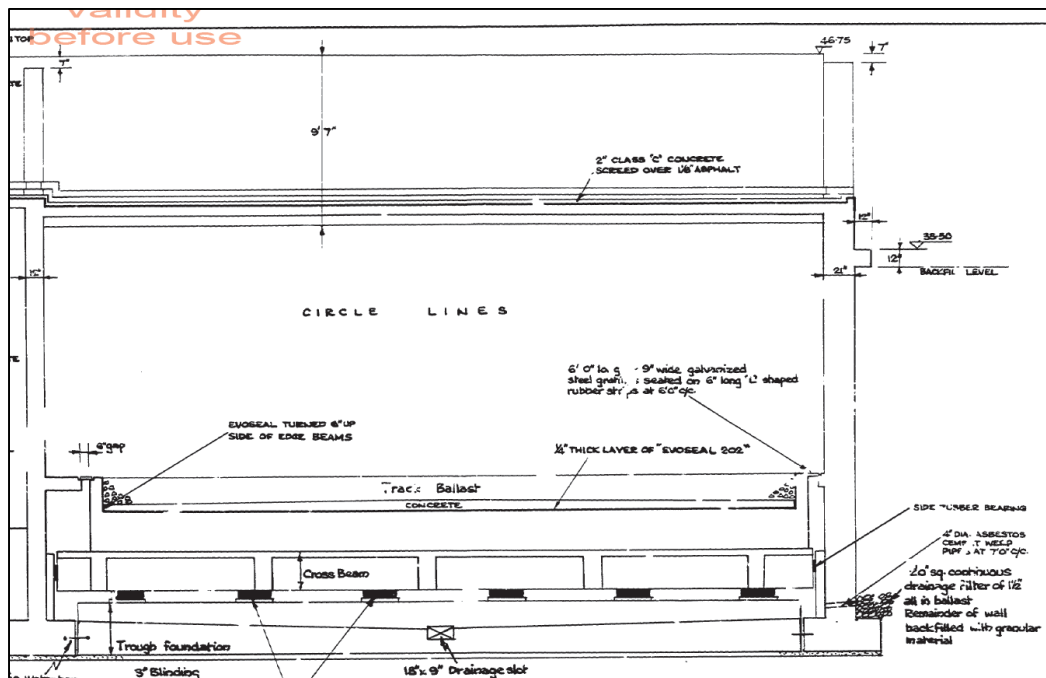


Figure 3: Cross section through part of LUL tunnel containing vibration isolation supported track deck

7.1.12 The isolated section of track runs for just over 300m beneath both the east and west running lines but plainly does not run under the entire length of the Estate. The following is of note:

- The transition between un-isolated and isolated track occurs beneath the western end of Defoe House, approximately between cores 4 and 5. This correlates with the experience of people living within the building that noise and vibration levels do cause disturbance at the western end of the building but this reduces to the point of no complaints arising from residents of the eastern end (closest to the Barbican Centre);
- Noise from LUL train pass-bys is not audible within the Arts Centre nor the GSMD. We have previously carried out measurements of background noise levels within the Barbican Concert Hall, and LUL train pass-bys were not feelable and not audible above the background noise level of NR18;
- Pass-by noise is not audible within Gilbert House, but vibration is feelable. As noted in Section 2.4 above, the frequency content of the vibration indicates that it is affected by a resonance within the transmission path, either within the structure of Gilbert House or possibly a feature of the resiliently supported track bed;
- The isolation system does not extend along the main running tunnels under Brandon Mews nor Willoughby House. Train pass-bys have led to significant complaints from some residents of Brandon Mews living above the running track and measurements carried out in this building indicate levels well above the appropriate thresholds. To our knowledge, no complaints have arisen from occupants of Willoughby House and no measurements have been carried out there;



## Measurements and Mitigation

- The sidings leading into platforms 3 and 4 of Moorgate Station do benefit from being isolated for their full length beneath the Barbican Estate. We understand there are very few positioning movements along these sidings.

### Rail Discontinuities

7.1.13 Points, crossings and other discontinuities such as track joints are significant in that they all lead to higher levels of vibration being generated as wheels roll over them compared to smooth track. This in turn leads to higher levels of noise and vibration in receptor dwellings whose occupants can often experience the impact forces generated as a 'thumping' noise each time a set of wheels pass over the discontinuity.

7.1.14 Page 2 of the report attached as Appendix A describes the location and identifiers for points and crossing located beneath the Barbican Estate. Taking the length along track given in the report we understand:

- Points and crossing 35(a) and 35(b) are located beneath Brandon Mews, approximately lining up with Number 14. These are located on an un-isolated section of the track;
- Points and crossing 31(a) and 31(b) are located beneath Gilbert House, adjacent to the GSMD. These are located on an isolated section of the track.

### 7.2 Unknown

7.2.1 To better understand the full influence of the LUL railway on the transmitted noise and vibration there are some matters requiring clarification.

#### Vibration Isolated Railway

7.2.2 As noted above, the isolated track does not extend beneath the entire Barbican estate, with the transition between isolated and un-isolated track occurring beneath Defoe House and beneath the gardens immediately to the east of Brandon Mews. It is normal for the transition from rigid to resilient track to occur gradually with stiffness gradually decreasing (or increasing in the opposite direction).

7.2.3 We have no details of how the transition has been engineered in this instance and would like confirmation of whether any specific provisions have been made.

#### Track Joints

7.2.4 We believe that sections of track that have not recently been replaced (see the uncoloured track segments between GSMD and Willoughby House in Figure 1 above) comprise jointed rail (bull head type on timber sleepers). In contrast, those sections that have been recently replaced are continuously welded rail (flat bottomed on concrete sleepers).

7.2.5 It would be helpful to have full details confirmed.



## Measurements and Mitigation

### Rail Discontinuities

- 7.2.6 Although not identified in the Appendix A report, we understand that a discontinuity has been cut into the rails directly beneath Gilbert House. We have been informed that it was only after this work was undertaken that residents of Gilbert House began to be disturbed by vibration from LUL train pass-bys.
- 7.2.7 We do not have details of vibration levels within Gilbert House before and after the discontinuity was introduced, so we cannot confirm or comment on whether the correlation is correct.
- 7.2.8 However, we have accessed the low level areas beneath Gilbert House adjacent to the Circle Line running tracks and it was my subjective impression that when trains ran over a discontinuity in this area, there was a very significant degree of impact noise generated. It is my impression that if this associated with a break in the rails, then there may well be a significant height differential either side of the break.
- 7.2.9 The question is, if the break is necessary, can adjustments be made to minimise the degree of impact caused when train wheels roll over it (or them, if in both rails)?

## 8 Barbican Buildings

### 8.1 Structure

- 8.1.1 The railway predates the Barbican Estate and the realignment and tunnelling works were carried out prior to any of the estate being built.
- 8.1.2 The relationship between the structure of the Barbican Estate buildings and the LUL railway is understood to be as follows:

#### Lambert Jones Mews

- 8.1.3 We have no details of the structure for Lambert Jones Mews, but given that this is a relatively low-rise town house structure, we would anticipate it is built on a ground bearing slab, founded at a much higher level than the base of the running tunnels. We do not believe there is a direct structural connection to the LUL running tunnels, although the two structures are located physically very close to each other.
- 8.1.4 Transfer of vibration from passing trains into the properties in Lambert Jones Mews would be via the soil separating the two adjacent but independent structures.

#### Defoe House

- 8.1.5 We believe that Defoe House is not structurally connected to the LUL running tunnels. A limited inspection of the interface between the two, undertaken from the lowest accessible parts of Defoe House, reveals an arrangement as shown in the photos below.





## Measurements and Mitigation

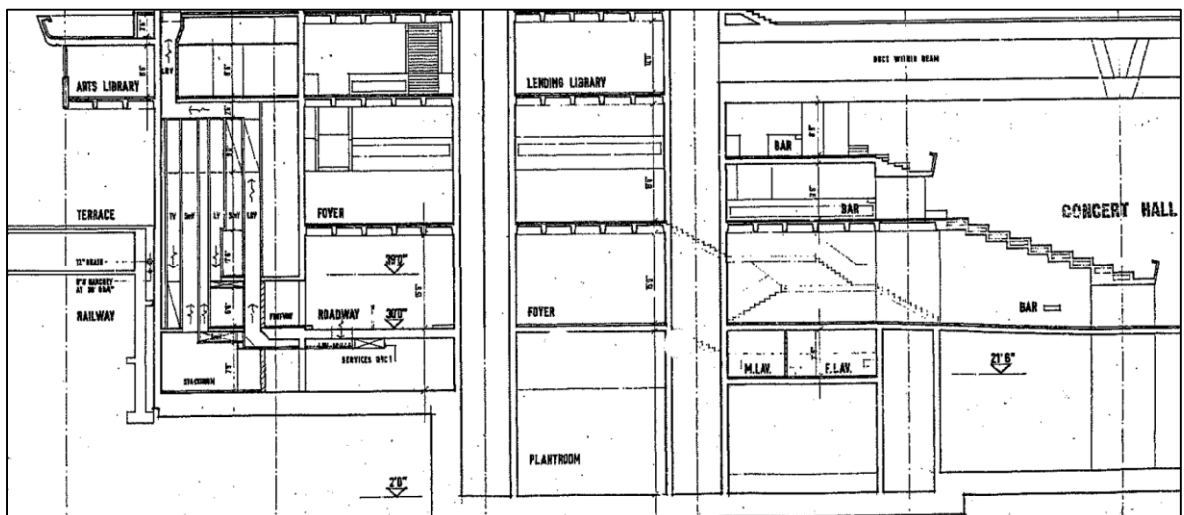


Interface of Defoe House structure with LUL running tunnel, showing a clear gap of  $\sim 400\text{mm}$

- 8.1.6 The gap between the tunnel and Defoe House is in the order of  $400\text{mm}$ . The gap is observed to extend from the very bottom of both structure to a point above the roof of the tunnel. The Defoe House structure spans above the tunnel and, so far as we were able to observe, the two remain independent of each other.

### Arts Centre

- 8.1.7 We have not had the opportunity of inspecting the interface between the Arts centre and the LUL Tunnels, but the image below is taken from a cross section drawing GL/P/101C dated 21 April 1969. At this location the running tunnels are located on isolation bearings.



LUL tunnels sit below the Terrace but not connected to the main structure of the Arts Centre

- 8.1.8 It is certainly an advantage that the highly sensitive Concert Hall is located some distance from the LUL tunnel. There are other, less sensitive spaces such as plant rooms, the roadway and foyer spaces that act as buffers between the two.



## Measurements and Mitigation

### Guildhall School of Music and Drama

- 8.1.9 We believe that the LUL tunnel is similarly separated from the building structure in the case of the GSMD, but we do not have images or drawings that clearly demonstrate this. We do know that at this location that the running tunnels are located on isolation bearings.

### Gilbert House

- 8.1.10 We do not have images or drawings that clearly identify the structural details of Gilbert House nor how they interface with the LUL tunnel. However, given its position between both the Arts Centre and the GSMD, we would expect that it too remains independent as it spans across the tunnels. It is, however, in very close physical proximity.
- 8.1.11 At this location the running tunnels are located on isolation bearings.

### Brandon Mews

- 8.1.12 We believe that Brandon Mews is structurally connected to the LUL running tunnels to a significant extent. Like Lambert Jones Mews this is a relatively low-rise town house structure, and we would anticipate it is built on a ground bearing slab, founded at a higher level than the base of the running tunnels.
- 8.1.13 However, Brandon Mews spans directly across the LUL tunnels, and the arrangement within the basement of the building clearly reveals the location of the tunnel and how the Brandon Mews structure appears to be built directly on top of it for the spanning section.
- 8.1.14 The arrangement is shown in the photos below.



Basement of Brandon Mews spanning across the LUL tunnels, the top of breaks into the space

- 8.1.15 The direct physical connection between Brandon Mews and the railway tunnel, together with the fact that the track has not recently been replaced and contains points and crossings directly



## Measurements and Mitigation

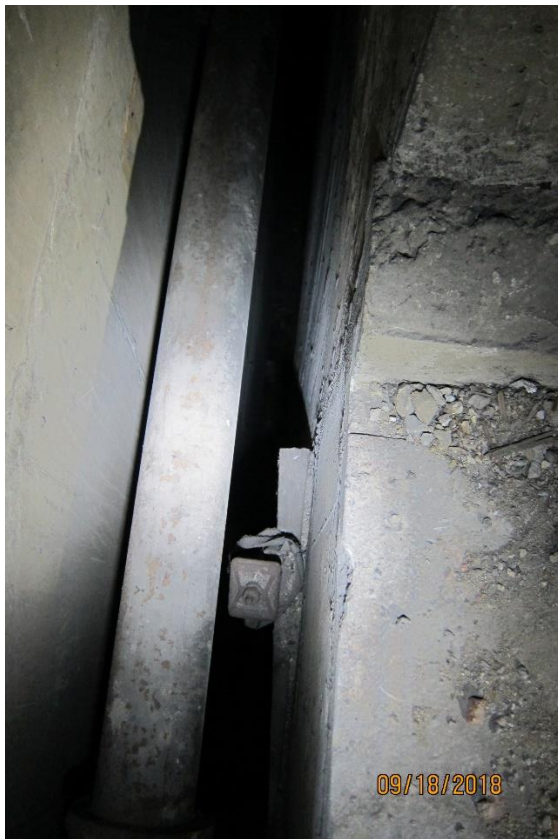
beneath the building all contribute to the relatively high levels of noise and vibration experienced at this location.

### 8.2 Bridging

- 8.2.1 Even where structures are independent, the separation between them is not large and there are a number of built or installed elements that can or do form a connection.

#### Services

- 8.2.2 There are locations where services are routed in the space between the Barbican structure and the tunnel. Examples are shown in the images below.



Soil/water pipe at Defoe House



Electric cable on the tunnel at Gilbert House

- 8.2.3 There is the risk that where services are clearly connected to both the building and the tunnel structures, they provide a direct transmission path for vibration between the two. This is particularly the case where the service may span between an isolated section of the tunnel and the adjacent structure.
- 8.2.4 A related concern is that even if services do not actually bridge from tunnel to building, they could form obstructions for the accumulation of debris or discarded materials which could in turn act as bridging elements.





## Measurements and Mitigation

### Constricted Locations

- 8.2.5 There are locations where, even in the absence of services, the design and construction of the tunnels leads to a particularly narrow separation to the adjacent building structure. Examples are shown in the images below.



Isolated tunnel adjacent to Barbican structure



Flexible connection at 'pinch point'

- 8.2.6 As noted above for services located between the two structures, care must be taken to ensure that at points of constriction there is no direct transmission path for vibration. Similarly, it is important that pinch points do not form obstructions for the accumulation of debris or discarded materials which could in turn act as bridging elements.

## 9 Mitigation Options

### 9.1 Housekeeping/Maintenance

- 9.1.1 There are a number of relatively straightforward and cost effective measures that can be implemented to reduce the levels of noise and vibration transmitted into the Barbican residential areas. Each measure on its own is not expected to have a significant effect, but taken together, and implemented carefully across the estate, they would be expected to lead to worthwhile results.
- 9.1.2 We term these housekeeping or maintenance measures and they should be considered to control the effects of underground train operations without a significant or costly intervention.



## Measurements and Mitigation

### Within Tunnels

#### 9.1.3 Options are only available to LUL and include:

- *Rail discontinuities*: where points and crossings or breaks in the rail for other engineering reasons, these should be inspected and adjusted with the aim of maintaining the vertical and horizontal offsets to the minimum possible either side of the discontinuity. It is essential that this is undertaken with the clear intent of keeping induced vibration levels to a minimum;
- *Rail joints*: although they are similar in nature and effect to other rail discontinuities, we deal with rail joints separately as in newly installed rail they are not inevitably required and particularly bad rail joints may be symptomatic of rail requiring replacement anyway. Irrespective, all rail joints should be inspected and shimmed/ground as required in order to maintain the vertical and horizontal offsets either side of the joint to the minimum possible;
- *Rail grinding*: regular inspection and grinding of rails should be undertaken to minimise surface roughness and ensure that rails remain free from undulations;

#### 9.1.4 *Wheel grinding*: regular inspection and grinding of train wheels should be undertaken to correct wheel flats.

### Outside of Tunnels

#### 9.1.5 This activity may fall to either LUL and CoL/Barbican Estate to undertake but essentially requires the interface between the LUL tunnels and the structure of building across the estate to be inspected at as many locations as possible. As appropriate, the relevant steps may be:

- *Removing debris*: remove any surplus material bridging between the tunnel and the adjacent structure;
- *Adjusting services*: check that any services located within the void between tunnel and estate structure are not causing a direct or rigid connection. Modify services or the method of support as required.

#### 9.1.6 These activities are particularly important in those sections of the tunnel that incorporate the resilient supports.

### 9.2 Engineering Intervention

#### 9.2.1 Based on the levels of noise and vibration measured by us and LUL in Defoe House, Lambert Jones Mews and, in particular, Brandon Mews, the mitigation required to achieve acceptable standards will require a more significant degree of intervention than the measures outlined above. Such intervention is only within the gift of LUL as it will require substantial modifications to the running track beyond the section that is already on isolated supports.

#### 9.2.2 Appendix B contains a graphic presented to CoL by Crossrail which identifies the typical benefits that can be achieved by different forms of track isolation currently available to railway



## Measurements and Mitigation

engineers. Focussing on the ballast track form options, it can be seen that the provision of an Under Ballast Mat is capable of reducing vibration levels by between 5 and 12 dB compared to the current ballast track form installed under the Barbican Centre.

9.2.3 In our view, an engineering intervention that ought to be capable of reducing the LUL noise and vibration impact across the Barbican estate in a practicable manner would comprise:

- Replace that section of track under the estate that still comprises jointed bull head rail on timber sleepers with continuously welded, flat bottom rail on concrete sleepers;
- That section of track beneath Brandon Mews and Willoughby House that is not within the isolated tunnel shall incorporate an appropriate Under Ballast Mat <sup>1 2 3</sup>;
- That section of track between Barbican Station and Defoe House that has already been replaced but is not within the isolated tunnel shall be modified to incorporate an appropriate Under Ballast Mat.

### 9.3 Other Measures

9.3.1 The potential mitigation options outlined in Section 9.1 above are by no means considered to be exhaustive. LUL are the railway engineering specialists and we would welcome their views on alternative, and possibly more effective, measures that could be implemented.

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<sup>1</sup> <http://www.pandrol.com/product/pandrol-under-ballast-mats/>

<sup>2</sup> <https://www.getzner.com/en/products/rail-products/under-ballast-mats>

<sup>3</sup> [http://www.tiflex.co.uk/brochures/trk\\_ballast.pdf](http://www.tiflex.co.uk/brochures/trk_ballast.pdf)



## Measurements and Mitigation

# Conclusion

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### 10 Summary

- 10.1 Measurements have been carried out to determine levels of noise and vibration generated at four properties on the Barbican Estate located above the LUL underground railway line. The measurements confirm subjective impressions that ground borne noise is clearly audible in three of the properties and/or vibration is perceptible in the tested properties.
- 10.2 The measurement results are broadly in line with those most recently recorded by LUL at each property. At Lambert Jones Mews, the CJ measurements indicate significantly higher levels than those measured by LUL in 2015 and the reasons for this should be the subject of further investigation.
- 10.3 The measured levels are also found to exceed objective criteria for transient noise and vibration events.
- 10.4 The measured levels, together with the character of the noise and vibration perceived by those affected, have been considered in relation to the following issues at each individual receptor:
- The location along the line of the LUL tracks running beneath the Barbican estate;
  - The track form in the vicinity of each building;
  - The relationship between the structure of the LUL tunnel and each of the Barbican buildings.
- 10.5 Full information is not available, and where additional input from LUL is considered important or necessary this is identified.
- 10.6 Nevertheless, we have attempted to identify the key factors that affect the level and character of the noise and vibration experienced at each receptor and what steps could be taken to mitigate these to levels consistent with acceptable thresholds.

■ End of Section



## Measurements and Mitigation

# Glossary of Acoustic Terms

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### $L_{Aeq}$ :

The notional steady sound level (in dB) which over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measurement over that period. Values are sometimes written using the alternative expression dB(A)  $L_{eq}$ .

### $L_{Amax}$ :

The maximum A-weighted sound pressure level recorded over the period stated.  $L_{Amax}$  is sometimes used in assessing environmental noise when occasional loud noises occur, which may have little effect on the  $L_{Aeq}$  noise level. Unless described otherwise,  $L_{Amax}$  is measured using the “fast” sound level meter response.

### $L_{A10}$ & $L_{A90}$ :

If non-steady noise is to be described, it is necessary to know both its level and degree of fluctuation. The  $L_{An}$  indices are used for this purpose. The term refers to the A-weighted level (in dB) exceeded for n% of the time specified.  $L_{A10}$  is the level exceeded for 10% of the time and as such gives an indication of the upper limit of fluctuating noise. Similarly,  $L_{A90}$  gives an indication of the lower levels of fluctuating noise. It is often used to define the background noise.

