

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 15 January 2019

Minutes of the meeting of the Port Health & Environmental Services Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Tuesday, 15 January 2019 at 11.00 am

### Present

#### Members:

Jeremy Simons (Chairman)	Alderman David Graves
Deputy Keith Bottomley (Deputy Chairman)	Graeme Harrower
Deputy John Absalom	Christopher Hill
Caroline Addy	Deputy Wendy Hyde
Adrian Bastow	Deputy Jamie Ingham Clark
Deputy John Bennett MBE	Shravan Joshi
Peter Bennett	Vivienne Littlechild
Tijs Broeke	Andrien Meyers
John Chapman	Henrika Priest
Peter Dunphy	Jason Pritchard
Mary Durcan	Deputy Elizabeth Rogula

### In Attendance

#### Members:

Marianne Fredericks  
Wendy Mead  
Sylvia Moys  
Barbara Newman

#### Officers:

Rofikul Islam	- Town Clerk's Department
Laura Simpson	- Town Clerk's Department
Sacha Than	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Carolyn Dwyer	- Director of Built Environment
Paul Beckett	- Department of the Built Environment
Jim Graham	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Mike Simmonds	- Department of the Built Environment
Richard Steele	- Department of the Built Environment
Jon Averbs	- Interim Director of Consumer Protection and Market Operations
Rachel Pye	- Department of Markets and Consumer Protection
Colin Buttery	- Director of Open Spaces

Gary Burks - Open Spaces Department  
Gerry Kiefer - Open Spaces Department

1. **APOLOGIES**

Apologies for absence were received from Alexander Barr, Deputy Kevin Everett, Anne Fairweather, Deputy Tom Hoffman, Andrew McMurtrie, Deputy Joyce Nash, Deputy Richard Regan and Mark Wheatley.

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

There were no declarations.

3. **IMPROVING AIR QUALITY PRESENTATION**

The Air Quality Manager for City of London Corporation (City Corporation) gave a presentation to the Committee on the work carried out in collaboration with Sir John Cass's Foundation Primary School over the last 15 years in improving air quality, and for which the City Corporation had in 2018 received a National Air Quality News Award.

Members were informed of the monitoring work which had taken place with the School from 2003 onwards with the installation of a 24-hour air quality monitoring station in the playground. Policies were brought in to improve air quality such as the planting of air quality plants throughout the school grounds, green walls made from ivy screens, new air filtrations units in classrooms, and teaching pupils how to reduce their exposure to air quality. The filtration units would also be trialled by other schools.

As part of the air quality modelling, work was carried out within the Aldgate public space to consider how pollution varied. Work such as the removal of the Aldgate gyratory system, the planting of 71 trees and the creation of a new community space called Aldgate Square, as well as the widening of pavements, improvement of pedestrian access and cycling routes have all contributed to a drop-in pollution.

Work had been undertaken to monitor and analyse nitrogen dioxide (NO<sub>2</sub>) and the small particles. Overall air pollution at the school had fallen below the legal annual limit and the data gathered and verified by King's College London showed that levels of NO<sub>2</sub> had fallen below annual limits in 2017. There had been a slight increase with regards to the particles, but this may be attributed to construction taking place.

The corporate risk with regards to air quality had been reduced from Red to Amber and this had been achieved through the support of the School. Officers would next be looking to carry out similar work with St Paul's Choir School.

In response to a Member's query on the health of children and the monitoring work taking place. The Air Quality Manager advised that a project was taking place with Kings College London where medical assessments were being conducted on the pupils, but as research projects take place over a long period of time, there were no results available yet.

The Chairman thanked officers on their work and their achievements in reducing air pollution in areas of the school.

The Chairman asked the Town Clerk to circulate the presentation to the Committee and those Members who were present at the meeting.

4. **MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 27 November 2018 be approved as a correct record.

