

OPEN SPACES AND CITY GARDENS
Monday, 10 December 2018

Minutes of the meeting of the Open Spaces and City Gardens held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 10 December 2018 at 11.30 am

Present

Members:

Graeme Smith (Chairman)
Oliver Sells QC (Deputy Chairman)
Alderman Ian Luder
Wendy Mead
Jeremy Simons
Deputy Philip Woodhouse (Ex-Officio Member)
Caroline Haines

Observers:

Catherine Bickmore (West Ham Park Committee)

Officers:

Alistair MacLellan	- Town Clerk's Department
Alison Elam	- Chamberlain's Department
Michael Radcliffe	- City Surveyor's Department
Colin Buttery	- Director of Open Spaces & Heritage
Martin Rodman	- Superintendent of Parks & Gardens
Gerry Kiefer	- Open Spaces Department
Patrick Hegarty	- Open Spaces Department
Jake Tibbetts	- City Gardens Manager

1. APOLOGIES

Apologies were received from Barbara Newman, Deputy John Tomlinson, Karina Dostalova and Anne Fairweather.

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

Oliver Sells QC declared a non-pecuniary interest in Item 7 (Proposed NNR Status for Coulsdon Commons and Happy Valley) by virtue of the fact his brother Andrew Sells was the Chairman of Natural England.

3. MINUTES

RESOLVED, that the public minutes and non-public summary of the meeting held on 16 July 2018 be approved as a correct record.

Matters Arising

Resolution to the Planning and Transportation Committee regarding Inner Temple Gardens Planning Application

The Town Clerk noted that this resolution had been noted by the Planning and Transportation Committee at its meeting in July 2018.

Resolution to the Planning and Transportation Committee regarding Finsbury Circus – Closure of Highway to Vehicle Access

The Town Clerk noted that a resolution to the Planning and Transportation Committee regarding the continued closure of Finsbury Circus Garden was pending. Members therefore agreed to submit an updated resolution to the Planning and Transportation Committee, noting that given the section of highway between Finsbury Circus and Moorgate had been closed for over six years due to Crossrail, and in light of the delay to the opening of Crossrail until 2020 at the earliest, it was the view of the Open Spaces and City Gardens Committee that the section of highway should remain closed to vehicles once Crossrail had vacated Finsbury Circus, to provide some pedestrian amenity.

RESOLVED, that the views of the Open Spaces and City Gardens Committee regarding the potential to close the section of highway between Finsbury Circus and Moorgate in order to create some pedestrian amenity be communicated to the Planning and Transportation Committee.

4. BREXIT UPDATE

The Director of Open Spaces was heard regarding implications of Brexit for the Directorate of Open Spaces and the following points were made.

- The Director of Open Spaces noted that the Open Spaces Department was currently in receipt of £300,000 of EU grant funding for its natural land, primarily that used to graze cattle i.e. Epping Forest and Burnham Beeches. The impact of Brexit on this funding would be mitigated via the Agriculture Bill 2017-19 currently before Parliament, although it was likely that the City's continuing eligibility for grant funding would be subject to negotiation.
- The Director of Open Spaces added that Open Spaces staff who were EU nationals would have their right to work in the UK affected by Brexit and that he was working with the Human Resources Directorate to mitigate this.

RESOLVED, that the update be noted.

5. REVENUE & CAPITAL BUDGETS - OPEN SPACES & CITY GARDENS 2018/19 & 2019/20

Members considered a joint report of the Chamberlain and Director of Open Spaces regarding Revenue & Capital Budgets – Open Spaces & City Gardens 2018/19 & 2019/20 and the following points were made.

- The Chamberlain noted that the aims of the report were twofold – the Committee was asked to approve its own budget for Open Spaces and City Gardens, and to review in its strategic capacity the provisional 2019/20 revenue budgets for the services overseen by other Open Space Service Committees.

RESOLVED, that Members

- Approve the provisional 2019/20 revenue budget for the Directorate, Bunhill Fields and City Gardens for submission to the Finance Committee;
- Note the provisional 2019/20 revenue budget for the services overseen by the other Open Space Service Committees;
- Authorise the Chamberlain, in consultation with the Director of Open Spaces, to revise these budgets to allow for any further implications arising from Corporate Projects, departmental reorganisations and other reviews, and changes to the Additional Works Programme. Any changes over £50,000 would be reported to Committee.
- Delegate to the Chamberlain any minor budget changes for 2018/19 and 2019/20 as a result of the completion of the asset verification exercise.
- Approve the draft Capital and Supplementary Revenue budget.

6. TREE PESTS AND DISEASES: OAK PROCESSIONARY MOTH URGENT UPDATE

Members considered a report of the Director of Open Spaces regarding Tree Pests and Diseases: Oak Processionary Moth (OPM) and the following points were made.