$L_{A10}$  is commonly used to describe traffic noise. Values of dB  $L_{An}$  are sometimes written using the alternative expression dB(A)  $L_n$ .

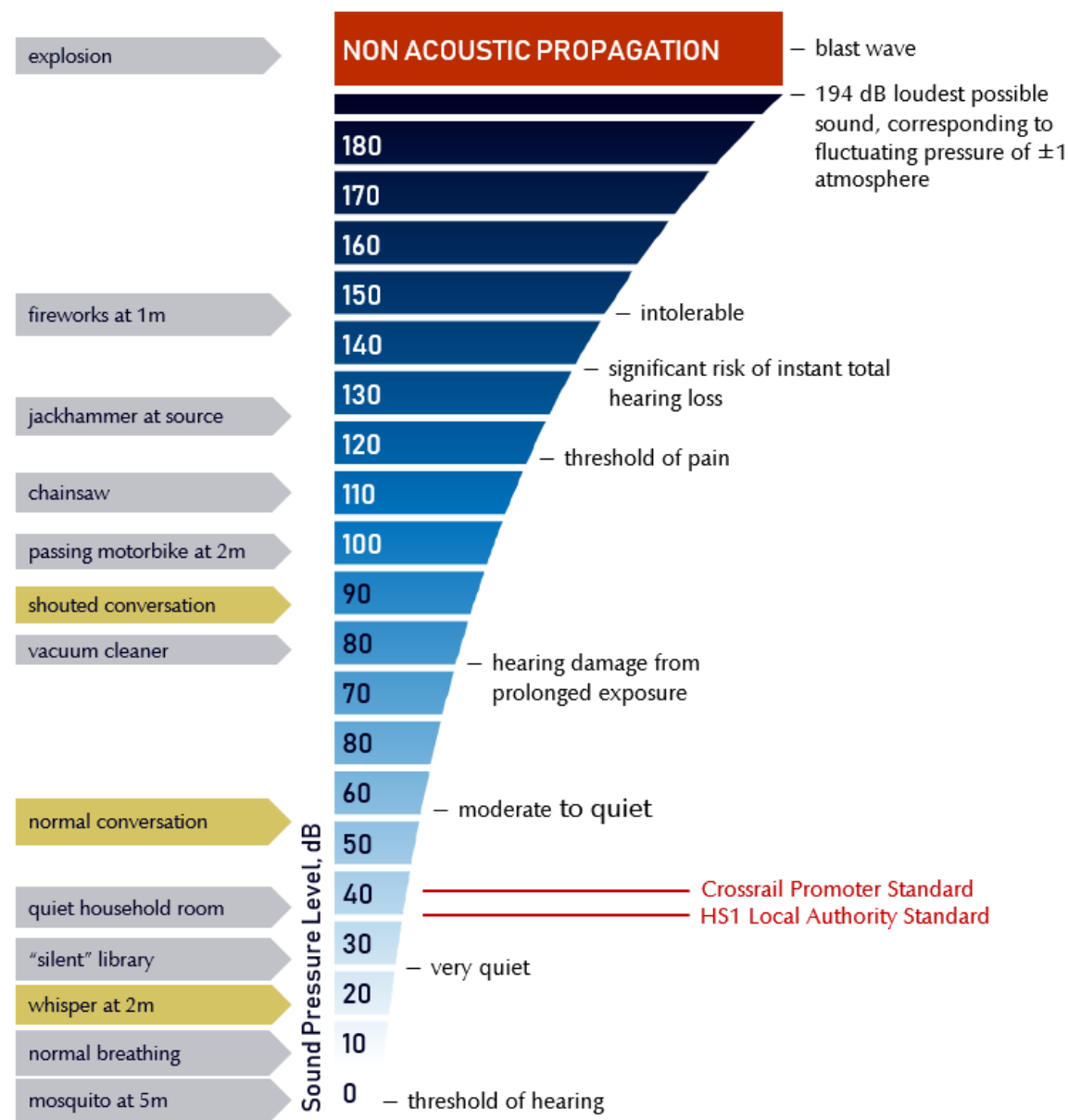
### $L_{AX}$ , $L_{AE}$ or SEL

The single event noise exposure level which, when maintained for 1 second, contains the same quantity of sound energy as the actual time varying level of one noise event.  $L_{AX}$  values for contributing noise sources can be considered as individual building blocks in the construction of a calculated value of  $L_{Aeq}$  for the total noise. The  $L_{AX}$  term can sometimes be referred to as Exposure Level ( $L_{AE}$ ) or Single Event Level (SEL).



# Measurements and Mitigation

## Noise Thermometer



End of Section



Figure 18/0197/THNV.01

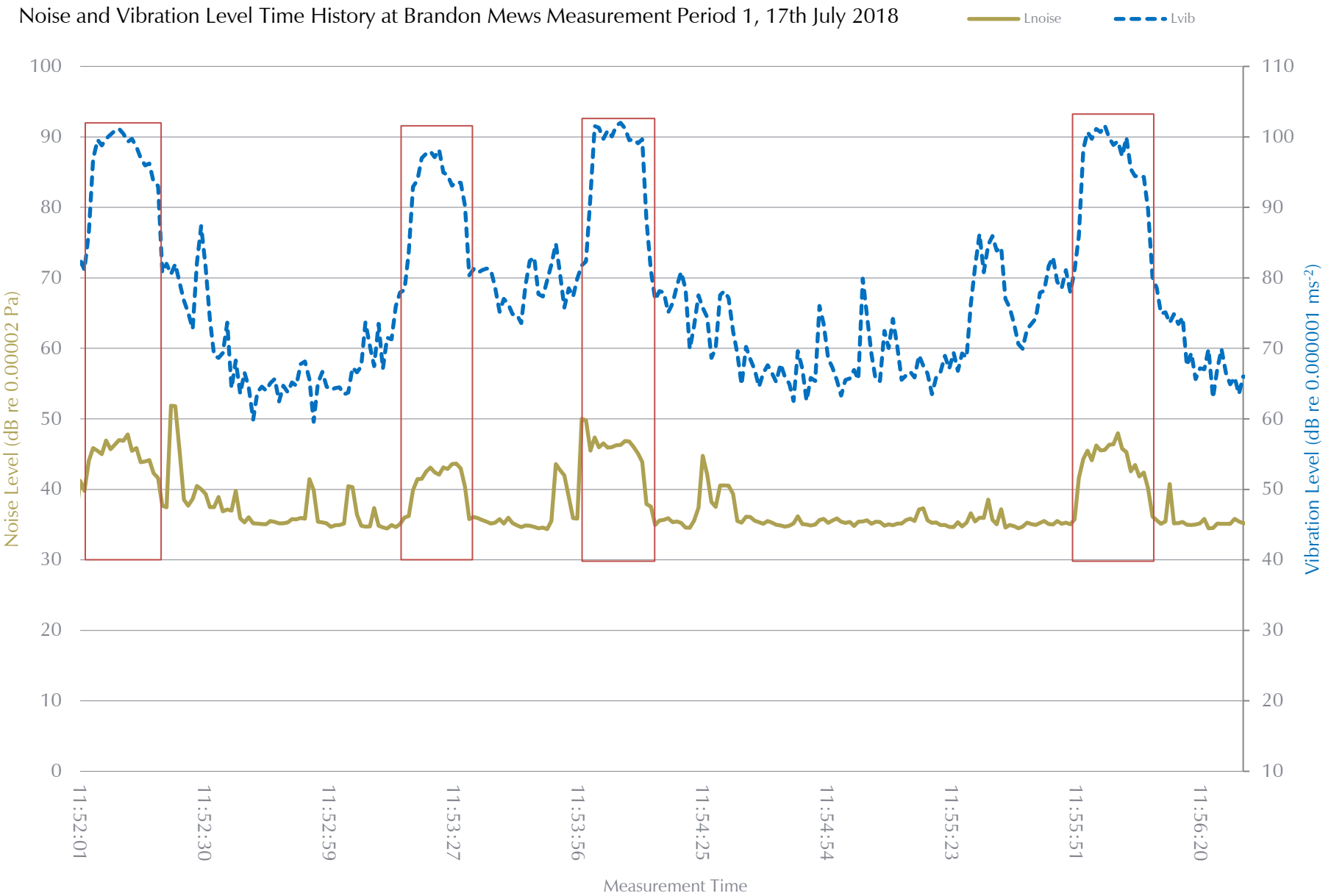




Figure 18/0197/THNV.02

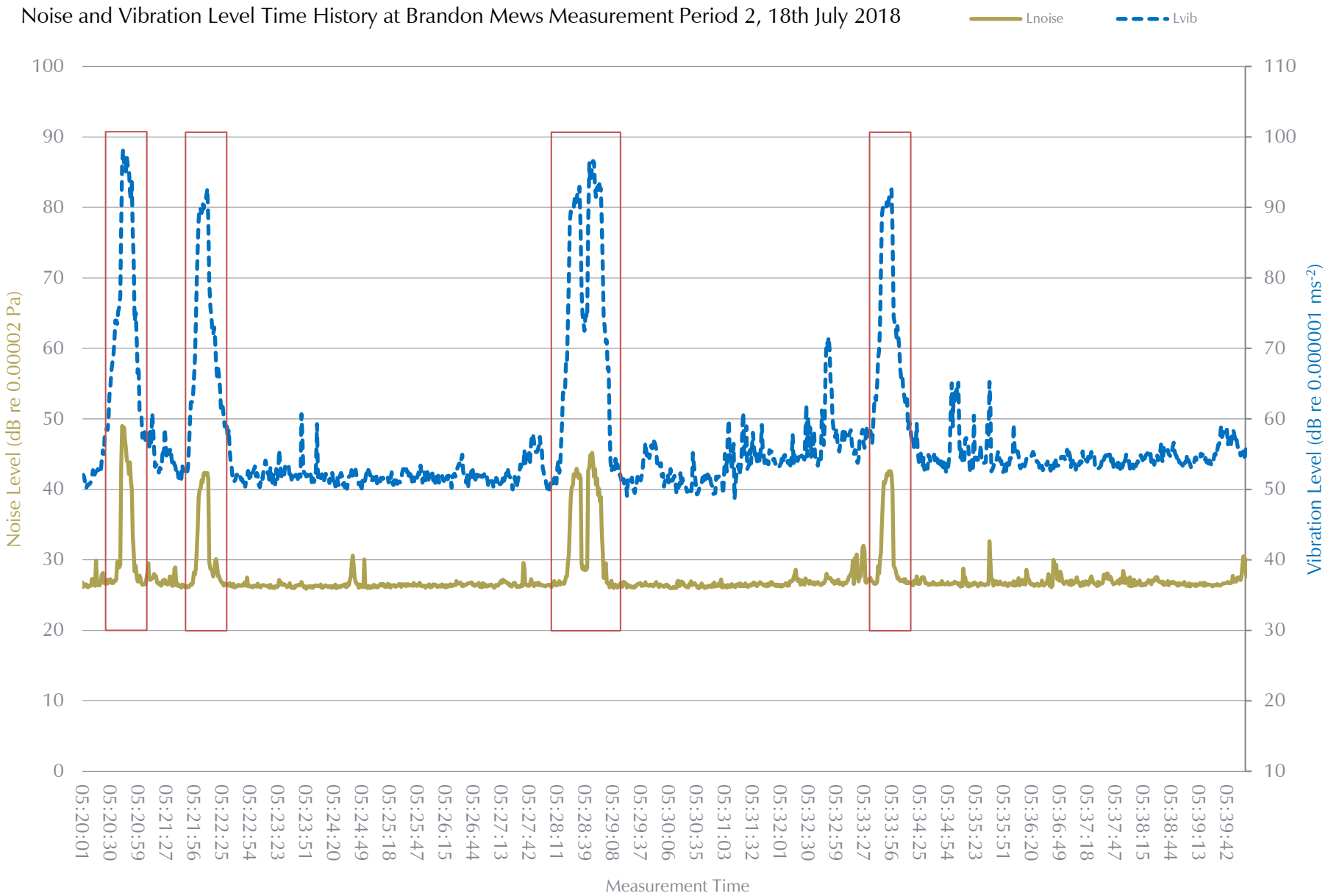






Figure 18/0197/THNV.03

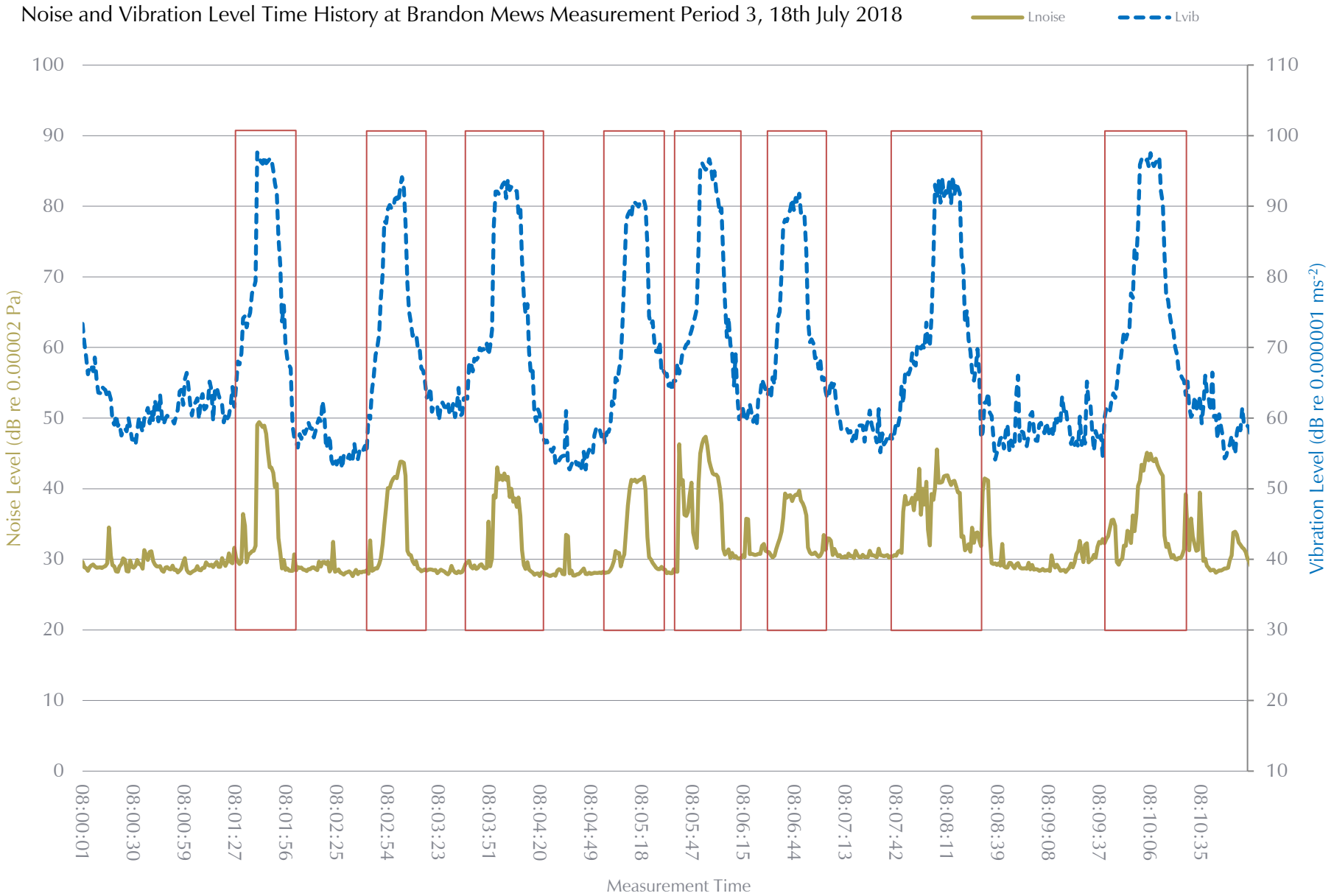




Figure 18/0197/THNV.04

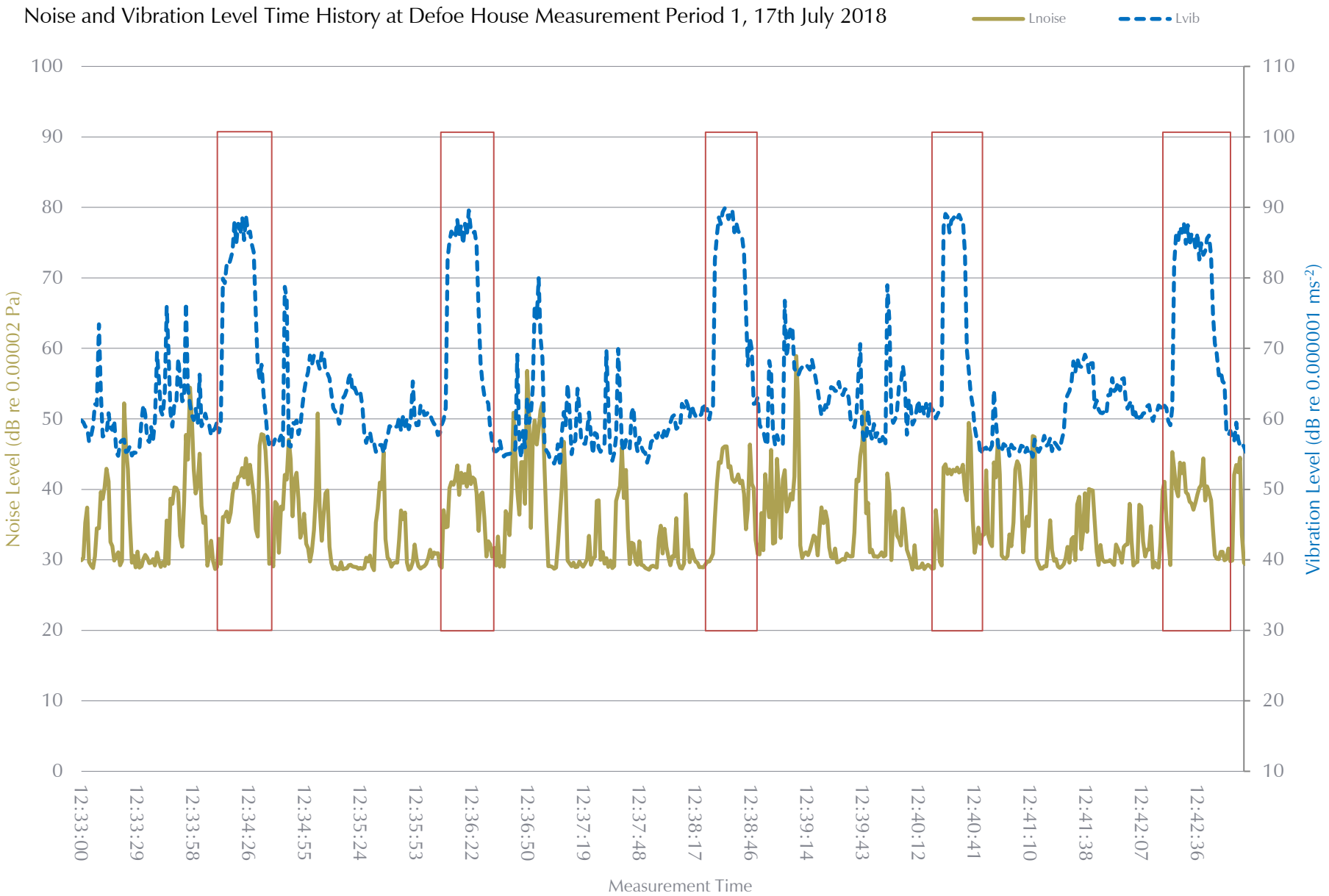




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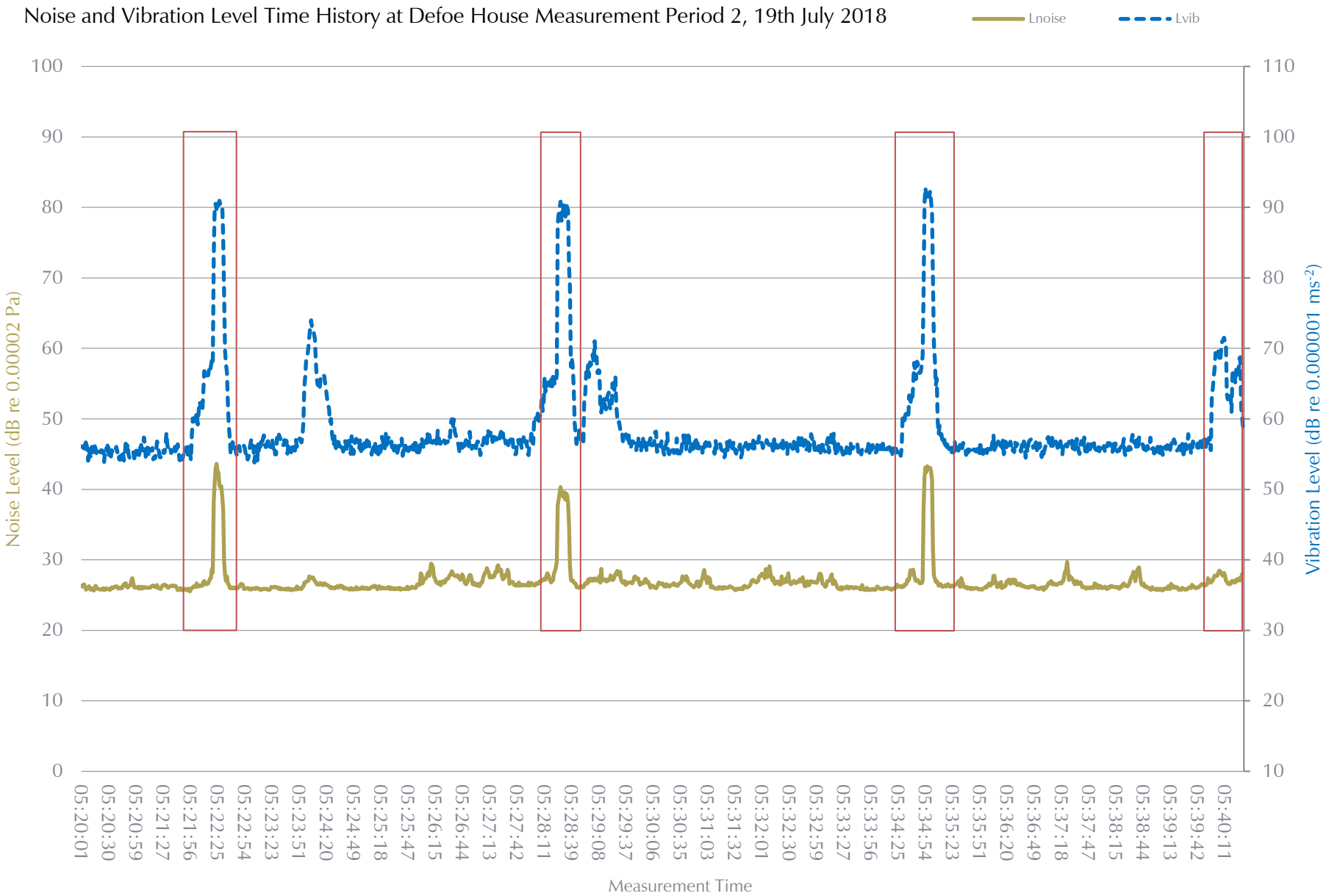




