

Committee(s)	Dated:
Port Health and Environmental Services Planning and Transportation	25 September 2018 30 October 2018
Subject: Update on the Consultation on Noisy Saturday Construction Work Activities in the City of London	Public
Report of: Director of Markets and Consumer Protection	For Information (PHES), (P&T), (H&WBB)
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Summary

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

The consultation is now complete with 725 responses received and detailed analysis is underway.

This report provides an update to the consultation and a timetable for a decision on the matter being taken by Members.

The questionnaire for the consultation process is attached.

Recommendation(s)

That the contents and timetable be noted.

Main Report

Background

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

on mitigating the impact of poor air quality and unwanted sound from construction sites on the health of residents, workers and visitors.

2. The COP contains the provision to vary hours on a site-specific basis where noise levels exceed 65 dBA causing annoyance and interference to occupiers.
3. The consultation on the draft 8th edition in 2017 included residents, businesses, and neighbouring boroughs. Comments were very supportive of the Code and where critical feedback was received on issues these were about improving guidance, e.g. less intrusive vehicle reversing alarms, requesting a stricter approach and additional resources to help enforce the Code. These suggestions were all included in the new 8th edition, appendix 1.
4. A letter was received from the Barbican Association to the Port Health and Environmental Services Committee requesting that the City does not permit noisy work from construction sites in or adjoining residential areas on Saturdays. After discussion at the PHES Committee in September and November 2017 it was agreed that the City would undertake a consultation about Saturday working in relation to noisy construction activities. The Committee agreed that 'a further evidence based study on Saturday Morning Working and the impact this has on both Barbican residents and those in residential wards, and the effects on developments along with the legal implications would be prepared and undertaken'. The matter would then be presented as a report to your Committee for decision.

Current Position

5. The Comptroller and City Solicitor obtained advice from counsel on the consultation process for changing Saturday working, definitions of noisy working, how to approach the issue of exemptions to the restrictions, and how the needs of developers could continue to be met, whilst implementing a new policy. On the scope of the intended consultation, counsel's advice is that whilst the City Corporation has substantially "residential wards" for electoral purposes; given that residential properties are distributed, albeit with varying degrees of intensity and numbers, throughout the City's area, consultation should take place throughout the City. Counsel advice indicated that respondents may feel excluded and it be discriminatory if it is suggested that only certain areas could be subject to a ban. A question inviting general comments including alternative options, would however give respondents the opportunity to raise and discuss this issue of residential areas if they chose to.
6. In a similar vein the intention of the consultation, views were sought as widely as possible to ensure a continued 'balanced approach' to the needs of the business City to undertake construction works, with the expectations of residents and neighbouring businesses who want impacts to be minimised, as was done with the 2017 consultation for the COP.
7. The consultation questionnaire incorporated the advice from counsel, members and comments from City Officers across Departments. This is attached at Appendix 2.

8. Government guidance for consultation best practice is to have consultations open for twelve weeks to ensure adequate time for publicity and for respondents to consider and send their response. The consultation was open for twelve weeks and closed on the 7th August.
9. There were 725 responses received to the consultation. Individuals accounted for 78% of all responses and organisations for 21% of all responses. There was a large degree of variation to the size of responding organisation and responses were received from small companies to large organisations operating in the City of London. Detailed analysis and preparation of the public consultation outcomes report is underway.
10. In parallel with the consultation and analysis, further evidence and data has been sought to include in the report to your Committee later this year to include construction works programmes, activities on the highway, environmental monitoring and construction activities observations.

Proposed Timetable

11. The detailed analysis of responses to be presented in a public consultation outcomes report is underway, a summary of the evidence base is being produced in parallel and the final report for decision will be presented to the 27th November PHES committee and the 20th November Planning and Transportation (P&T) committee.
12. It is anticipated that the current officer working party, which at present comprises of the Comptroller and City Solicitor, the Port Health and Public Protection Director and the Chief Planning Officer and Development Director and other relevant officers from their services, will be utilised to consider the responses, evidence and any other suggestions received in producing the final report for Members' consideration. Counsels advice will also be sought throughout the remaining analysis and on any conclusions and recommendations made.

Proposals

13. It is proposed that, subject to comments received at your meeting, the consultation analysis is completed as set out in this report with a final report submitted for decision by Members to both PHES and P&T committees in November 2018.

Financial Implications

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

Corporate and Strategic Implications

15. Corporate Plan 2018-2023: meets all three aims of 'contributing to a flourishing society', specifically that 'people enjoy good health and wellbeing', as well as

elements of 'supporting a thriving economy' and 'shaping outstanding environments'.

Conclusion

16. The City Corporation has undertaken a consultation and is proceeding with the detailed analysis with respect to the matter of Saturday working in relation to noisy construction activities, A full report for decision will be presented to Planning and Transportation Committee on the 20th November, Port Health and Environmental Services Committee on the 27th November and for information to the Health and Wellbeing Board on 23rd November.

Appendix 1

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

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

Appendix 2

Consultation Questionnaire - Construction Work Activities on Saturday in the City of London

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