- The Director of Open Spaces noted that the progress of OPM had been monitored for the past three years. It has first appeared on Hampstead Heath on the City's Open Spaces and was now present across all 33 of London's local authorities. There had been exponential growth of OPM during 2018, which the City was addressing via a risk-based zonal model which cost £100,000. In future years the costs would increase dramatically as the reported incidents of OPM continued to increase, particularly in Epping Forest. The Open Spaces Directorate would be making a bid under the City's Medium-Term Financial Plan for further funding to address the issue. The City would continue to work with partners such as the Forestry Commission and Department for Environment, Food & Rural Affairs (DEFRA).
- A Member noted that when OPM first arose as an issue on City Open Spaces, the then Open Spaces Chairman had, in response to a Court Question, noted that the Chamberlain was committed ensuring the financial implications of OPM would be a central City responsibility rather than being met from the Open Spaces' Directorate's local risk. This should be factored into the Directorate's Medium-Term Financial Plan bid.

- In response to a question from a Member regarding the risks posed by other pests, the Director of Open Spaces noted that OPM posed a significantly greater risk compared to its peers and that other pests were more manageable by comparison.
- In response to a question from a Member regarding the extent of joint working with partners, the Director of Open Spaces noted that he chaired the national-level Oak Processionary Moth Working Party which included representatives from DEFRA, health services and the Forestry Commission. Health services were included as OPM posed a public health issue given the caterpillars could cause allergic reactions and respiratory issues.
- In response to a question from a Member regarding what action was necessary, and what stage at which a change in strategy would be appropriate, the Director of Open Spaces noted that the current growth of OPM was exponential at the present time, but it would plateau. Therefore resources to address the issue were being targeted at areas of higher public risk such as car parks, public paths and catering facilities. It would be necessary to continue to educate the public on OPM and its nature and spread.

RESOLVED, that Members,

- 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.

7. PROPOSED NNR STATUS FOR THE COULSDON COMMONS AND HAPPY VALLEY

Members considered a report of the Superintendent of The Commons regarding Proposed National Nature Reserve (NNR) status for the Coulsdon Commons and Happy Valley and the following points were made.

- The Director of Open Spaces noted that this was a once in a generation opportunity to establish a new NNR, and the work undertaken to date was a good example of joint working between the City, Croydon and other local partners.
- In response to a question from a Member, the Director of Open Spaces confirmed that talks continued between all relevant parties to finalise the bid including the proposed name of the potential NNR.

- In response to a question from a Member regarding the long-term commitment of Croydon to the NNR proposal in light of funding pressures facing local government, the Director of Open Spaces replied that Croydon had undergone a process to review all of its landholdings and had based its support on the proposal to date on evidence of strong local passion for the NNR area.
- In response to a question from a Member, the Director of Open Spaces confirmed that Croydon was dedicating an appropriate level of resource to the maintenance of Happy Valley.

RESOLVED, that Members,

- Authorise Officers to progress the National Nature Reserve proposal for Coulsdon Commons and Happy Valley with Natural England and the London Borough of Croydon so that a formal proposal can be developed and reported to Committee by May 2019.

8. **HEALTH & SAFETY IN THE OPEN SPACES DEPARTMENT**

Members considered a report of the Director of Open Spaces regarding Health & Safety in the Open Spaces Department.

RESOLVED, that the report be noted.

9. **DEPARTMENTAL BUSINESS PLAN 2018/19 - SIX MONTH PERFORMANCE UPDATE**

Members considered an update report of the Director of Open Spaces regarding the Open Spaces Departmental Business Plan 2018/19 – Six-month performance.

RESOLVED, that Members,

- Note the progress made against the 2018/19 Business Plan objectives, projects and performance indicators.

10. **CITY GARDENS UPDATE**

Members considered an update report of the Superintendent of Parks & Gardens regarding City Gardens and the following points were made.

- The City Gardens Manager noted that the hot weather had prompted a challenging summer season for the City Gardens Team, nevertheless the City Gardens had been in receipt of a Gold Award from RHS London in Bloom, and overall category winner in the Town Category. Postman's Park was awarded Gold and was overall winner in the Churchyard Category. Moreover, in the National RHS Britain in Bloom competition, the team achieved Gold in the Town Category, being the only London entry to achieve that level.

- In response to a question from a Member, the City Gardens Manager confirmed that the City Gardens Team was in daily contact with the City's rough sleeping team.
- The Chairman welcomed the work and support provided by the Friends of City Gardens, particularly at St Michael Cornhill. The Chairman also welcomed the encouraging work on projects outlined within the report.

RESOLVED, that the report be received.

11. **VOLUNTARY SMOKE-FREE SPACE IN FINSBURY CIRCUS**

Members considered a report of the Director of Community and Children's Services regarding a voluntary smoke-free space in Finsbury Circus and the following points were made.