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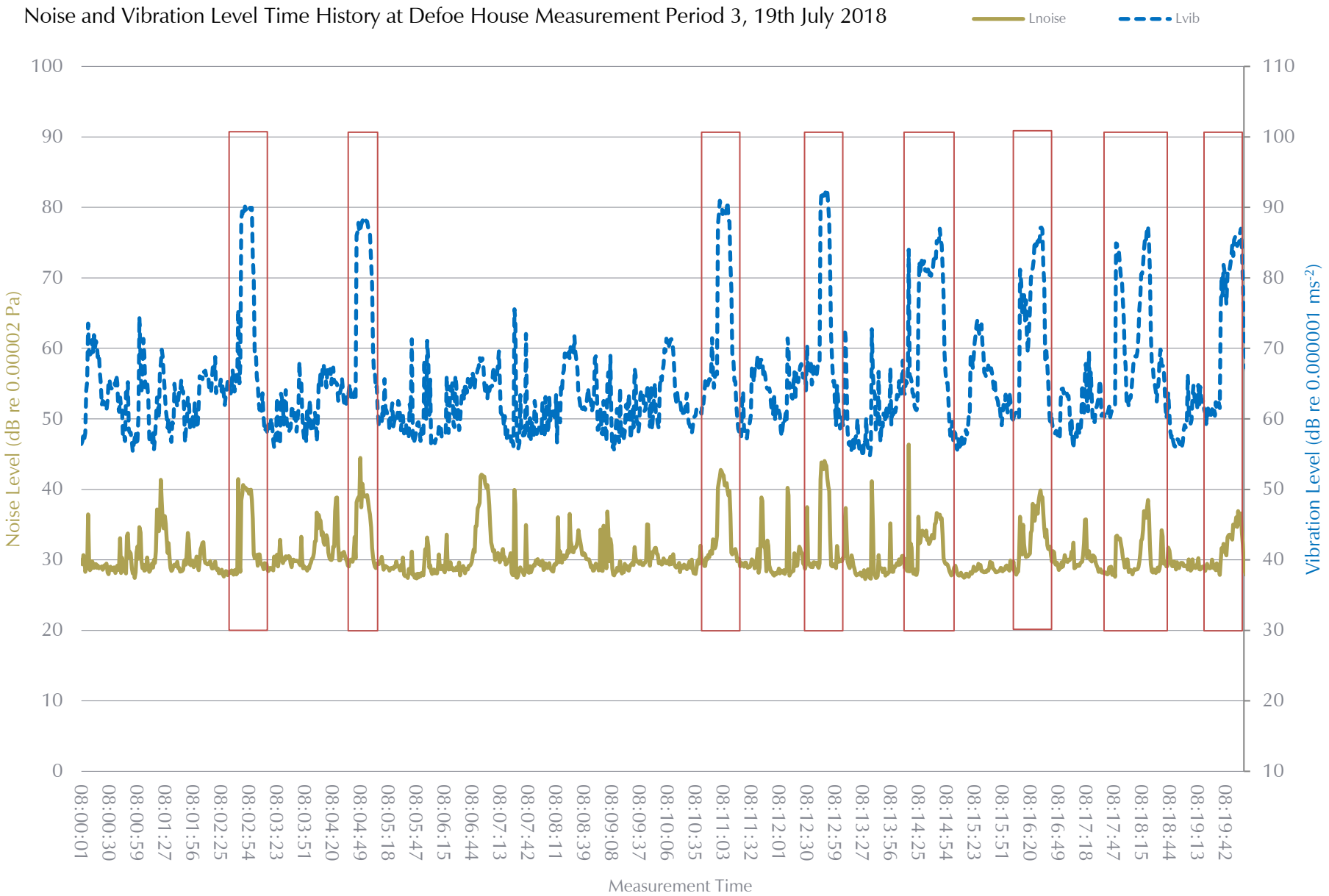




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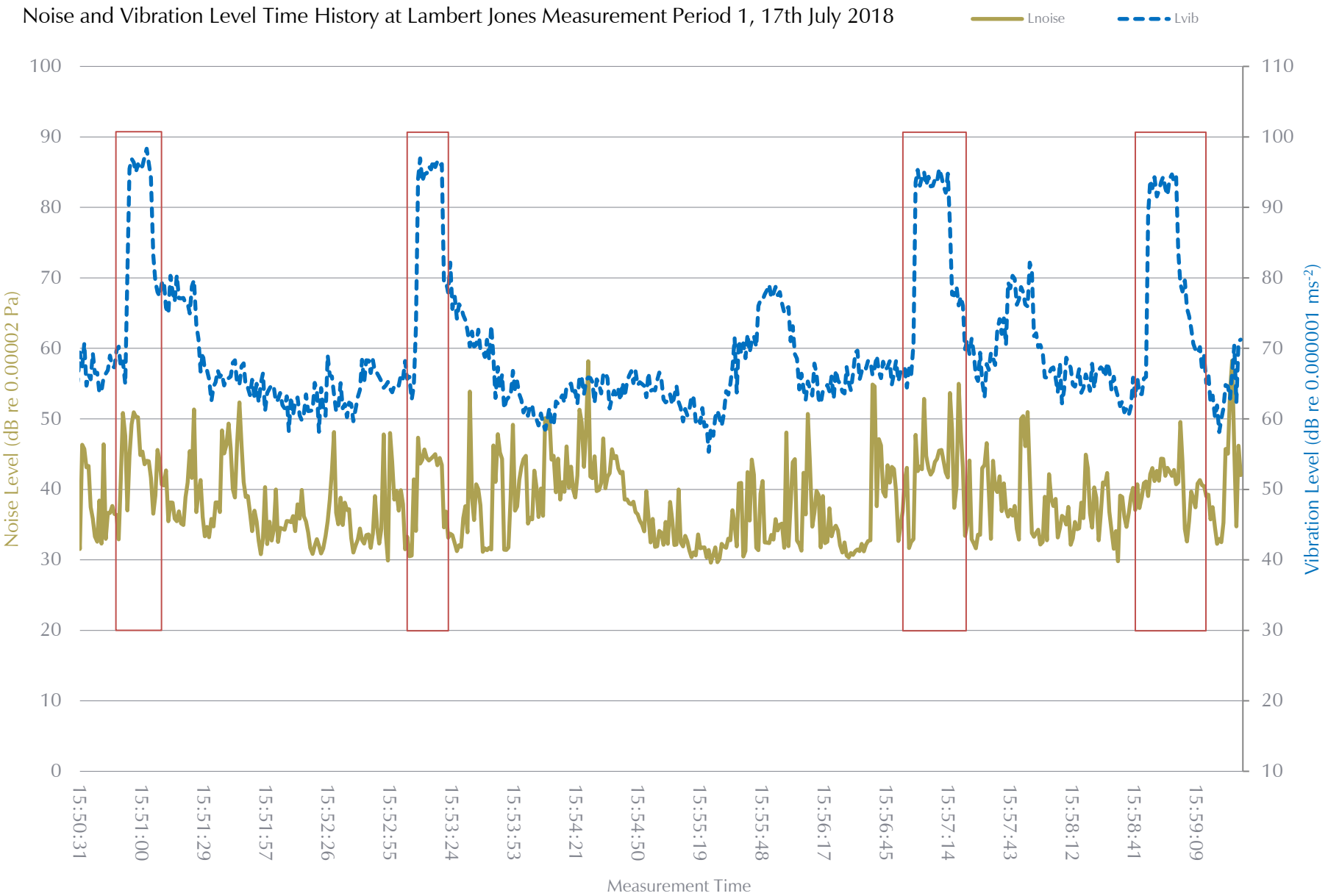




Figure 18/0197/THNV.08

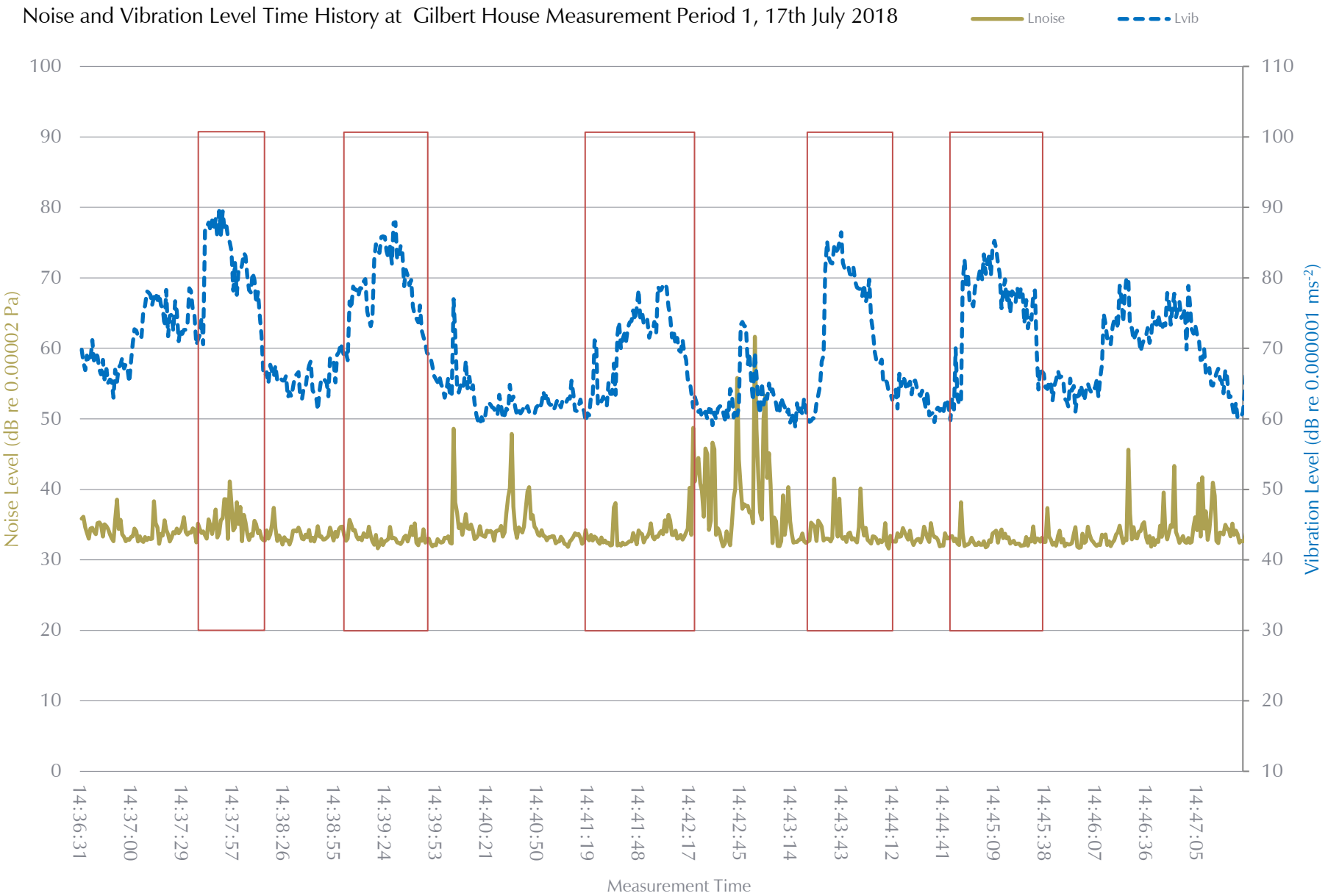




Figure 18/0197/TOB01

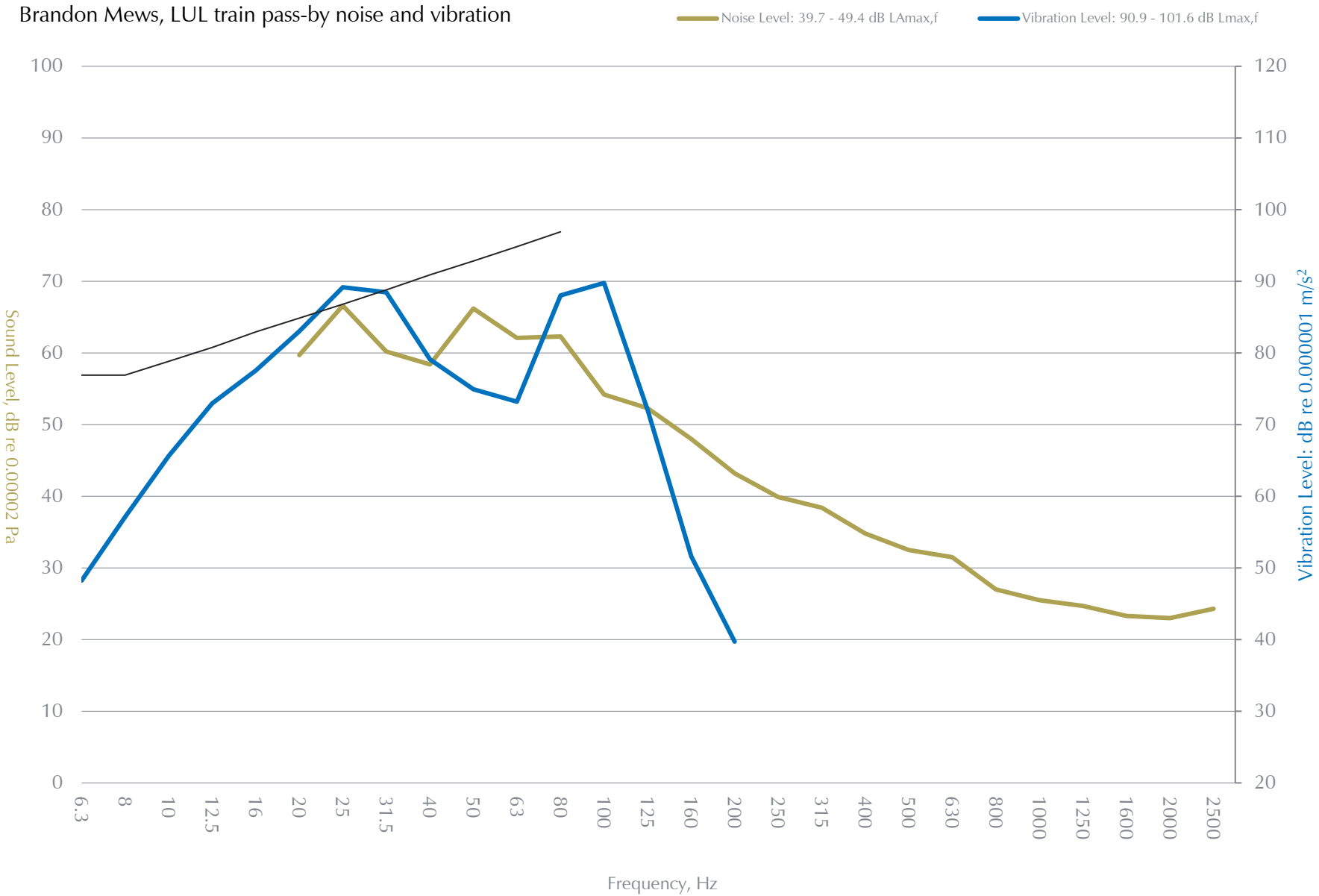




Figure 18/0197/TOB02

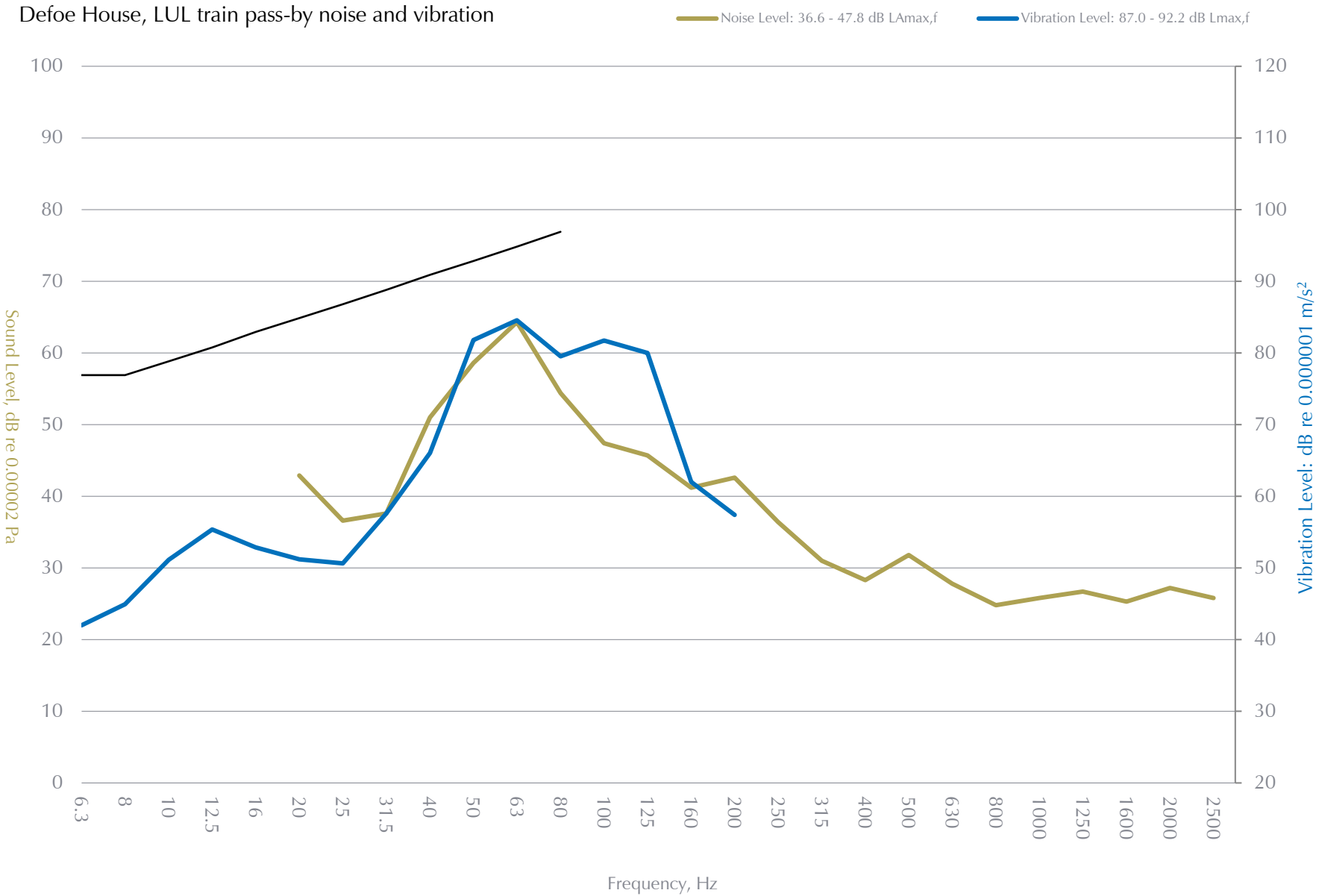






Figure 18/0197/TOB03

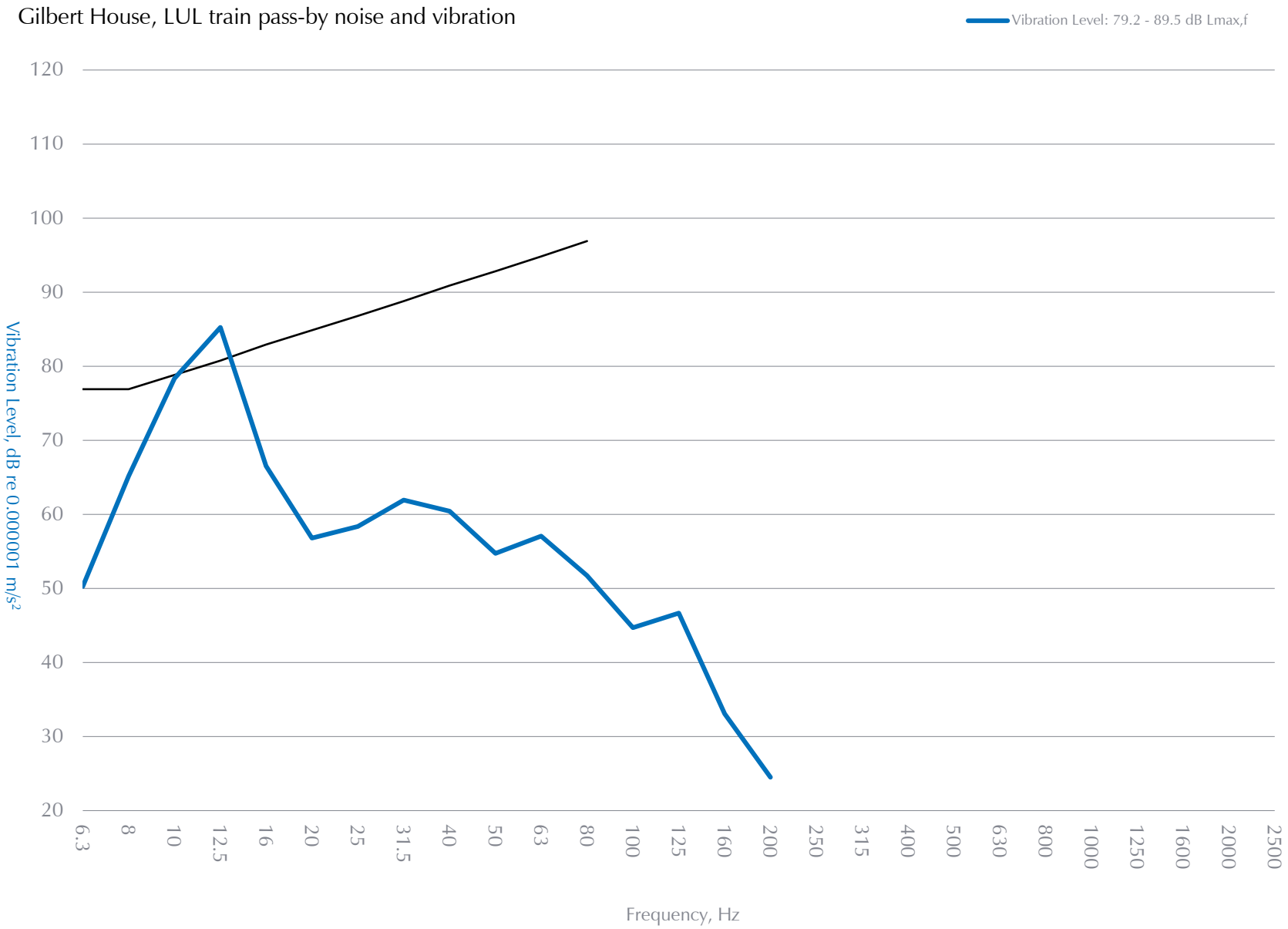
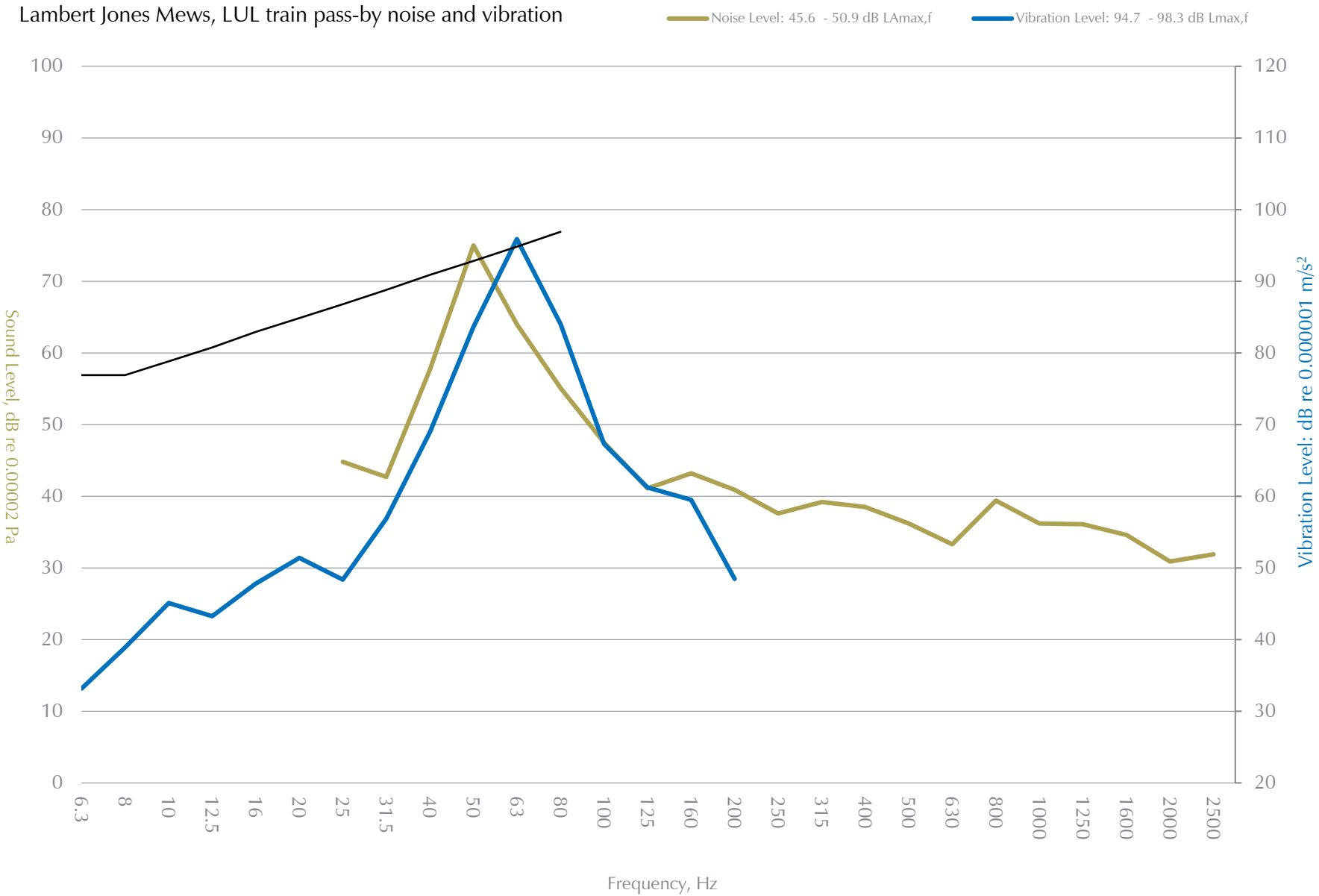




Figure 18/0197/TOB04





## Noise and Vibration Mitigation

# Appendix A

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### LUL Track Walk between Barbican and Moorgate Station

## REVIEW OF TRACK WALK BETWEEN BARBICAN AND MOORGATE STATION

Issue Date: 4<sup>th</sup> September 2018

Prepared by: Martin Tonner

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### 1. BACKGROUND

As part of noise and vibration investigation within the Barbican Estate, the City of London Environmental team requested TfL provide details of the track formation of the Circle, Hammersmith & City and Metropolitan line that runs between Barbican and Moorgate station. Particular emphasis is given on the location of the vibration isolation chambers, built in the 1960s in order to mitigate the transmission of ground-borne noise and vibration within the Barbican Arts and Conference Centre from passing London Underground trains. The chamber lies underneath the track ballast and contains rubber blocks to suspend the track and tunnel floor

A review the track walk within the tunnel between Barbican and Moorgate station was carried out by TfL Technical Services on the night of 30<sup>th</sup> August 2018.

### 2. OBSERVATIONS

From the tunnel entrance at Barbican station the formation of track on the Eastbound Outer line is ballasted track with flat-bottom rail on concrete sleepers for approximately the first 90m (figure 1). The track then changes to bullhead rail on timber sleepers (figure 2) for the next 410m, all the way to Platform 1 at Moorgate station.



**Figure 1 – Flat-Bottom Rail on Concrete Sleepers**



**Figure 2 – Bullhead Rail on Timber Sleepers**

On the Westbound Inner line the rail is also ballasted track with bullhead rail on timber sleepers for 390m from the tunnel entrance at platform 2 at Moorgate station and changes to flat-bottom rail on concrete sleepers for the next 110m, up to platforms at Barbican station.

There are sets of points and crossings on the track of the Eastbound line at approximately 300m (31b) and 480m (35a) from Barbican station (figure 3), and at 60m (35b) and 160m (31a) on the Westbound line from Moorgate station.

The track formation of the sidings from platforms 3 and 4 is flat-bottom rail on concrete sleepers (figure 4) which travels over set of points 32a/34 at approximately 67m from the platforms, before joining the Westbound line at set of points 31a/32b.



Figure 3 – Points 35 on both the Eastbound and Westbound Line



Figure 4 – Sidings Flat-bottom Rail on Concrete Sleepers from Platform 3

The location of the vibration isolation chamber (highlighted in yellow on the map in figure 5) was found to be between **140m to 450m** underneath the track ballast on the Eastbound line and **50m to 360m** on the Westbound. The chamber also runs underneath the entire length of the sidings track ending at platforms 3 and 4 at Moorgate station. This was determined by location of the metal grills on concrete that run parallel with sections of the track (figures 6-8) below.

The vibration isolation chamber is accessible via sections of removable metal grills, on the left hand side of the westbound road, and has attached ladders leading down into the chamber (figures 9 and 10).



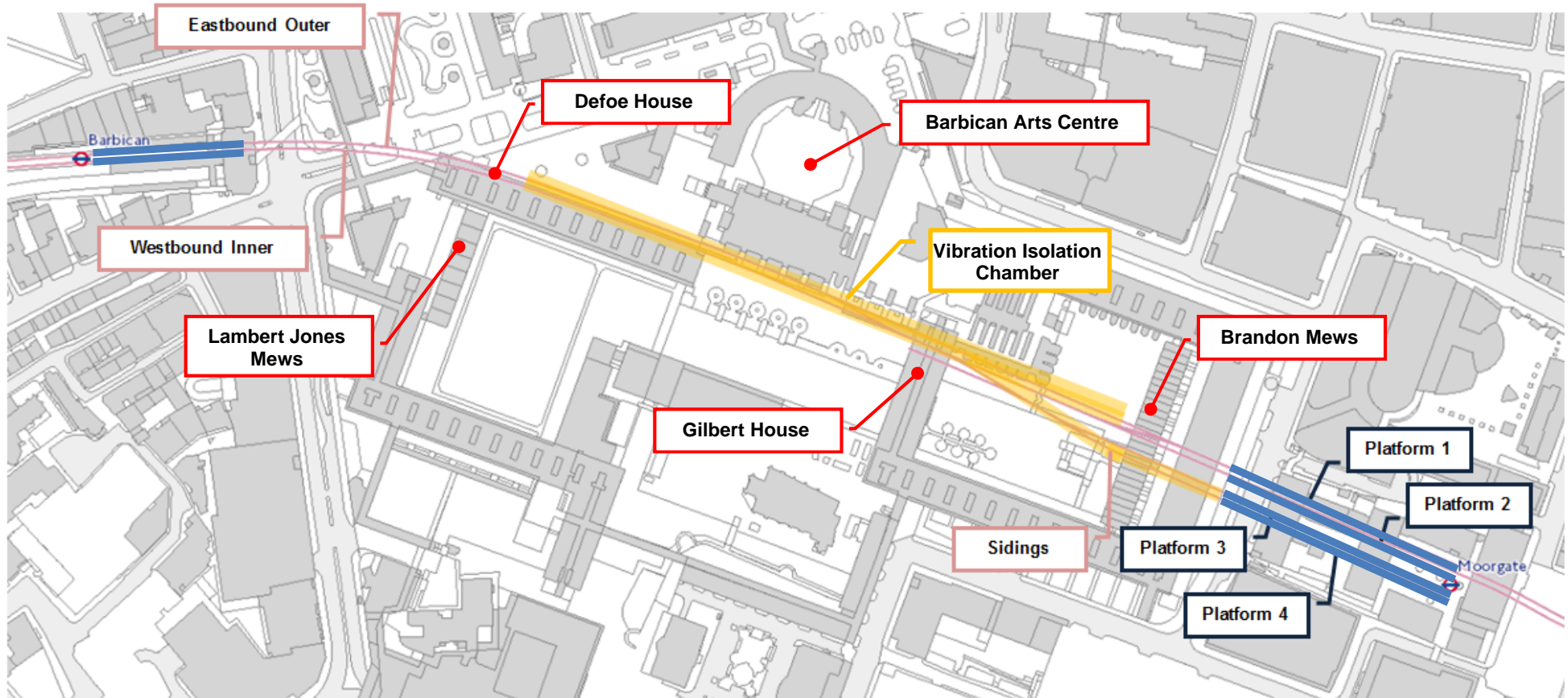


Figure 5 – Map Showing Location of the Hammersmith & City, Circle and Metropolitan Line between Barbican and Moorgate



**Figure 6 – Metal Grills on Concrete Running Parallel with Rails**



**Figure 7 – Metal Grills on Concrete Running Parallel with Rails**



**Figure 8– Metal Grills on Concrete Running Parallel with Rails**



**Figure 9 – Removable Grills to Access Chamber**



**Figure 10 – Removable Grills to Access Chamber**



Figure 11 and 12 below show inside of the vibration isolation chamber, which consists of a concrete structure supporting the suspended track with resilient rubber bearings in the centre (figures 13 and 14) isolating the direct contact between the chamber floor and ceiling.

The chamber ceiling is supported by brick columns with a concrete rod (figures 15 and 16) which is located outside of the chamber. They are not directly underneath the rail itself, but supporting the tunnel invert in the left hand side of the westbound line.



**Figure 11 – Concrete Structure Supporting the Track**



**Figure 12– Concrete Structure Supporting the Track**



Figure 13 – Resilient Rubber Bearings within the Concrete Structure



Figure 14 – Resilient Rubber Bearings within the Concrete Structure



Figure 15 – Supporting Brick Columns

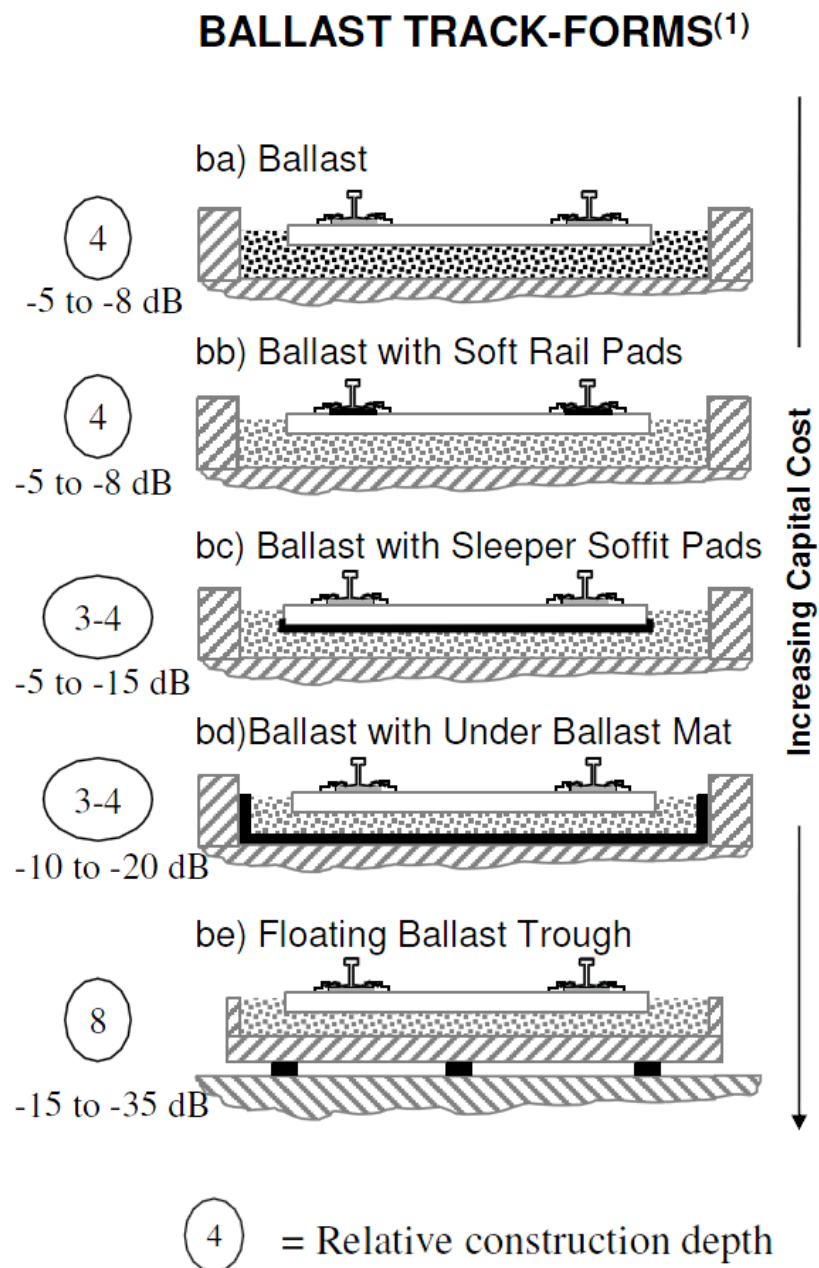


Figure 16 – Supporting Brick Columns



## Appendix B

Mitigation<sup>4</sup>



<sup>4</sup> Taken from Crossrail presentation to Corporation of London: *FTS Design for the Barbican*, 7<sup>th</sup> February 2013



<b>Committee(s)</b> Port Health & Environmental Services Committee	<b>Dated:</b> 15 January 2019
<b>Subject:</b> Port Health & Public Protection Risks	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Donald Perry Department of Markets and Consumer Protection	

## Summary

This report has been produced to provide the Port Health & Environmental Services Committee with assurance that risk management procedures in place within the Department of Markets and Consumer Protection are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

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

The Department of Markets and Consumer Protection have identified a number of departmental risks. Of these, the most significant risks for this Committee to consider are:

- CR21 – Air Quality (Current Risk: Amber reduced from RED)
- MCP-PHPP 001 Brexit- Impact on Port Health (Current Risk: AMBER no change)

## Recommendation(s)

Members are asked to:

- Note the report and the actions taken in the Department of Markets and Consumer Protection to monitor and manage effectively risks arising from our operations.

## Main Report

### Background

1. The Risk Management Framework of the City of London Corporation requires each Chief Officer to report regularly to Committee the key risks faced in their department.

### Current Position

2. This report provides an update of the key risks that exist in relation to the operations of the Port Health & Public Protection Services within the Department of Markets and



Consumer Protection. The report also outlines the processes adopted for the on-going review of risk and mitigating actions.

### **Risk Management Process**

3. The Department of Markets and Consumer Protection risk management is a standing agenda item at the two-monthly Departmental Senior Management Group (SMG) meeting, over and above the suggested quarterly review. SMG receives the risk register for review, together with a briefing note highlighting any changes since the previous review. Consideration is also given as to whether any emerging risks exist for inclusion in the risk register as part of Divisional updates on key issues from each of the Superintendents and Assistant Directors, ensuring that adequate consideration is given to operational risk.
4. Between each SMG meeting, risk and control owners are consulted regarding the risks for which they are responsible, with updates captured accordingly.
5. Regular risk management update reports are provided to this Committee in accordance with the City's Risk Management Framework.

### **Identification of New Risks**

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

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

### **Summary of Key Risks**

7. The Department of Markets and Consumer Protection's Risk Register for Port Health & Public Protection Services, attached as Appendix 1 to this report, includes two Amber risks:

#### **CR21 – Air Quality (Current Risk: Amber reduced from RED)**

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

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

Effect: The consequences both acute and chronic may include:

An increase in hospital referrals placed upon both emergency services and the NHS for those already suffering from respiratory or cardiovascular conditions (it may also place a strain on City social services).