- The Superintendent noted that he was supportive of the proposal in principle but that it posed a problem regarding the future letting of the planned Finsbury Circus pavilion, given that any tenant would likely welcome the flexibility to offer a wine bar with an associated smoking area – this would make it anomalous to have a voluntary smoking ban.
- The Superintendent added that, whilst any smoke free area would not be formally enforced, it would nevertheless pose challenge to Open Spaces staff if they were approached by members of the public querying why any smoking was taking place in a smoke free zone. Ultimately, his staff were gardeners and not enforcement officers.
- In response to questions from Members over the potential to discourage smoking in Finsbury Circus, the Superintendent agreed to include the potential for some form of smoke-free space in the Finsbury Circus project going forward. He noted that he would welcome more evidence upon which to make a further recommendation to Members.
- Members were supportive of the proposal for a voluntary smoke free space in principle but also mindful of the challenges this posed in terms of the effective marketing the future pavilion to prospective tenants, and appropriate levels of enforcement. Members requested that the Superintendent work with the Department of Community and Children's Services to evaluate, as part of the Finsbury Circus Reinstatement project, whether a voluntary smoke free space could be included in Finsbury Circus, and furthermore to evaluate any impact of requiring a voluntary smoke-free clause within the letting terms of the Pavilion café, once that stage of the project has been reached.

RESOLVED, that the creation of a voluntary smoke free green space in Finsbury Circus be approved in principle, pending further evaluation of the proposal as part of the Finsbury Circus Reinstatement project.

12. **BREWERS' HALL GARDEN REDEVELOPMENT**

Members considered a report of the Director of Open Spaces regarding the Brewers' Hall Garden Redevelopment and the following points were made.

- Members noted their concern at the proposed loss of a tree under the existing proposals. A Member noted in particular that the proposals saw an additional two floors being added to the Hall, and it was unclear why the entrance could not be designed into another corner of the Hall on its eastern side. Members felt that the impact of the proposals should be either neutral or beneficial to existing Open Space.
- The Chairman summarised discussion, noting that Members would need to be convinced that the project had a beneficial impact on the City's Open Space, not include the loss of a tree, include more green space where possible, and that reconfiguration of existing design, where possible, would be welcome.

RESOLVED, that Members,

- Confirm, subject to comments made, that they would be willing to allow the redevelopment of Brewer's Hall Garden to facilitate access to a new entrance opening onto the Garden from the Hall.
- Subject to those comments being taken into account, authorise officers to negotiate with the Worshipful Company of Brewers to develop the terms and licence arrangements under which the re-design and installation of the garden could take place and report back to Members on the outcome of those negotiations.

13. **UNSPENT S106 FUNDS FOR SEETHING LANE GARDEN**

Members considered a report of the Director of Open Spaces regarding unspent s106 funds for Seething Lane Garden and the following points were made.

- The Director of Open Spaces noted that the proposal to purchase cleansing equipment for the Garden arose from the fact it was frequented by night staff on duty at a nearby hotel and contractors from nearby development sites, causing additional wear and staining of the new surfacing.

RESOLVED, that Members,

- Approve the use of the £11,481 left over funds received for the Seething Lane Garden Estimated Soft Landscaping Works Costs, of the 10 Trinity Square S106 Agreement, for the purchase of equipment to assist with the maintenance of paving in the City Gardens.

14. **GATEWAY 7 - SEETHING LANE GARDEN**

Members considered a Gateway 7 Outcome report of the Director of Open Spaces regarding Seething Lane Garden.

RESOLVED, that the lessons learned be noted and the project closed.

15. **GATEWAY 7 - ST OLAVE'S CHURCHYARD, HART STREET, EC3**

Members considered a Gateway 7 Outcome report of the Director of Open Spaces regarding St Olave's Churchyard, Hart Street, EC3. The Director of Open Spaces noted that the project had been award-winning, and that unused monies would revert to the Church.

RESOLVED, that the lessons learned be noted and the project closed.

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

There were no questions.

17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED**

There was no other business.

18. **EXCLUSION OF THE PUBLIC**

RESOLVED, that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the following items of business on the grounds they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

19. **NON-PUBLIC MINUTES**

RESOLVED, that the non-public minutes of the meeting held on 16 July 2018 be approved as a correct record.

20. **MINUTES - FINSBURY CIRCUS GARDEN REINSTATEMENT WORKING GROUP**

RESOLVED, that the non-public minutes of the Finsbury Circus Garden Reinstatement Working Group meeting held on 15 November 2018 be received.

21. **CITY GARDENS UPDATE: NON-PUBLIC APPENDIX**

RESOLVED, that the non-public appendix to Item 10 (City Gardens Update) be received.

22. **RENNIE GARDEN, BLACKFRIARS ROAD SE1 - LICENCE FOR WORKS & 150-YEAR LEASE (BRIDGE HOUSE ESTATES)**

Members considered a report of the City Surveyor regarding Rennie Garden, Blackfriars Road SE1 – Licence for Works & 150-year lease (Bridge House Estates).

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

There were no questions.

24. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no other business.

The meeting ended at 12.35 pm

Chairman

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