An increase in deaths, particularly of those already suffering from respiratory or cardiovascular conditions (both residents and workers).

Economic costs such as acting as a deterrent of businesses coming to London or staying and financial penalties for non-compliance with air quality limits.

Persistent poor air quality may affect the longer term health of the City population.

Persistent poor air quality may attract adverse media coverage making the City seem a less attractive place to live and work.

### **MCP- PHPP 001 – Brexit – Impact on Port Health (Current Risk: AMBER no change)**

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

Event: Legislative changes

Effect: Increased risk to public, animal and environmental health. Increased risk to consumers. Reduction in income. Scarcity of qualified staff, e.g. Official Veterinarians (OVs). Potential for Increased workload depending on agreement reached

### **Conclusion**

8. Members are asked to note that risk management processes within the Department of Markets and Consumer Protection adhere to the requirements of the City Corporation's Risk Management Framework. Risks identified within the operational and strategic responsibilities of the Department of Markets and Consumer Protection are proactively managed.

### **Appendices**

- Appendix A – Port Health & Public Protection Risk Register Summary

### **Background Papers**

Department Business Plan

Department Risk Review

Department Business Plan Progress Report

Risk Management Strategy

### **Contacts:**

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Head of Business Performance

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E: [donald.perry@cityoflondon.gov.uk](mailto:donald.perry@cityoflondon.gov.uk)

# PH&ES Committee Risk Report Appendix A

**Report Author:** Donald Perry  
**Generated on:** 03 January 2019



Rows are sorted by Risk Score

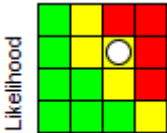
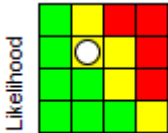

**Code & Title:** CR Corporate Risk Register 1 MCP-PH Port Health Risk Register 1

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>R21 Air Quality</b> 07-Oct-2015 Jon Avern	<p><b>Cause:</b> Small particulate pollution has chronic health impacts from long term exposure at very low concentrations and is in evidence within the City and central London. There is also a health impact associated with long term and short term exposure to nitrogen dioxide.</p> <p><b>Event:</b> Under certain atmospheric conditions there is a higher probability of poor air quality within the City and it is more likely that residents, workers and visitors would suffer the acute consequences.</p> <p><b>Effect:</b> The consequences both acute and chronic may include:                      An increase in hospital referrals placed upon both emergency services and the NHS for those already suffering from respiratory or cardiovascular conditions (it may also place a strain on City social services).                      An increase in deaths, particularly of those already suffering from respiratory or cardiovascular conditions (both residents and workers).</p>	Likelihood  Impact 	12	Reduced to amber in November 2018.  <b>03 Jan 2019</b>	Likelihood  Impact 	6	31-Dec-2020	 Constant



Economic costs such as acting as a deterrent of businesses coming to London or staying and financial penalties for non-compliance with air quality limits. Persistent poor air quality may affect the longer term health of the City population. Persistent poor air quality may attract adverse media coverage making the City seem a less attractive place to live and work.						
--	--	--	--	--	--	--

Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
CR21 001e Develop plan	Develop and implement a plan for reducing the impact of diesel vehicles on air pollution in the Square Mile. This is to complement the work being undertaken by the Mayor of London to reduce air pollution in the central zone through the implementation of the Ultra Low Emission Zone.	Ultra low emission vehicle street pilot planned. Draft Transport Strategy details a range of actions to reduce emissions from vehicles including zero emission zones from 2022.	Jon Avern	03-Jan-2019	31-Dec-2019
CR21 001f Investigate options to reduce emissions.	Investigate options to reduce emissions from combustion plant in the City using local legislation.	Committee approval obtained for measures to be included in legislation. Consultation underway on proposals for Private Members Bill supported by London Councils.	Jon Avern	03-Jan-2019	30-Sep-2019
CR21 001g Renew AQ Strategy	Renew the City of London Air Quality Strategy	Officers are to prepare a draft Air Quality Strategy for consultation by March 2019.	Jon Avern	03-Jan-2019	29-Mar-2019
CR21 001i Pilot ultra-low emission street.	Pilot an ultra-low emission street in the City of London.	Feasibility study complete. Consultation complete.	Jon Avern	03-Jan-2019	31-Dec-2019

Risk no, Title, Creation date, Owner	Risk Description (Cause, Event, Impact)	Current Risk Rating & Score		Risk Update and date of update	Target Risk Rating & Score		Target Date	Current Risk score change indicator
<b>MCP-PHPP 001 Brexit - Impact on Port Health and Animal Health</b> 08-Nov-2016 Jon Avern	<p><b>Cause:</b> The outcome of Brexit negotiations does not secure continuity of contracts, access to talent, ongoing grant funding and/or security of supply chains.</p> <p><b>Event:</b> The City Corporation services fail to prepare appropriately for the UK departure from the EU in March 2019. Uncertainty around the potential outcomes until it is too late to react.</p> <p><b>Effect:</b> There are a range of potential impacts. The City Corporation's services are disrupted due to increases in trade and as supply chains and contracts are reassessed, potentially increasing cost and reprioritisation of resources. Uncertainty over multi-year grants may undermine the City Corporation's ability to deliver or commit to services. The City Corporation may be unable to access the specialist talent and supply chains it needs to deliver some of its services, e.g. Official Veterinarians (OVs) and Port Health Officers, and may be unable to train sufficient additional staff in time for Brexit. Increased risk to public, animal and environmental health due to legislative changes. Increased risk and cost to consumers. Reduction in income if charging regimes are not established as part of Brexit. Potential for increased workload depending on agreement reached from 'no deal' (check everything), through no checks on EU products based on risk, to a full reciprocal arrangement (status quo).</p>	 <p>Likelihood</p> <p>Impact</p>	12	Mitigating actions progressing. Risk remains steady.  11 Dec 2018	 <p>Likelihood</p> <p>Impact</p>	6	31-Dec-2020	 Constant

Action no, Title,	Action description	Latest Note	Action owner	Latest Note Date	Due Date
MCP-PHPP 001a Liaise with Government departments and agencies.	Contribute to UK Government Listening mode.	Meetings continue to be held	Jon Avern	03-Dec-2018	31-Dec-2020

MCP-PHPP 001b Relevant legislation	Commission an independent report on the potential implications of the UK's exit from the EU on Animal Health and Port Health	The report has been completed.	Jon Avern	10-May-2018	30-Sep-2017
MCP-PHPP 001c Liaison with Remembrancer and other CoL depts.	Engage with stakeholders to assist in the identification of impacts and possible mitigations. Ensure Remembrancer and CoL depts are fully aware of the implications of Brexit on PH and PP and that they lobby accordingly.	Consultant appointed to collaborate with industry, professional associations, and local government organisations.	Jon Avern	03-Dec-2018	31-Dec-2020
MCP-PHPP- 001d Respond promptly to developments	Respond promptly to policy decisions from the UK Government and the outcome of negotiations.	Technical notices expected but not released in first tranche.	Jon Avern	03-Dec-2018	31-Dec-2020
MCP-PHPP- 001e Develop Measures to mitigate increased throughput	Develop Measures to mitigate the potential increase in throughput at the ports and airports	Specific training scheme put in place for apprentices/graduates at Ports and HARC in order to develop sufficient in-house skills to meet anticipated demand. Bids in to FSA and Defra to develop a resource to minimise the impacts of Brexit.	Jon Avern	03-Dec-2018	31-Mar-2019
MCP-PHPP- 001f Develop Measures to mitigate the potential loss of qualified staff.	Develop measures to mitigate the potential loss of qualified staff of which there is a scarcity in the UK employment market.	Specific training scheme put in place for apprentices/graduates at Ports and HARC in order to develop sufficient in-house skills to meet anticipated demand. Bids in to FSA and Defra to develop a resource to minimise the impacts of Brexit.	Jon Avern	03-Dec-2018	31-Mar-2019

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<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services – For information	15 January 2019
<b>Subject:</b> Markets and Consumer Protection Business Plan 2018/2019: Progress Report (Period 2)	<b>Public</b>
<b>Report of:</b> The Interim Director of Consumer Protection and Market Operations	<b>For Information</b>
<b>Report author:</b> Joanne Hill, Department of Markets and Consumer Protection	

## Summary

This report provides an update on progress made by the Port Health & Public Protection Division (PH&PP) during Period 2 (August-November) of 2018/19 against the Department of Markets and Consumer Protection's (M&CP) High-Level Business Plan 2018/19. The High-Level Plan was approved by your Committee in May 2018.

As previously reported, a new corporate performance management process is currently in development and work is taking place on reviewing the content and format of the supporting detail that will sit beneath high-level business plans. This will be a key element in the move towards business planning becoming a joined-up service planning process that links finance/budgets directly to Corporate Plan outcomes.

During this transitional period for the business planning and reporting process, the format of this report remains the same as in recent years. However, it is acknowledged that, as a result of the transitional arrangements, there is some discontinuity in the numbering of objectives between the High-Level Business Plan and Appendix B to this report.

This report includes updates on progress made against the top line objectives outlined in the Departmental High-Level Business Plan as well as key operational performance indicators, financial information and more detailed statistics and commentary on enforcement activity, achievements and other points that may be of interest to your Committee.

### Key points from the report are that:

- Evaluation of the potential impact of leaving the EU on the services provided by PH&PP continues. This will enable us to make suitable preparations to mitigate identified risks and to exploit any opportunities that arise.
- The Air Quality Team won a National Air Quality Award in the category 'Local Authority and Public Sector Air Quality Initiative of the Year' for their collaborative work at Sir John Cass's Foundation Primary School.

- The Trading Standards Team is undertaking work to ensure that food premises in the City are accurately displaying the correct food hygiene rating score. Several premises have been found to be displaying a score that is better than their true rating and corrective action has been taken.
- The results of a consultation on Saturday morning construction works was presented to this Committee in November when you voted in favour of amending the standard noisy City construction hours to 0900 to 1400 on Saturdays. Implementation of the changes is now underway.
- The Commercial Team has a representative on the FSA's national food hygiene rating group which is currently considering evidence to support mandatory display of Food Hygiene Ratings in England.
- Environmental Health Officers provided a two-day bespoke legionella training course for forty Environmental Health and Health & Safety Executive inspectors in Northern Ireland.
- Trade at the Ports continues to rise, with throughput of products of non-animal origin 35% higher between January and October 2018 than during the equivalent period of 2017.
- Television crews have been filming Officers at the Animal Reception Centre for Channel 4's 'Animal Airport' and ITV's 'Britain's Busiest Airport' documentary series.
- At the end of the November 2018, M&CP was £60k (3%) underspent against the local risk budget to date of £2,009k, over all the PH&PP Services managed by the Director and covered by the Port Health & Environmental Services Committee. Overall the Director of Markets & Consumer Protection is currently forecasting a year end underspend of £4k (0.2%) for his City Fund services.

### **Recommendation(s)**

Members are asked to:

- Note the content of this report and its appendices.

## **Main Report**

### **Background**

1. The Department of Markets and Consumer Protection's (M&CP) High-Level Business Plan 2018/19 sets out a number of top level service delivery objectives which the department will work towards during the coming years. In addition, each PH&PP service area measures its performance against local, team-level, operational objectives and performance indicators (PIs).

### **Current Position**

2. To ensure that your Committee is kept informed of progress against the current High-Level Business Plan and local performance measures, progress against PIs (Appendix A) and key improvement objectives (Appendix B) is reported on a periodic (four-monthly) basis, along with a financial summary (Appendix D). This approach allows Members to ask questions and have a

timely input to areas of particular importance to them. Members are also encouraged to ask the Director for information throughout the year.

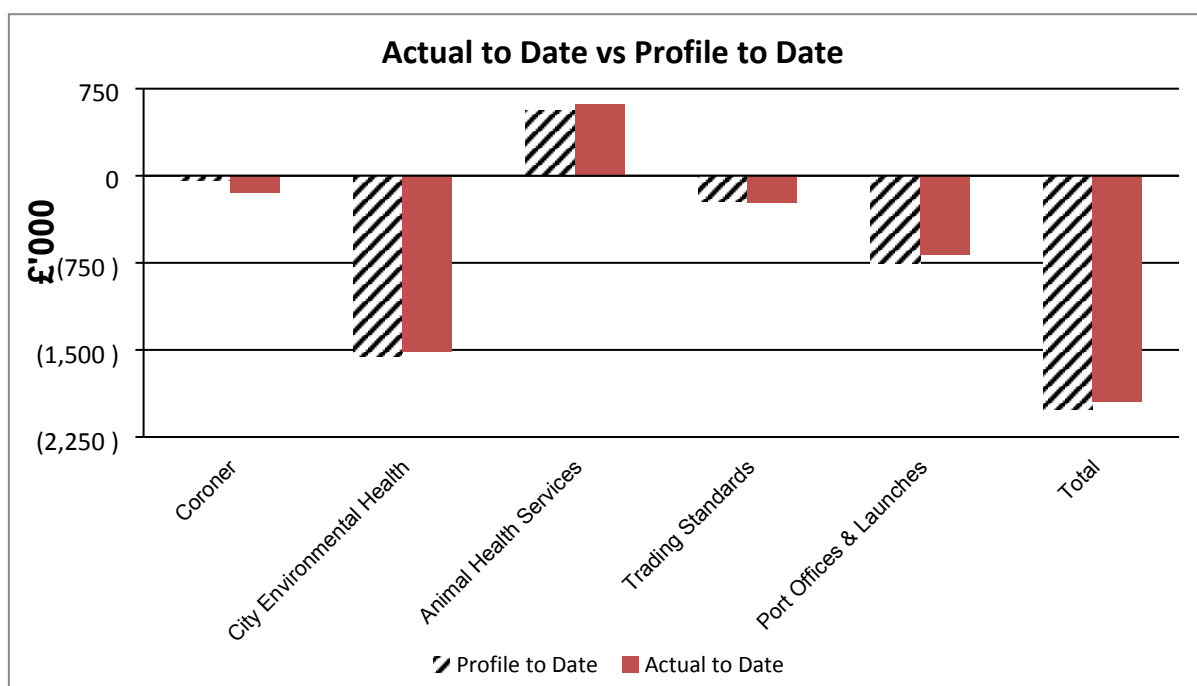
3. Progress against the departmental and team business plans is regularly discussed by Senior Management Groups to ensure any issues are resolved at an early stage.
4. In order to provide further information on the work carried out by PH&PP, each periodic report includes a summary of the enforcement activity carried out (Appendix C).

### Corporate & Strategic Implications

5. The monitoring of PIs and key improvement objectives across the Division links to the achievement of the aims and outcomes set out in the Corporate Plan 2018-23.

### Financial Implications

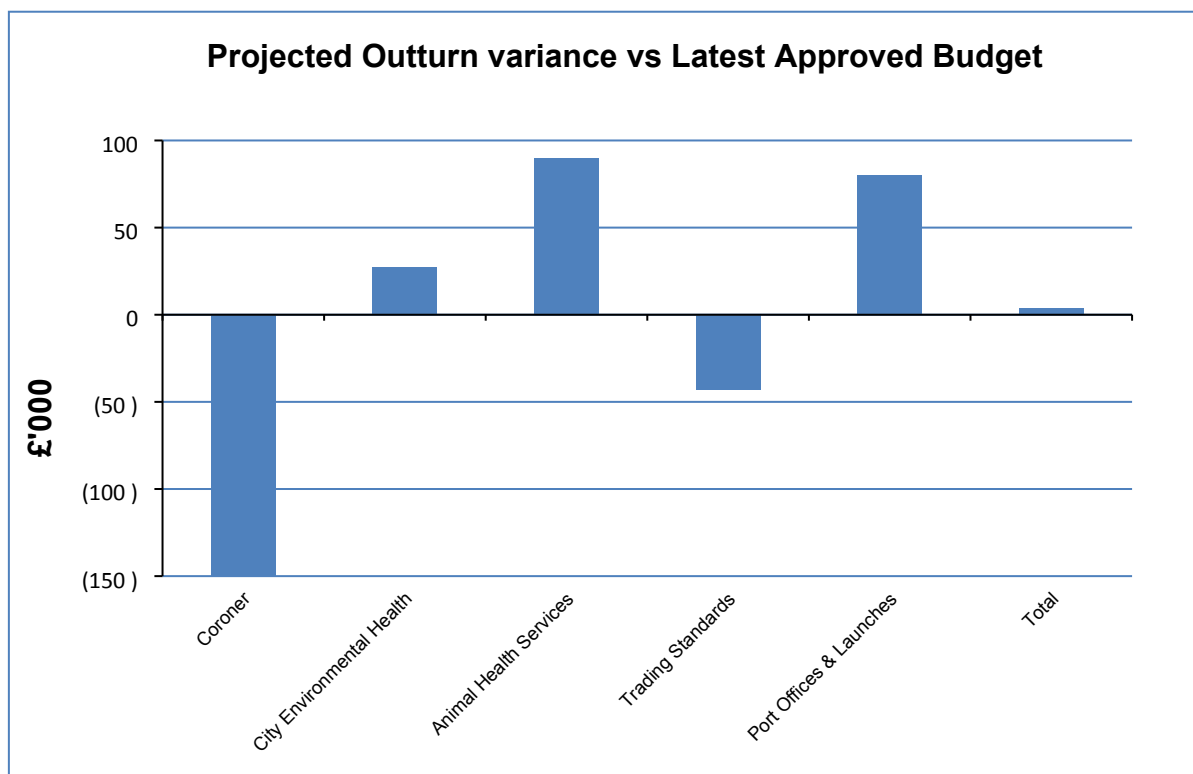
6. The end of November 2018 monitoring position for M&CP services covered by the Port Health & Environmental Services Committee is provided at Appendix D. This reveals a net underspend to date for PH&PP of £60k (3%) against the overall local risk budget to date of £2,009k for 2018/19.



**Notes:**

1. Graph shows the actual local risk net position against the profiled budget to date for each Division.
2. A position above the baseline shows overall net income.
3. A position below the baseline shows overall net expenditure.
4. Total actual to date net exp of £1,949k is £60k under the profiled budget to date of £2,009k.

7. Overall, the Director is currently forecasting a year end underspend position of £4k (0.2%) for the PH&PP City Fund services.



**Notes:**

1. Zero is the baseline latest approved budget for each Division of Service.
  2. Graph shows projected outturn position against the latest approved budget.
  3. A variance above the baseline is favourable i.e. either additional income or reduced expenditure.
  4. A variance below the baseline is unfavourable i.e. additional expenditure or reduced income.
  5. Overall the Department is forecasting an underspend of £4k at year end.
8. The reasons for the significant budget variations are provided in Appendix D, which sets out a detailed financial analysis of each PH&PP service relating to this Committee, which the Director supports.
9. The better than budget position at the end of November 2018 is mainly due to additional CVED, CED (Common (Veterinary) Entry Document) and organic income streams overperforming at the Ports due to increased throughput. However, this will be partly offset at year end due to increased staffing costs coming online to meet the extra throughput and the impact of the higher than budgeted pay award. Additionally, there has been increased income at the Heathrow Animal Reception Centre resulting from extra throughput, largely relating to pet passport trade.
10. The current favourable budget performance has been partly offset by additional costs for the Coroner Service due to two full-time agency staff having been employed and additional running costs incurred as a result of ongoing higher volumes of reported deaths and inquests. It was originally anticipated that the cost of one of the new posts would be met by the City of



London Police, but that is no longer the case, so additional funding is being sought for 2019/20 to cover the increased expenditure..

11. The Director anticipates this current better than budget position will continue to year end if income trends remain constant, with a minimal projected year end underspend of £4k currently projected.

### **Consultees**

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

### **Appendices**

- Appendix A – Progress against operational performance indicators, Period 2 2018-19
- Appendix B – Progress against key improvement objectives, Period 2 2018-19
- Appendix C – Enforcement activity, Period 2 2018-19
- Appendix D - Financial information, Period 2 2018-19

### **Background Papers**

Final Departmental Business Plan 2018/19 – Markets and Consumer Protection  
(22 May 2018)

### **Contacts**

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**Performance Management Report 2018-19**  
**Period Two: 1 August – 30 November 2018**

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

**Progress against Operational Performance Indicators**

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

## Appendix A

			Actual 2017-18		Target 2018-19	Actual 2018-19		Status
			Period 2	Period 3		Period 1	Period 2	
PI 1	<b>Port Health</b> Proportion of imported food and feed consignments that satisfy the checking requirements cleared within five days.	a) Products of Animal Origin (POAO): Non-fish <sup>*1</sup>	83%	86%	<b>95%</b>	77%	80% <sup>*2</sup>	
		b) Products of Animal Origin (POAO): Fish	80%	87%	<b>85%</b>	83%	90% <sup>*3</sup>	
		c) Products of Non-Animal Origin (PNAO)	N/A	N/A	<b>90%</b>	90%	88%	
PI 2	<b>Port Health</b> 90% of imported food and feed consignments (Products of Non-Animal Origin - PNAO) are subjected to mandatory documentary controls within five days.		96%	98%	<b>90%</b>	82%	81% <sup>*4</sup>	

<sup>\*1</sup> Products of Animal Origin imports from Brazil – 75.7% cleared within 5 days. All other third country imports – 85.9% within 5 days. This is due to the enhanced checks on meat and meat products from Brazil, which have been in force since April 2017.

<sup>\*2</sup> Non-fish (POAO) - Tilbury: 98%; London Gateway: 79%

<sup>\*3</sup> Fish (POAO) - Tilbury: 92%; London Gateway: 89%

<sup>\*4</sup> New KPI for 2018/19 and likely to have been affected by the significant increase in throughput of Products Not of Animal Origin during 2018 to date.

## Appendix A

		Actual 2017-18		Target 2018-19	Actual 2018-19		Status
		Period 2	Period 3		Period 1	Period 2	
PI 3	<b>Food Safety</b> Over the course of the year, secure a positive improvement in the overall Food Hygiene Ratings Scheme (FHRS) ratings profile for City food establishments compared to the baseline profile at 31 March 2013.	N/A	End of year result: Improved profile	Improved profile	N/A	N/A	-
PI 4	<b>HARC</b> Less than 1% of missed flights for transit of animals caused by the Animal Reception Centre (ARC).	0%	0%	<1%	0.01%	<1%	😊
<b>PI 3:</b> Annual indicator. The purpose of this indicator is to show an overall improvement in the FHRS rating profile across all City food establishments by the end of the year. The target cannot be expressed as a specific percentage since any increase will indicate achievement.							

		Actual 2017-18		Target 2018-19	Actual 2018-19		Status
		Period 2	Period 3		Period 1	Period 2	
PI 5	<b>Pollution Team</b> 90% justifiable noise complaints investigated result in a satisfactory outcome.	96.5%	93.5%	90%	92%	94.6%	😊
PI 6	<b>Trading Standards</b> Respond to all victims of investment fraud identified to the Trading Standards Service within 5 working days to advise on the risk of repeat targeting, assess the need for safeguarding interventions and initiate the safeguarding process where appropriate.	100%	100%	100%	100%	100%	😊
PI 7	<b>Health &amp; Safety</b> Complete the annual risk-based cooling towers inspection programme in order to ensure that the risk of Legionnaires' disease is being effectively managed by all those responsible.	N/A	End of year result: 100%	100%	N/A	N/A	-
<b>PI 5:</b> The percentage of total justified noise complaints investigated resulting in noise control, reduction to an acceptable level and/or prevention measures; complaints may or may not be actionable through statutory action.							
<b>PI 7:</b> Annual indicator.							

	All PH&PP Service areas	Actual 2017-18		Target 2018-19	Actual 2018-19		Status
		Period 2	Period 3		Period 1	Period 2	
PI 8	a) 90% of debts to be settled within 60 days.	93%	59%	90%	69%	88%	☹️
	b) 100% of debts settled within 120 days.	94%	77%	100%	76%	96%	☹️
<p><b>PI 8a:</b> This indicator measures the percentage of overall debt that is less than 61 days old.</p> <p><b>PI 8b:</b> This indicator measures the percentage of overall debt that is less than 121 days old. The majority of debt older than 120 days at the end of November 2018 relates to Port Health (eight debtors) and the HARC (six debtors). These and two other debtors with debts more than 120 days old are being actively chased.</p>							

## Progress against Port Health & Public Protection key improvement objectives 2018-2019

Ref:	Objective	Progress to date
1.	Evaluate the potential impact of leaving the EU on the services provided by PH&PP and make suitable preparations.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>Engagement with Government, Trade and professional organisations has been stepped up.</li> <li>A successful application was made to the 'Priorities Investment Pot' to for funding of a consultant who has now started collaborative work.</li> <li>A submission has been made to the Food Standards Agency for financial support.</li> <li>An update report was provided to the July PH&amp;ES Committee.</li> <li>The Animal Health and Welfare Service is working with Defra on the development on Technical Notices (under Non-Disclosure Agreements) which will be used to evaluate the potential impacts and changes required.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>An update report was presented to November PH&amp;ES Committee.</li> <li>Key issues have been identified in the event of no deal, and mitigating measures initiated.</li> <li>The key principles approved by your Committee have been promoted with a wide range of organisations.</li> <li>Engagement with government at all levels has continued.</li> <li>The Port Health Service is still waiting to hear the outcome of its bids to the FSA and Defra for funding to assist with preparing for Brexit.</li> <li>Port Health has hosted visits from the FSA, Defra, the National Farmers Union, and others to highlight the role of Port Health Authorities in protecting Public, Animal and Environmental Health.</li> </ul>
2.	Deliver the actions set out in the Air Quality Strategy 2015-2020, including the continued implementation of a Low Emission Neighbourhood in the City and a pilot Ultra Low Emission Vehicle Street to improve air quality and mitigate the risk of air pollution.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>Work has commenced on the feasibility study for a ULEV restriction in Moor Lane.</li> <li>Several events were held to mark National Clean Air Day 2018.</li> <li>The electric vehicle charge points were opened in Barbican Estates car parks.</li> <li>A workshop was held for City businesses on how to reduce emissions from buildings.</li> <li>A response was sent to Defra on their draft Clean Air Strategy.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>The Air Quality Team received a National Air Quality Award in the category 'Local Authority &amp; Public Sector Initiative of the Year' for collaborative work at Sir John Cass's Foundation Primary School.</li> <li>The consultation for Moor Lane Ultra Low Emission Vehicle Street was completed.</li> <li>An international air quality study day was organised for the department of Business Energy and Industrial Strategy.</li> <li>The Air Quality Team ran a lunchtime workshop for City businesses on air quality and the supply chain.</li> <li>Consultation began on proposals for an Emission Reduction Bill.</li> </ul>

Ref:	Objective	Progress to date
3.	The Licensing Team will undertake enforcement against illegal street traders, especially on and near City bridges.	<b>Period One</b> <ul style="list-style-type: none"> <li>Recruitment is underway for a City Bridges Licensing Officer.</li> <li>Enforcement activity commenced targeting Millennium Bridge.</li> <li>Seizures, prosecutions, forfeiture orders and Criminal Behaviour Orders are being pursued.</li> </ul>
		<b>Period Two</b> <ul style="list-style-type: none"> <li>A City Bridges Licensing Officer has been recruited.</li> <li>Enforcement activity targeting the bridges has commenced and there has been a decrease in the number of traders present.</li> <li>A Section 101 agreement with the London Borough of Tower Hamlets is being progressed.</li> </ul>
4.	The Trading Standards Team will maintain its focus on preventing financial fraud.	<b>Period One</b> <ul style="list-style-type: none"> <li>Operation Broadway is ongoing.</li> <li>The Team is planning a project focussing on businesses engaged with cryptocurrencies that have a footprint in the Square Mile.</li> <li>Ongoing discussions with the Banking sector and other agencies regarding a slower authorised push payments mechanism for vulnerable customers.</li> </ul>
		<b>Period Two</b> Ongoing with: <ul style="list-style-type: none"> <li>Operation Broadway is ongoing.</li> <li>Initial visits to businesses engaged with cryptocurrencies that have a footprint in the Square Mile have been completed. More detailed follow-ups are now required.</li> <li>Discussions continue with the Banking sector and other agencies regarding a slower authorised push payments mechanism for vulnerable customers.</li> </ul>



Ref:	Objective	Progress to date
5.	The Commercial Team will continue to seek to increase the number of compliant food businesses in the City.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>Of the City's 1,844 food premises, 1,646 (89%) are currently 'broadly compliant', i.e. they are rated 3, 4 or 5 under the FSA's Food Hygiene Rating Scheme.</li> <li>1,286 have a rating of 5 and only 5 are rated 0.</li> <li>A detailed breakdown of the current FHRS profile and more information on the 0 rated premises is provided in Appendix C of this report.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>Of the City's 1,815 food premises, 1,621 (89%) are currently 'broadly compliant', i.e. they are rated 3, 4 or 5 under the FSA's Food Hygiene Rating Scheme.</li> <li>1,274 have a rating of 5, and only 4 are rated 0</li> <li>A detailed breakdown of the current FHRS profile and more information on the 0 rated premises is provided in Appendix C of this report.</li> </ul>
6.	The Pollution Control Team will implement the Action Plan of the Noise Strategy 2016-2026.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>A 'Sounds of the City' social survey has been conducted to gather a current evidence base of the perception of how the City sounds. The draft report is being prepared.</li> <li>Engagement with London Underground Ltd (LUL) regarding operational and construction noise from London Underground continued. An independent expert report has been commissioned and sound measurements taken at the worst affected properties.</li> <li>The City's infrastructure projects are progressing well with the team working hard to ensure the environmental impacts of Crossrail, Thames Tideway Tunnel and Bank Station Capacity Upgrade are being continuously monitored and managed by the numerous contractors.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>Engagement with London Underground Ltd (LUL) regarding operational and construction noise from London Underground is continuing. An independent expert investigation and report has been completed and will be presented to January PH&amp;ES committee. LUL has received a copy of the report and the City is awaiting their response.</li> <li>A 'Sounds of the City' social survey has been conducted to gather a current evidence base of the perception of how the City sounds. The report is being finalised and will be published early in 2019.</li> <li>The City's infrastructure projects are progressing well with the team working hard to ensure the environmental impacts of Crossrail, Thames Tideway Tunnel and Bank Station Capacity Upgrade are being continuously monitored and managed by the numerous contractors.</li> </ul>

Ref:	Objective	Progress to date
7.	The Pollution Control Team will implement site monitoring of noise from building sites, and the outcome of the consultation on Saturday morning working.	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>• The Construction Monitoring Levy outlined in the Code of Construction Practice was written into standard planning conditions from January 2018. Consented developments are being monitored for commencement dates to ensure levy charging is implemented.</li> <li>• A Graduate Environmental Health Trainee has been recruited to assist with proactive construction site monitoring.</li> <li>• A consultation on Saturday morning construction works has been carried out, receiving 725 responses. The consultation closed on 7 August and the report is being drafted. An interim summary of the results is provided in a separate report to this meeting of the PH&amp;ES Committee.</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>• The Construction Monitoring Levy, outlined in the Code of Construction Practice, was written into standard planning conditions from January 2018. Consented developments are being monitored for commencement dates to ensure levy charging is commenced.</li> <li>• A consultation on Saturday morning construction works has been carried out. The consultation results report was presented to P&amp;T and PH&amp;ES committees in November. Both committees voted in favour of amending the standard noisy City construction hours to 0900 to 1400 on Saturdays. Implementation is underway.</li> </ul>

Ref:	Objective	Progress to date
8.	Investigate, and begin to implement, new income generation proposals for PH&PP Services.	<p><b>Period One</b></p> <p><u>PUBLIC PROTECTION</u>  A Primary Authority Research Project is being undertaken to investigate options for a “City offer” encompassing:</p> <ul style="list-style-type: none"> <li>• rechargeable Primary Authority services;</li> <li>• paid-for Business Advice; and</li> <li>• partnership working with other London Local Authorities in a “hub” type model.</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>• Benchmarking is currently being undertaken with Suffolk Coastal Port Health Authority, including consideration of whether the CoL’s services can be offered to other Port Health Authorities around the country.</li> <li>• The Service continues to support the Port and Trade by undertaking dual inspections with Defra and progressing proposals to undertake official controls outside of the Customs boundary.</li> </ul> <p><b>Period Two</b></p> <p><u>PUBLIC PROTECTION</u></p> <ul style="list-style-type: none"> <li>• The Construction Monitoring Levy condition has been placed on Planning Applications and this will generate income from 2019 onwards.</li> <li>• The Primary Authority Research Project has developed two models with four other London local authorities: <ul style="list-style-type: none"> <li>○ a ‘Hub’ model co-ordinated by one LA on behalf of the others; and</li> <li>○ a less formal, ‘Buddy’ model for onward referrals.</li> </ul> In both models rechargeable Primary Authority advice and paid-for non-PA Business Advice can be offered. These models are currently out for consultation with the other LA partners.</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>• Benchmarking has now been completed and the final report is being prepared, including discussions on how the findings will be taken forward.</li> <li>• Legal Agreements are being drafted to allow Port Health to undertake Official Food &amp; Feed Controls outside the Customs boundary i.e. within London Gateway Logistics Park.</li> </ul>

Ref:	Objective	Progress to date
9.	Move to a new cloud-based, hosted and browser-accessed line of business system (shared with DBE).	<p><b>Period One</b></p> <ul style="list-style-type: none"> <li>£500k capital funding was approved in July to source and implement a single cloud-based solution to replace two existing back-office systems currently used by the Port Health &amp; Public Protection Division and the Department of the Built Environment. Users' system requirements have now been confirmed and a pre-tender specification will be drawn up during Period Two (August-November 2018).</li> </ul> <p><b>Period Two</b></p> <ul style="list-style-type: none"> <li>Project Management resources have been taken on to assist in the complex and detailed gathering and sign-off of system requirements and future aspirations from 14 different groups of officers across M&amp;CP and DBE. These are already forming the basis of an extensive specification which is still being developed (but which is due for completion by 31/01/2019) so the tender can go out.</li> </ul>
10.	Continue to develop the use of technology and mobile working solutions (in liaison with IT department).	<p><b>Period One</b></p> <p><u>PUBLIC PROTECTION</u></p> <ul style="list-style-type: none"> <li>iAuditor software is now being used successfully for all Food Hygiene and Cooling Tower inspections on a variety of devices (iPhone and tablet).</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>Further development of applications continues in an attempt to streamline processes relating to dealing with electronic communications, including managing and risk assessing 'big' data.</li> <li>Connectivity issues at the Tilbury inspection facility still need to be addressed.</li> <li>Live display screens are now in place to assist with resourcing service demands.</li> </ul> <p><b>Period Two</b></p> <p><u>PUBLIC PROTECTION</u></p> <ul style="list-style-type: none"> <li>iAuditor software is still being used successfully for all Food Hygiene and Cooling Tower inspections on a variety of devices (iPhone 6 Plus and Windows tablet devices).</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>Connectivity issues at the Tilbury Inspection Facility still need to be resolved to make use of technological advancements.</li> <li>Investigations are being undertaken into the potential use of Alexa technology to handle calls, e.g. frequent questions, such as "where's my container".</li> </ul>

Ref:	Objective	Progress to date
11.	Ensure that the Departmental Workforce Plan is maintained, remains relevant and actions are implemented.	<p><b>Period One</b></p> <p><u>DEPARTMENTAL</u> Following two years of successful Leadership Development Programmes for Assistant Directors and Team Leaders, a Talent Development Programme has been initiated for 13 candidates, mostly below Team Leader level, as the next phase of personal and professional development for staff identified as having the potential to take on greater responsibility.</p> <p><u>PUBLIC PROTECTION</u></p> <ul style="list-style-type: none"> <li>• Two Graduate Environmental Health Trainees have been recruited. One Trainee will work with the Commercial Team and one with the Pollution Team.</li> <li>• There has been recruitment to the Pollution Team, funded by the Construction Levy, to enable a more proactive approach to monitoring by City Officers, in accordance with the City's Construction Code of Practice.</li> <li>• A review of critical functions carried out by the Operational Support Team revealed that full written procedures are in place to enable continuous provision of such functions in the absence of key members of staff.</li> </ul> <p><u>HARC</u></p> <ul style="list-style-type: none"> <li>• Nine Apprentices are now in post (eight Animal Attendants and one Animal Health Officer).</li> <li>• An exercise was undertaken to identify critical functions and assess the ability of the team to carry these out in the absence of key members of staff. The nature of the management structure at the HARC and the high number of other experienced staff, means that critical functions can be delivered at all times.</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>• The Port Health Development Plan and HR Action Plan have been updated to ensure that other departments understand our development 'vision'. A future resourcing plan is also in place.</li> <li>• We are starting to see the results of our Graduate Port Health Officer Training Programme and hope to have the first individual qualified this year, with another following early in 2019; there are three others in the pipeline.</li> <li>• We now have four apprentices, with two of them having secured permanent positions.</li> <li>• A further member of the team has been successful in moving from an assistant role to a technical role; a testament to the training the Service provides.</li> <li>• We are also developing a programme to support new team leaders.</li> </ul>

Ref:	Objective	Progress to date
		<p><b>Period Two</b></p> <p><u>PUBLIC PROTECTION</u></p> <ul style="list-style-type: none"> <li>Two Graduate Environmental Health Trainees joined the Commercial and Pollution Teams in mid-August. As well as undertaking work in support of their professional logbooks, the trainees are undertaking some field work to support their respective teams.</li> <li>There has been recruitment to the Pollution Team, funded by the Construction Levy, to enable a more proactive approach to monitoring by City Officers, in accordance with the City's Construction Code of Practice.</li> <li>A CPD framework for Licensing Officers has been developed.</li> </ul> <p><u>PORT HEALTH</u></p> <ul style="list-style-type: none"> <li>Graduate Port Health Officers: <ul style="list-style-type: none"> <li>Two have submitted their portfolio of work, the final part required to obtain their practitioner status. The results of this should be known by the end of the financial year.</li> <li>Three others are undergoing training.</li> </ul> </li> <li>Apprentices: <ul style="list-style-type: none"> <li>Two Apprentice Support Assistants are being recruited to replace Apprentices that have obtained permanent positions and have moved to Level 3.</li> <li>One Apprentice Marine Officer is in post.</li> </ul> </li> <li>Two Officers are undertaking training for the Higher Certificate in Food Premises Inspection.</li> <li>Three officers are taking part the department's Talent Management Programme.</li> </ul> <p><u>HARC</u></p> <ul style="list-style-type: none"> <li>New apprentices are being sought to replace some of those who have now completed the programme. A recent change to the Apprenticeship Framework and allocation of Levy funds means that this is a less straightforward process than it has been in previous years.</li> </ul>

**Port Health & Public Protection Enforcement Activity  
Period 2 (August - November) 2018-19**

<b>Food Safety</b>	<b>2017-2018 Annual Total</b>	<b>2018-19 Target (where applicable)</b>	<b>Period 2 2018-19 (Year to date totals are shown in brackets)</b>
Programmed inspections	Food Hygiene: 973  Food Standards: 255	<b><u>Food Hygiene:</u> 1,283</b>  <b><u>Food Standards:</u> 747</b>	Food Hygiene: 261 (501)  Food Standards: 59 (130)
Hygiene Emergency Closures	1	<b>N/A</b>	0 (0)
Voluntary closures	4	<b>N/A</b>	3 (4)
Complaints & service requests received	784	<b>N/A</b>	217 (471)
Notices served	8	<b>N/A</b>	5 (6)
Prosecutions	0	<b>N/A</b>	0 (0)

<b>Health &amp; Safety</b>	<b>2017-18 Annual Total</b>	<b>2018-19 Target (where applicable)</b>	<b>Period 2 2018-19 (Year to date totals are shown in brackets)</b>
Programmed Cooling Tower inspections	101	<b>86</b>	22 (41)
Other H&S Inspections	6	<b>N/A</b>	0 (0)
H&S Project visits	0	<b>N/A</b>	0 (0)
Accident and dangerous occurrences notifications	151	<b>N/A</b>	29 (70)
Complaints & service requests received	453	<b>N/A</b>	136 (308)
Notices	3 (pest control)	<b>N/A</b>	1 (3)
Prosecutions	0	<b>N/A</b>	0 (0)

## **Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19**

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

- A team member is now part of the Food Standards Agency's (FSA) national expert working group on Regulating our Future (RoF). The group includes industry, commercial and local authority representatives and has been convened to help sense check national RoF proposals which will impact the way official food controls are delivered in the future.
- The team also now has a representative on the FSA's national food hygiene rating group which is currently considering the effects of RoF proposals as well as evidence to support mandatory display of Food Hygiene Ratings in England.
- Our new Graduate Environmental Health trainee is developing a stakeholder interview/survey to inform healthy eating offerings and plans for developing the national 'Workplace Healthy' initiative.
- The London Boroughs' Legionellosis Incident Protocol has been revised and re-released during this period; one of the team helped lead this work.
- The team provided a two day bespoke legionella training course for forty Environmental Health and HSE inspectors in Northern Ireland. We were referred to NI by the HSE.
- We provided training for all branch managers at Wasabi as part of our Primary Authority Partnership.
- Two members of the team are taking part in the latest M&CP ILM Talent Management Programme.
- In November 2018, a gym staffing guidance document was launched at the LEP\* annual conference. This was developed from a working group chaired by City of London officers and designed to address a gap in existing guidance. As such it will directly assist our Primary Authority partners in addition to the wider industry where decisions around the level of staffing on fitness floors in gyms are being made.

\* The Leisure Expert Panel is an industry group bringing together stakeholders in the delivery of health and safety outcomes in the leisure sector. We are founding members.



**Port Health & Public Protection Enforcement Activity**  
**Period 2 (August - November) 2018-19**  
**Food Hygiene Rating Scheme (FHRS) – profile of food businesses in the City**

		Hygiene Rating						Total no. of food businesses in the City included in the FHRS
		5	4	3	2	1	0	
Number (%) of food businesses	29 July 2016	1163 (66%)	306 (17%)	132 (8%)	60 (3%)	49 (3%)	13 (1%)	<b>1765</b> (incl. 42 awaiting inspection)
	30 November 2016	1204 (69%)	306 (17%)	117 (7%)	64 (4%)	43 (2%)	6 ( $<1\%$ )	<b>1740</b> (incl. 46 awaiting inspection)
	31 March 2017	1244 (70%)	277 (16%)	101 (6%)	73 (4%)	36 (2%)	7 ( $<1\%$ )	<b>1774</b> (incl. 36 awaiting inspection)
	31 July 2017	1256 (71%)	270 (15%)	102 (6%)	68 (4%)	33 (2%)	6 ( $<1\%$ )	<b>1768</b> (incl. 33 awaiting inspection)
	30 November 2017	1258 (71%)	272 (15%)	101 (6%)	55 (3%)	31 (2%)	6 ( $<1\%$ )	<b>1767</b> (incl. 44 awaiting inspection)
	29 March 2018	1284 (73%)	250 (14%)	93 (5%)	56 (3%)	25 (1%)	5 ( $<1\%$ )	<b>1757</b> (incl. 44 awaiting inspection)
	31 July 2018	1286 (72%)	270 (15%)	89 (5%)	49 (3%)	24 (1%)	5 ( $<1\%$ )	<b>1777</b> (incl. 54 awaiting inspection)
	30 November 2018	1274 (73%)	261 (15%)	86 (5%)	38 (2%)	26 (1%)	4 ( $<1\%$ )	<b>1752</b> (incl. 63 awaiting inspection)

## Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19

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

These businesses were rated '0' at 30 November 2018 (the last working day of the period); food businesses will have taken some action to improve and some have been since been re-inspected - further information is given in the 'Details' column.

Premises	Details
<b>Level 46</b> , Offices, 46 Moorgate London, EC2R 6EL	The premises is currently closed; it is being taken over by a new food business operator. We await further information on the offering they intend but it is earmarked to become a Japanese restaurant.
<b>Rucoletta</b> , Retail Unit, 5 Foster Lane, London, EC2V 6HH	The premises was visited on 17 December 2018, at which time the Food Business Operator had yet to provide a documented food safety management system and the premises required a thorough deep clean. A follow-up visit was carried out the next day to check that levels of cleanliness had improved; they had, but the business was planning to use the weekend of 22/23 December to carry out further work. A further visit will be carried out in early January.
<b>Rustichino</b> , Retail Unit, 6 Foster Lane, London, EC2V 6HH	The premises was visited on 17 December 2018, at which time there was an improvement to the cleanliness of the premises and no pest control issues on site. The Food Business Operator has yet to provide a documented food safety management system. A further visit will be carried out in early January.
<b>Wood Street Bar and Restaurant</b> , 53 Fore Street, London, EC2Y 5EJ	We have reported on a number of occasions that this business appears unable to sustain an appropriate level of compliance; the verbal update prior to September's Committee confirmed the same situation. No substantive progress has been made since and poor standards remain with cleaning, pest control and maintenance. The zero rating reflects little or no confidence in management. We have approached the company for a formal response and formal enforcement action is pending.

## Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19

Trading Standards	2017-18 Annual Total	2018-19 Target (where applicable)	Period 2 2018-19 (Year to date totals are shown in brackets)
Inspections and visits	199	N/A	116 (140)
Complaints & service requests received	2,809	N/A	774 (1,533)
Acting as a responsible authority for Licensing Applications	117	N/A	42 (88)
Money saved/recovered for consumers	Not measured	N/A	£4,218 (£8,018)
Prosecutions	1	N/A	0 (0)

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

- Operation Broadway continues to work with enforcement partners and look at the activities of investment fraudsters based in the City. One recent case involved a business that was trying to associate itself with the Bank of England. After liaison with the Bank, a planned visit to its museum by prospective investors was cancelled.
- The Trading Standards Manager accepted an invitation from Trading Standards colleagues in Scotland to attend their annual training conference to talk about the work of Operation Broadway. His talk was very well received.
- The Team has commenced work to ensure that food premises in the City are accurately displaying the correct food hygiene rating score. Several premises have been found to be displaying a score that is better than their true rating and corrective action has been taken.
- Every year in the UK, more than £600 billion worth of transactions take place by reference to weight or measure. The Team has been carrying out work to check on businesses in the City. This has included making sure that beer drinkers are not being short measured: test purchasing has shown that some pubs are breaking the law. This work is continuing.

## Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19

Pollution	2017-18 Annual Total	2018-19 Target (where applicable)	Period 2 2018-2019 (Year to date totals are shown in brackets)			
			Total	% Noise complaints resolved	Notices served	Prosecutions
Complaint investigations, noise	1,187	N/A	313 (701)	94.6%	4 ASBC&P S43* (5)	0 (0)
Complaint investigations, other	101	N/A	17 (52)	N/A	N/A	0 (0)
Licensing, Planning and Construction Works applications assessed	1,821	N/A	550 (1,052)	N/A	N/A	N/A
No. of variations (to construction working hours) notices issued	1,378	N/A	354 (755)	N/A	15 7 COPA S61** 8 COPA S61 consents** (32)	N/A

\* Anti-social Behaviour, Crime and Policing Act 2014. Part 4 (Community Protection), S43: Power to issue notices

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

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

- A consultation on Saturday morning construction works has been carried out. The consultation results report was presented to Planning & Transportation and Port Health & Environmental Services committees in November. Both committees voted in favour of amending the standard noisy City construction hours to 0900 to 1400 on Saturdays. Implementation is underway.
- Engagement with London Underground Limited (LUL) regarding operational and construction noise from London Underground is continuing. An independent expert investigation and report has been completed and will be presented to January's Port Health & Environmental Services committee. LUL has received a copy of the report and the City is awaiting their response.
- The Construction Monitoring Levy, outlined in the Code of Construction Practice, was written into standard planning conditions from January 2018. Consented developments are being monitored for commencement dates to ensure levy charging is commenced.
- A 'Sounds of the City' social survey has been conducted to gather a current evidence base of the perception of how the City sounds. The report is being finalised and will be published early in 2019.
- The City's infrastructure projects are progressing well with the team working hard to ensure the environmental impacts of Crossrail, Thames Tideway Tunnel and Bank Station Capacity Upgrade are being continuously monitored and managed by the numerous contractors.

## **Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19**

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

During Period Two, the Team:

- Won a National Air Quality Award in the category 'Local Authority and Public Sector Air Quality Initiative of the Year' for their collaborative work at Sir John Cass's Foundation Primary School.
- Completed the consultation for the Moor Lane Ultra Low Emission Vehicle Street.
- Organised an international air quality study day for the department of Business Energy and Industrial Strategy.
- Ran a lunchtime workshop for City businesses on air quality and the supply chain.
- Hosted six separate work experience students.
- Commenced consultation on proposals for an Emission Reduction Bill.
- Hosted a 120th Anniversary event for Environmental Protection UK.
- One of our Air Quality Officers was named 'Rising Star' at the annual City of London Celebrating our People Awards.

## Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19

Animal Health & Welfare	2017-18 Annual total	2018-19 Target (where applicable)	Period 2 2018-2019 (Year to date totals are shown in brackets)			
			Total	Warning letters	Notices served	Prosecutions
Heathrow Animal Reception Centre						
Throughput of animals (no. of consignments)	28,772	N/A	10,274 (20,189)	11 (16)	0 (0)	4 (7)
Animal Health						
Inspections carried out	635	N/A	Figures are not yet available (see note*)			
* Due to the recent implementation of the new Licensing of Activities Involving Animals Regulations 2018, the Animal Health and Welfare Service cannot meaningfully report on the number of inspections carried out to the end of November. The new Regulations have brought many more premises into the scope of the licensing regime. The new Regulation also introduces a new star rating scheme. Although the Regulations came into force on 1 October 2018, the guidance for local authorities, initially issued at the same time as the Regulation, has since changed on several occasions which has made the inspection process difficult. These issues have meant that premises in general have been unable to comply with the new Regulations on initial inspection and need to provide evidence that the extra requirements are being met before licences can be issued to them.						

### **Period 2 - Animal Health & Welfare Highlights**

- Channel 4 has recently completed filming for a new series of its observational documentary 'Animal Airport', which focusses on the work of the team at Heathrow.
- A camera crew is currently on site filming for the ITV television series 'Britain's Busiest Airport'.
- Four apprentices have now completed their level 2 Animal Care qualifications and have now progressed to level 3.
- The new Licensing of Activities Involving Animals Regulations, which came into force in October, require that all inspectors must be suitably qualified by an accredited course. Unfortunately, when the regulations were published in February there was no such course in existence. To rectify this, three members of the team, working with the Pet Industry Federation, used their wealth of specialist knowledge and experience to design a course and had it accredited by City and Guilds. The course is a mixture of classroom theory, online, practical and workbook elements and will take most participants 6-12 months to complete. It is currently the only such course available to Local Authorities. The officers are now delivering this course to Local Authority inspectors from up and down the country.

## Port Health & Public Protection Enforcement Activity Period 2 (August - November) 2018-19

Port Health	2017-18 Annual total	Target 2018-19 (where applicable)	Period 2 2018-2019 (Year to date totals are shown in brackets)			
			Total	Cautions	Notices served	Prosecutions
Products of Animal Origin Consignments – document checks	10,357	N/A	2,793 (6,022)	0 (0)	32 (100)	0 (0)
Products of Animal Origin Consignments – physical checks	6,638	N/A	1,991 (3,955)	0 (0)	15 (28)	0 (0)
Number of samples taken	1,063	N/A	292 (550)	N/A	233 (421)	N/A
Imported food Not of Animal Origin -document checks	21,333	N/A	6,634 (14,256)	0 (0)	96 (176)	0 (0)
Imported food Not of Animal Origin - physical checks	4,025	N/A	1,273 (2,435)	0 (0)	N/A	0 (0)
Number of samples taken	545	N/A	228 (447)	0 (0)	N/A	N/A
Food Safety inspections and revisits	19	N/A	60 (65)	0 (0)	0 (0)	0 (0)
Ship Sanitation Inspections and Routine Boarding of Vessels	206	N/A	56 (125)	N/A	36 (36)	N/A

### Period 2 – Port Health Highlights

- Products Not of Animal Origin – Throughput in 2018 to date (January to October) was 35% higher than the same period in 2017. The throughput between January and October 2018 was greater than the total throughput for 2017.
- Products of Animal Origin – Throughput in 2018 to date (January to November) was static when compared to the same period in 2017 (1.1% less than 2017).
- Two new services from India and Pakistan, and from the Mediterranean, started to call at London Gateway Port during Period Two, increasing throughput for Port Health. In addition, a new Asia Europe line is due to begin to call at London Gateway.

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**Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 30th November 2018**  
**(Expenditure and unfavourable variances are shown in brackets)**

	Latest Approved Budget 2018/19 £'000	Budget to Date (Apr-Nov)			Actual to Date (Apr-Nov)			Variance Apr-Nov £'000	Forecast for the Year 2018/19			Notes
		Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000	Gross Expenditure £'000	Gross Income £'000	Net Expenditure £'000		LAB £'000	Forecast Outturn £'000	(Over) / Under £'000	
<b>Port Health &amp; Environmental Services (City Fund)</b>												
Coroner	(79)	(44)	0	(44)	(144)	0	(144)	(100)	(79)	(229)	(150 )	1
City Environmental Health	(2,093)	(1,659)	106	(1,553)	(1,627)	114	(1,513)	40	(2,093)	(2,066)	27	
Animal Health Services	931	(1,602)	2,165	563	(1,625)	2,244	619	56	931	1,021	90	2
Trading Standards	(344)	(238)	15	(223)	(251)	18	(233)	(10)	(344)	(387)	(43 )	
Port Offices & Launches	(953)	(2,249)	1,497	(752)	(2,321)	1,643	(678)	74	(953)	(873)	80	3
<b>TOTAL PORT HEALTH &amp; ENV SRV COMMITTEE</b>	<b>(2,538)</b>	<b>(5,792)</b>	<b>3,783</b>	<b>(2,009)</b>	<b>(5,968)</b>	<b>4,019</b>	<b>(1,949)</b>	<b>60</b>	<b>(2,538)</b>	<b>(2,534)</b>	<b>4</b>	

**Notes:**

- Coroner** - projected overspend due to additional cost of 2 full-time agency staff and running costs due to ongoing increased volume of inquests. It was originally anticipated the cost of one post would be met by the City of London Police, but that is no longer the case.
- Animal Health Services** - projected underspend mainly due to additional income resulting from increased throughput, largely relating to additional passports for pets trade.
- Port Offices & Launches** - favourable variance mainly due to additional CVED, CED (Common (Veterinary) Entry Document) and organic income due to increased throughput. This will be partly offset at year end due to additional staffing costs to meet the increased throughput, the impact of a higher than budgeted pay award, plus increased sampling costs due to increased CED throughput.

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TO: **PORT HEALTH AND ENVIRONMENTAL  
SERVICES COMMITTEE**

15 January 2019

FROM: **PLANNING AND TRANSPORTATION  
COMMITTEE**

20 November 2018

10. **VENTILATION & EXTRACTION REQUIREMENTS FOR RESTAURANTS/CAFES**

The Committee received a report of the Chief Planning Officer setting out the controls and standards for the provision of ventilation and extraction systems for restaurants and cafes.

The Chairman reminded the Committee that this report had been produced in response to a question previously raised by a Member of the Committee.

The Member in question thanked the Chief Planning Officer for a valuable report which satisfactorily addressed the questions he had previously raised. He went on, however, to suggest that a closer look at the Policy and how it related to planning issues was now required so that the City of London Corporation could adequately address as opposed to having to continually resolve these issues.

The Member referred to paragraph 3 of the report which quoted Policy DM 21.3 of the Local Plan which seemed to be a relatively restricted element of the policy. Paragraph 4 of the report, however, went a little further stating that ‘...ventilation louvres should not be sited on adjoining footways’. Whilst this was pleasing to read, the Member was concerned that this did not appear to be a direct quote from the Policy. He stressed the need to be clear on this matter within the City’s own Policy and asked that the point that there should be no discharging of fumes on pedestrians was adequately reflected within it going forward.

The Member went on to refer to paragraph 8 and the standard condition for hot food premises on extraction that was featured here. He highlighted that the condition referred to flues not giving rise to nuisance to other occupiers of the building or adjacent buildings. He felt, however, that it should also refer to not creating a nuisance for the general public and asked that the wording here be reviewed to take account of this going forward.

The Member concluded by stating that there were many examples of louvres which did discharge on to the pavement in close proximity to the Guildhall which suggested that the Policy was either not working in practice or had not been in place for a particularly long time. He added that this would continue to become more of an issue given that pavement space was becoming more and more at a premium in the City.

The Deputy Chairman commented that substantive progress had been made here and reference the ventilation issues at ‘The Ned’ as an example of this.

A Member reiterated the need to consider all those who used the City’s walkways in this matter. He stated that he represented a commercial Ward and that offices were increasingly reporting problems with odours from kitchens and restaurants nearby. He added that there were also health issues to consider in terms of hot fat and the ingesting of these fumes.

A Member questioned whether the Policy also addressed the proper maintenance of cooking and ventilation equipment.

A Member noted that one of the case studies cited within the report involved another local authority serving an abatement notice. She added that the Planning Committee needed to be fully aware of the conditions that could be imposed around this and ensure that applicants and developers were also clear on this matter as early in the planning process as possible.

A Member highlighted that this was not just a matter of unpleasantness, it was also a health issue in terms of particulates. He went on to question whether the Environmental Health team had equipment which could measure the effectiveness of ventilation systems and monitor this over time.

The Chairman requested that this report also be sent to the Port Health and Environmental Services Committee for Information alongside a resolution from this Committee outlining its concerns around the need to both strengthen and align policies in this area.

The Assistant Director Planning Development stated that he would liaise with colleagues regarding the Local Plan and the alignment of this Policy with it. He stated that the point around maintenance had been well made and that new, enforceable conditions around this could be taken into consideration.

The Deputy Director of Port Health and Public Protection reported that ventilation systems were monitored as part of every Food Hygiene Inspection of premises and that this involved a visual inspection rather than the use of any specific equipment for this purpose. Maintenance records were also regularly inspected.

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

Committee(s):	Date:
Planning & Transportation Committee Port Health and Environmental Services Committee	20 <sup>th</sup> November 2018 15 <sup>th</sup> January 2019
Subject: Ventilation & Extraction requirements for restaurants/cafes	Public
Report of: Chief Planning Officer	For Information
<b>Summary</b> Members requested a report setting out the controls and standards for the provision of ventilation and extraction systems for restaurants and cafes. The means of extraction for premises are controlled both by the Planning system in dealing with planning applications for new hot food premises and also Environmental Health legislation. Planning applications are considered against the relevant policies of the City of London Local Plan 2015 and Environmental Health assess the impact of extraction equipment against Guidance entitled 'Control of Odour & Noise from Commercial Kitchen Extract Systems.'	
<b>Recommendation</b>  For noting	

## Main Report

### Background

1. Members have raised concerns about the odours being extracted at ground floor level from restaurant and café premises. This report seeks to set out the statutory context for controlling such emissions and explains the approach of the City from a Planning and Environmental Health perspective in dealing with this matter.

### Policy, Guidance and Standards

#### Planning

2. The impact of the extraction of fumes from a proposed hot food premises is a material planning consideration and the relevant Planning Policies are set out in the City of London Local Plan 2015.
3. Policy DM 21.3 of the Local Plan seeks to prevent nuisance from odours and states:

**The amenity of existing residents within identified residential areas will be protected by:**

- ☐ resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;

□ **requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.**

4. Policy DM10.1 relates to the quality of new development and the supporting text states that ventilation or extraction systems should be routed internally and extensive or unsightly external ducting will be resisted. In new development, provision must be made within the building for services and ducting to and from all uses, including retailing and that ventilation louvres should not be sited adjoining footways.

### **Environmental Health**

5. Environmental Health investigate statutory nuisance arising from odour and noise using Environmental Protection legislation. The threshold for statutory nuisance is high.
6. DEFRA guidance is clear that where appropriate control of noise and odour from commercial kitchens is better done through the planning process (that is, by 'planning out' potential problems) than through the statutory nuisance process (that is, by responding to reports of problems).
7. Environmental Health therefore advises on the impact of extraction equipment via the planning application process in order to protect the amenity of neighbouring premises.

### **The City's approach**

8. For any planning application proposing a hot food premises, details of the means of extraction will need to be approved. At the outset the presumption will be that the proposal should incorporate high level discharge and that anything extracting at lower levels would be an exception and would need to be fully justified. In most cases the final details are secured by way of a condition on any planning permission where the following standard condition is used:

**Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the fume extract arrangements, materials and construction methods to be used to avoid noise and/or odour penetration to the upper floors from the Class A use. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. The details approved must be implemented before the Class A use takes place.**

9. The Pollution Control Team will assess the details. Until September 2017 odour control was assessed using national guidance commissioned by DEFRA; The NETCEN "Control of Odour and Noise from Commercial Kitchen Exhaust Systems". At which point DEFRA withdrew the guidance deeming it 'outdated'.
10. DEFRA have not replaced it but following their decision it has been revised and updated by EMAQ+, an organisation providing professional development training and technical guidance to local authorities (Appendix 1).
11. The design of an odour control system needs to address two phases of contamination in any 'kitchen' exhaust; particulate (grease, smoke, hydrocarbons/VOCs [Volatile Organic Compound]) and gaseous (odour). The design requires an adequate level of particulate and odour control but also

stack dispersion. Overall performance will be based on the arrestment plant and where the system discharges. As a rule, the more complicated the arrestment plant the more onerous the future maintenance (required to ensure it continues to work effectively).

12. Dispersion through stacks increases initial atmospheric mixing and spread. Stacks are inherently simple and in effect this simplicity provides a reliable and lower input method of mitigating odour with less maintenance and management. Well-designed stack dispersion can even allow for some short-term reduction in the performance of any odour abatement plant.
13. For these reasons high-level dispersion is always advocated where practicable. Optimising stack height and dispersion arrangements should be one of the first design decisions.
14. Where suitable high-level dispersion is not possible a much higher level of odour abatement plant will be required; this is likely to be expensive and require a significant commitment to ongoing maintenance.

## **Enforcement**

### **Planning**

15. The only circumstances where an enforcement investigation under planning legislation would occur would be as a result of the installation of plant and extraction equipment without the benefit of planning permission or where the equipment installed is not in accordance with the details approved under the relevant planning permission. The remedy could be a range of options, including:
  - Removal of the unauthorised equipment
  - the submission and approval of a retrospective planning application, or
  - the serving of a Breach of Condition Notice or an Enforcement Notice

### **Environmental Health**

16. Odour can constitute a statutory nuisance. Section 79 Environmental Protection Act 1990 lists matters that may constitute a Statutory Nuisance which includes  
“any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance”
17. This legislation would therefore control odour from restaurants and commercial kitchens. Environmental Health will investigate any complaint and in the event of a nuisance or prejudicial to health being substantiated, have the power to serve notice under Section 80 of the above Act to require works to be undertaken to abate the nuisance. Importantly Environmental Health must consider a range of issues when considering action. To substantiate a nuisance, it must be established that the effect of the odour is significant, this will be a balance of matters such as strength of odour, duration and frequency. In addition, the operator has a statutory defence that they are operating to “Best Practicable Means” this will require the operator to show that they have taken reasonable steps to minimise the odour from the premises. This includes having regard among other things to local conditions and circumstances, the current

state of technical knowledge and to the financial implications. The means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures.

18. In reality nuisance action in these cases is a method of last resort, it is much more efficient and provides a much more effective result in ensuring the correct mitigation measures are installed at the outset. Installing the correct plant at the outset also mitigates against future nuisance when further development takes place adjacent to such premises.

**Appendix** – Pages 1-9 of the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, a full document can be found in hard copy in the Members Room.

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# Control of Odour and Noise from Commercial Kitchen Exhaust Systems

Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs



Dr Nigel Gibson  
5-9-2018

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## Foreword

*Local Authorities, commercial kitchen designers and commercial kitchen operators have a vested interest in ensuring that appropriate equipment and techniques are employed to minimise the impact of these activities. Until September 2017 stakeholders were able to rely on the original version of the “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” report, at which point Defra determined that the original published in 2005 was out of date and the guidance was ‘withdrawn’.*

*Following Defra’s decision to change the status of the original report, EMAQ decided to survey its local authority subscribers to evaluate whether the 2005 report was still relied upon. Of the survey responses received*

- *over 97% of subscribers used the 2005 report.*
- *over 96% of subscribers found the 2005 report useful.*
- *Over 83% of subscribers were aware that the 2005 report had been withdrawn*
- *About 7% of subscribers had taken steps to issue their own guidance*
- *Over 83% of subscribers were in favour of revising and updating the guidance*

*On the basis of the survey responses we took the decision to amend the 2005 report to ensure that the up-to-date technical guidance remained available to our subscribers. In preparing this amended document we applied the following editorial philosophy:*

- *We would rely on the original report structure and text as far as possible. The original document focused around English interpretation of relevant laws and regulations. This has continued in the amendment, however principles embodied in this document could be employed elsewhere.*
- *Where material in the original report was out of date and could not be replicated with more recent data, the original material would be removed.*
- *We would update any reference to latest legislation, standard and other technical material.*
- *We would take into account changes in cooking methods e.g. move toward wood fired cookers.*
- *Where material is available we would include additional ‘case study’ material to support the use of the guidance*

**Changes made to the original document have been highlighted in italics.**

*As experience of using the Guidance develops, and as further improvement relating to pollution control from commercial kitchen become available, it is anticipated that revisions of this document will become necessary. EMAQ is particularly keen to hear of examples of good assessment and design practice in this area so they can be incorporated in future versions of this document. All comments and further information in relation to this topic should be sent to [emaq@ricardo.com](mailto:emaq@ricardo.com).*

*The EMAQ document aims to be the authoritative voice for the provision of technical guidance on various aspects of pollution management by maintaining, enhancing and promoting the highest standards of working practices in the field and for the professional development of those who undertake this work. Membership of EMAQ is mainly drawn from Local Authority professionals working within the fields of pollution science, pollution assessment and pollution management.*



Dr Nigel Gibson

# Best Practice for Design and Operation of Commercial Kitchen Ventilation Systems: Performance Requirements

## Minimum Ventilation Rates

- An internal ambient air temperature of 28°C maximum
- Maximum humidity levels of 70%
- Internal noise level should be between NR40 – NR50
- Dedicated make up air system to be approximately 85% of the extract flow rate
- Minimum air change rate of 40 per hour (bases on canopy and general room extraction)
- *Extract flow rates for a commercial kitchen should be calculated using the thermal convection method only, as this overcomes heat and odour variation between different types of cooking appliances. Other less reliable methods remain available.*

## Minimum Requirements for Canopy

### Velocity requirements:

- Light loading – 0.25 m/s (applies to steaming ovens, boiling pans, bain maries and stock pot stoves)
- Medium loading – 0.35 m/s (applies to deep fat fryers, bratt pans solid and open top ranges and griddles)
- Heavy loading – 0.5 m/s (applies to chargrills, mesquite and specialist broiler units)

### Sizing:

- *Ideally, the plan dimensions of the canopy shall always exceed the plan dimensions of the catering equipment by a minimum of 250 mm on each free side*
- *This should be increased to 600 mm in front of combination steaming ovens to cope with the steam or fumes released when the doors of the appliance are opened. Solid fuel appliances must have an overhang of 300 mm from the door open position*

### Materials:

- A material that would comply with the food hygiene requirement is stainless steel

### Grease Separation:

- *The grease extracted by the separators shall be collected and removed so that it will not accumulate in either the canopy plenum or the ductwork system, or fall back onto the cooking surface*
- *The separator shall be constructed so that there are no sharp edges or projections and shall be easily removable for regular cleaning*
- *Primary filters that retain grease within the filtration matrix until cleaned, shall not be used (not to be confused with those designed with purpose made integral collection reservoirs)*

### Minimum Requirements for Duct Work

- All duct work should be Low Pressure Class 'A' and constructed in accordance with BESA Specification DW/144 with a minimum thickness of 0.8 mm
- Duct velocities should be as follows:

	Supply (m/s)	Extract (m/s)
Main runs	6 – 8	6 – 9
Branch runs	4 – 6	5 – 7
Spigots	3 – 5	5 – 7

- All internal surfaces of the ductwork should be accessible for cleaning and inspection. Access panels should be installed at 2.0 m centres and should be grease tight using a heat proof gasket or sealant
- Duct work should not pass through fire barriers
- Where it is not possible to immediately discharge the captured air, fire rated duct work may be required

### Minimum Requirements for Fans

Fans should be selected to handle the design resistance with an additional 10% airflow and 20% pressure margin allowed to suit possible extensions to the original kitchen plan.

Backward curved centrifugal, mixed flow or axial flow impellers are preferred as they are less prone to unbalance and are more easily maintained and cleaned due to their open construction. Fixed or adjustable metal impellers with a robust and open construction shall be used,

*Care shall always be taken with the location of the supply and extract fans to ensure that there is sufficient space for regular cleaning and maintenance. Limited space shall not restrict selection of the correct fan.*

Drain holes should be fitted.

*For fans serving canopies above solid fuel burning appliances, the motor must be out of the airstream and impellers must have metal blades.*

### Minimum Requirements for Odour Control

#### Objectives

- for new premises or premises covered by planning conditions restricting the impact of odour the system shall be designed to prevent harm to the amenity.
- for existing premises not covered by planning conditions restricting the impact of odour, the system shall be designed to avoid statutory nuisance and shall comply with the principles of Best Practical Means.
- *The design of a control system should recognise that there are two phases of contamination in a kitchen exhaust; particulate (grease, smoke, hydrocarbons/VOC) and gaseous (odour). The particulate phase needs to be removed prior to dealing with the gaseous phase.*

To achieve these objectives the odour control system shall include an adequate level of:

1. *Particulate* and odour control; and
2. stack dispersion.

The overall performance of the odour abatement system will represent a balance of 1 and 2.

**Discharge stack**

The discharge stack shall:

1. Discharge the extracted air not less than 1 m above the roof ridge of any building within 15 m of the *vent serving* the commercial kitchen. *Additional odour control measures may still be required depending on the cooking type and frequency.*
2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1 m above the roof eaves or dormer window of the building housing the commercial kitchen. *A higher level of odour control measures than those required in part 1 may be required.*
3. If 1 or 2 cannot be complied with for planning reasons, then *higher level of odour control measures than those required in part 1 or 2 may be required.*

**Odour arrestment plant performance**

Low to medium level control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.1 second residence time).
2. Fine filtration followed by counteractant/neutralising system to achieve the same level of control as 1.

High level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2 - 0.4 second residence time).
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

Very high level of odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time).
2. Fine filtration or ESP followed by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1.
3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

*In some instances where very high levels of control are required combinations or sacrificial levels of filtration may be employed.*

Maintenance must be carried out to ensure these performance levels are always achieved.

**Minimum Requirements for Noise Control**

For new premises or premises covered by planning conditions restricting the impact of noise the system shall be designed to prevent an acoustic impact on the external environment and therefore harm to the amenity, as well as ensuring that noise exposure of kitchen staff does not constitute an occupational noise problem (see Control of Noise at Work Regulations 2005).

For existing premises not covered by planning conditions restricting the impact of noise, the system shall be designed to avoid statutory nuisance and shall comply with the principles of Best Practicable Means.

To achieve these objectives the noise control system shall include:

- control of noise at source to the greatest extent possible; and
- control of noise to the environment by taking acoustic considerations into account within duct, grille and termination design.

The control system should meet the requirements laid down in *BS4142: 2014* "Method for Rating and assessing industrial and commercial sound" or local standards where they exist (whichever is more appropriate).

*Where in-line attenuators are used they shall be constructed so that there is no grease impregnation into the acoustic media. A protective membrane shall be specified for this purpose or this will reduce the design performance of the attenuator. This should be taken into account when selection is made.*

*It may be necessary to apply additional acoustic controls such as in line silencer or splitter attenuator after grease removal stages. Care should be taken to ensure that all such elements are capable of being accessed for cleansing purposes.*

### Minimum Requirements for Fire Suppression

Proprietors of commercial kitchens are under a duty to ensure that the fire precautions meet the requirements of *The Regulatory Reform (Fire Safety) order 2005*.

### Minimum Requirements for Wood Burning Appliances

*When serving a canopy above a wood burning appliance, the complete extract ductwork system shall be:*

- *Manufactured from stainless steel*
- *Constructed to DW/144 specification*
- *Have a minimum of 2-hour fire rating, tested and assessed to the latest version of BS476 part 24*

*Surface temperatures can reach in excess of 250°C so in these instances, in accordance with Building Control, the ductwork should be insulated to avoid heat transfer to adjacent combustible materials.*

*Solid Fuel Appliances should be considered separately when designing a safe and effective ventilation/control system.*

### Maintenance

Proprietors of commercial kitchens have a duty to ensure that the ventilation system serving their kitchen are maintained and operated effectively. Good maintenance is a prerequisite for ensuring that a system complies with Best Practicable Means under statutory nuisance provision and will form a key element of any scheme designed to minimise harm to the amenity under planning regulation. Good maintenance is required by the food hygiene regulations and will also minimise the risk of fire *and minimise noise*. The recommended cleaning period for grease extract system ductwork is:

<u>Grease loading</u>		<u>Daily usages</u>	<u>Cleaning interval (months)</u>
<i>Heavy use</i>	<i>Heavy/continuous grease production</i>	<i>6 – 12 hours</i>	<i>3-6 months</i>
		<i>12 -16 hours</i>	<i>2-3 months</i>
<i>Moderate use</i>	<i>Moderate grease production</i>	<i>6 – 12 hours</i>	<i>6-12 months</i>
		<i>12 -16 hours</i>	<i>3-4 months</i>
<i>Light use</i>	<i>No significant grease production</i>	<i>6 – 12 hours</i>	<i>12 months</i>
		<i>12 -16 hours</i>	<i>6 months</i>



**Recommendations for maintenance of odour control system include:**

- System employing fine filtration and carbon filtration
  - Change fine filters every two weeks
  - Change carbon filters every 4 to 6 months
- Use a system employing ESP and other in line abatement, typically
  - *ESP systems cleaned, and sump emptied on a four weekly basis.*
  - *UV-C systems used in line, cleaned on a four weekly basis*
  - *Side Stream UV-C systems, cleaned every 3 to 6 months.*
  - *Carbon filters with ESP pre-treatment change carbon filter every 6 to 12 months.*

*These time frames may increase or reduce for extreme or very light applications.*



## Abbreviations Used

BCO	Building Control Officer
BESA	<i>Building Engineering Services Association</i>
BS	British Standard
BSRIA	Building Services Research and Information Association
CIBSE	Chartered Institution of Building Services Engineers
CIEH	Chartered Institution of Environmental Health
Defra	Department for Environment, Food and Rural Affairs
EHO	Environmental Health Officer
ESP	Electrostatic precipitator
HSE	Health and Safety Executive
HVAC	Heating, Ventilation and Air Conditioning
PO	Planning Officer
UV	Ultra Violet
VOC	<i>Volatile organic carbon</i>

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<b>Committee:</b>	<b>Date:</b>
Open Spaces and City Gardens - <b>For Decision</b>	10 December 2018
Hampstead Heath, Highgate Wood and Queens Park - For Information	13 March 2019
Epping Forest and Commons Committee - For Information	14 January 2019
West Ham Park - For Information	04 February 2019
Port Health & Environmental Services - For Information	15 January 2019
<b>Subject:</b> Tree Pests and Diseases: Oak Processionary Moth urgent update	<b>Public</b>
<b>Report of:</b> Colin Buttery – Director, Open Spaces	<b>For Information</b>
<b>Report author:</b> Colin Buttery – Director, Open Spaces	

## Summary

This report provides Members with an update on the challenges being faced due to the spread of Oak Processionary Moth (OPM) across the Open Spaces in the care of The City of London. The OPM caterpillars shed irritating hairs that can cause allergic reactions in people and dogs.

The report also highlights the resource issues with expenditure in the financial year 2018/19 approaching £100,000 across the Open Spaces. It is anticipated that the resource demands for the control of OPM in future years will be in excess of £250,000 pa. It is proposed that these new and increasing resource commitments are highlighted through the Chamberlain to the Medium-term Financial Planning Process scheduled for January 2019.

## Recommendation

Members are asked to:

- Note the challenging position regarding the spread of Oak Processionary Moth (OPM) and the partnership work being undertaken with the Forestry Commission.
- Note that the cost of risk based OPM control undertaken in 2018/19 is likely to lead to a small departmental overspend at the year-end.
- Approve the submission of a bid for additional resources to Resource Allocation Sub Committee for future financial years from 2019/20, highlighting OPM as a new and significant resource demand in the medium-term financial planning process.

## Main Report

## Background

1. Oak Processionary Moth (*Thaumetopoea processionea*) (OPM) was accidentally introduced to the UK from Europe through the importation of oak trees for a development site in Richmond, West London in 2006. In a short space of time OPM had spread to a wide area of the Borough of Richmond and by 2008 was found in Richmond Park and Kew Gardens.
2. OPM is a pest species that feeds on oak trees and in extreme numbers can result in the defoliation of a tree. However, the main reason for seeking to control the spread and numbers of OPM caterpillars is that the irritating hairs on the caterpillars and within the communal nests, represents a public and animal health hazard through allergic reactions.
3. The City of London has been working closely with the Forestry Commission, Natural England, National Trust, The Royal Parks, Local Authorities and other land owners to share scientific data and research, practical experience and good practice. Public Health England has also been involved in advising on health issues and the Forestry Commissions communications including: “*Spot it, avoid it, report it*” public awareness campaign. Information has been sent to GP’s across London and Veterinary surgeries have also been contacted to make vets aware of the symptoms and risk primarily to dogs.
4. The City Corporation Chairs the Oak Processionary Moth Strategic Group which helps the Forestry Commission engage with landowners, share the strategic direction being taken by Defra and promote best practice.
5. Control methods have primarily focussed on two approaches; nest removal or pesticide spraying with *Bacillus thuringiensis var kurstaki* (known as Bt) a bio-pesticide. The bio-pesticide is applied in early spring as soon as the eggs hatch and the initial instars (developmental stages) of the caterpillars emerge. Neither approach is 100% effective and the aim of both techniques is primarily to protect public health and reduce the rate of spread of the pest.
6. The City Corporation has taken a risk zone-based approach targeting OPM in areas where the public would be most at risk of being exposed to the caterpillars or nests. This includes removal of nests close to busy locations such as car parks, key paths and buildings, catering facilities, children’s play and sporting facilities.
7. The use of the bio-pesticide (Bt) in the Spring where OPM has already been identified is also carefully targeted. Spraying is kept to a minimum because of its impact on non-target species of Lepidoptera such as butterflies and native species of moth. The collateral damage to the wider biodiversity of a site is a concern with many of the Open Spaces protected through statutory designations such as Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), and sites of Special area of Conservation (SAC).

8. The Forestry Commission and Forest Research are undertaking a regional pheromone trapping programme with support from Cambridge University. This work is helping to monitor the spread of the pest species and the density of the populations. Research is also being undertaken to consider if there are other viable control methods including natural predators.
9. In reducing the human health risks, we are recognising that City of London Arboricultural Officers and Contractors are at an increased occupational health risk. Where these risks are identified, robust measures are in place to ensure correct protective clothing and good operational practices are in place. Experience across London is that despite these measures individuals may become sensitised to the irritating hairs from the caterpillars and that this can result in unpleasant rashes.
10. To date reports of health issues affecting the public on City Corporation sites is very low, but we are now reaching a 'tipping point' at some properties, such as Hampstead Heath, where nest numbers have grown exponentially in 2018. At Ashted Common; the City Cemetery & Crematorium and Epping Forest numbers are currently relatively low, but these properties are likely to follow the same trajectory of large increases in the number of OPM nests and distribution of this pest species over the next few years.
11. The staff time resource and contractor costs will also increase markedly even with the targeted risk zone approach being taken. Officers have attended OPM training sessions and volunteers have also been trained how to identify the OPM nests to assist in the reporting of infested trees. The presence of OPM also impacts on normal arboricultural work including tree safety and veteran tree management. Contractors and Officers from the Corporation have to be aware of OPM as a risk and remove nests before undertaking tree surgery works.
12. To help illustrate the significant change that has taken place in 2018 the figures from Hampstead Heath, Highgate Wood and Queens Park below show the number of nests identified in each year since 2015;

Year	Nests	Trees affected
2015	15*	13
2016	25	20
2017	184	84
2018	2013	680

(\*it is likely that OPM arrived at Hampstead Heath in 2014 but was only identified in 2015. Targeted spraying of the pesticide Bt from 2016 will have helped to limit the expansion of the OPM population)

A similar pattern of growth in population was experienced at Ashted Common where the number of OPM nests grew from 6 in 2016; to 16 in 2017; and 184 in 2018.

13. The Forestry Commission has served under the Plant Health Act 1967, Statutory Plant Health Notices (SPHNs) on the City Corporation, requiring the removal the infestations. Failure to comply with a notice can result in enforcement action and possible prosecution. landowners need to be able to demonstrate that reasonable steps have been taken to control the pest.

## **Financial Implications**

14. The annual spend on contracted services for the control of OPM across the Department will be close to £100,000 in 2018/19 which is close to a ten-fold increase in expenditure on OPM compared to 2017/18. The spend is made up of nest removal, pesticide spraying, pheromone trapping and survey inspections across the Divisions as follows: Ashted Common £29,000; City Cemetery £5,000; Hampstead Heath, Highgate Wood and Queens Park £56,500; City Gardens £1,000; Epping Forest £8,000; a total spend in 2018/19 of £99,500.
15. It is anticipated that annual spending on the control of OPM will increase to a figure of circa £200,000 in 2019/20 and plateau at approximately £250,000 to £300,000 in subsequent years. Partner organisations, such as the Royal Parks, have already seen a similar growth in resource commitment having been affected by OPM for a much longer period.
16. The department is profiling a small overspend for the financial year 2018/19 identifying the expenditure on OPM and certain other areas of exceptional spend including the grass and heathland fires experienced in the summer of 2018.
17. It is also proposed that the need for addition resources from financial year 2019/20 onwards is highlighted to Resource Allocation Sub Committee when it considers the medium-term financial planning process in January 2019.

## **Corporate & Strategic Implications**

### **The Corporate Plan**

18. The Open Spaces Department actively contributes to the following Corporate Plan 2018-23 aims and outcomes:

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

- People enjoy good health and wellbeing
- People have equal opportunities to enrich their lives and reach their full potential
- Communities are cohesive and have the facilities they need

#### **Shape outstanding environments**

- We inspire enterprise, excellence, creativity and collaboration
- We have clean air, land and water and a thriving and sustainable natural environment.

- Our spaces are secure, resilient and well-maintained

### **Support a thriving economy**

- Our land management supports local businesses and enterprises

Tree pests and diseases including OPM are identified in the Departmental risk register; OPM represents a significant risk to our ability to deliver key outcomes identified in the Corporate Plan. OPM control measures are needed to allow the public to continue to enjoy the natural environments, whilst protecting public health and wellbeing.

### **Conclusion**

19. The expansion of the range and distribution of OPM across London is resulting in the need for targeted control measures to be undertaken across the Open Spaces. The risk zone-based approach is a pragmatic and effective way to address the public health risk and target necessary resources.
20. In the early years of the OPM infestation the costs of control have been accommodated within the existing resource budgets, however, in 2018 expenditure has reached a quantum where such costs cannot simply be absorbed. It is proposed that the additional resource requirement is highlighted through the medium-term financial planning process.

### **Colin BATTERY**

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