**Matters Arising**

Plastic Wrapping:

A Member explained that the ward newsletter received by the residents in the Ward of Cripplegate had been wrapped in plastic and could the issue of plastic packaging be addressed. The Town Clerk explained they had spoken to the Head of Publishing who had advised that the new print management company had been given the instruction to use biodegradable wrapping and a paper insert had been used to alert readers that the wrapping was recyclable. The Head of Publishing had advised they would discuss this further with the printer. It was added that the wrapping used for Cityview was now biodegradable.

The Chairman suggested that all communications be biodegradable and whether the insert was needed.

5. **OUTSTANDING ACTIONS**

The Committee received the current list of outstanding actions.

**Electric Vehicle Charging**

The Director of Transportation and Public Realm advised that Transport for London had proposed to install a charging point on Noble Street in January 2019, but at present there was no further update. The Chairman advised Members that he had raised the concerns of the delay informally with the Chair of Transport for London.

A Member raised the point that the City Corporation was the only Local Authority without charging points for electric vehicles, aside from those in the car parks, and this needed to be resolved.

The Chairman asked the Director of Transportation and Public Realm to produce a report on this matter for the next meeting of the Committee setting out the background and proposals.

**S.101 Agreements**

The Interim Director of Consumer Protection and Market Operations advised that officers were awaiting the outcome of a cabinet meeting with Tower Hamlets due to take place in February 2019 where it was hoped the Section 101 Agreement would be signed which will enable City Officers to undertake

enforcement action against illegal street trading on the north side of Tower Bridge.

### **Water Refill Points**

In response to a Member's request for an update on water readings and further information, the Assistant Director of Cleansing explained that eight water refill points would be installed, one in March 2019 and the remaining seven in August 2019. If any further points were to be considered, this would be reviewed as part of a business case. It was explained that the fountain at Carter Lane was unmetered but discussions were taking place with Thames Water and an update would be provided to Members in due course. Whilst meter readings were taken of the other fountains, there was concern as to what information this could provide due to seasonal variations. The Chairman asked for the data to be circulated to the Committee via the Town Clerk when available.

### **Bloomberg Litter Monitoring**

The Assistant Director of Cleansing explained that a meeting with Bloomberg had taken place and a commitment had been given that Bloomberg would conduct street cleaning sweeps beyond their boundaries up to the Magistrates Court. They had also expressed interest in the City Corporation's Clean City Award Scheme and Plastics Campaign.

The Chairman advised that the following actions could be removed from the report as they had now been resolved: Bloomberg litter monitoring, modern slavery and vehicle alarms.

## **6. ANNUAL TERMS OF REFERENCE REVIEW**

The Committee considered a report of the Town Clerk that sought approval to the Terms of Reference for subsequent submission to the Court of Common Council.

### **RESOLVED – That: -**

- the terms of reference of the Committee be approved for submission to the Court of Common Council 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
- the frequency of meetings continues at six times per year.

## **7. BREXIT UPDATE**

The Director of Consumer Protection and Market Operations provided an oral update in respect of Brexit adding that he would provide the majority of the update now, but there were some matters that he would raise in the Non-Public session of the meeting.

The Interim Director of Consumer Protection explained that a letter from the Chairman of the Policy and Resources, and Port Health and Environmental Services Committee had been circulated to the chairs of relevant parliamentary

select committees and MPs with ports in their areas. Funding bids had been sent to Government and officers were in regular contact with the Ports regarding relevant Brexit scenarios.

Officers were addressing risks, for example a bid had been submitted to the Department for Environment, Food and Rural Affairs for funding regarding the Heathrow Animal Reception Centre and if this were unsuccessful, officers would look to approach the Town Clerk to seek use of the Brexit contingency fund that had been established.

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

8. **DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - PERIODIC REPORT**

The Committee received a report from the Director of the Built Environment which set out the risk management procedures in place within the Department of the Built Environment.

The Director of the Built Environment advised that following approval of the contract award by the Court of Common Council, the Cleansing and Waste Contract – Commercial Risk had been closed. Members were informed that overall compliance with the Driver Check and online training course was at 95.1%

A Member asked whether there was a risk regarding the time period between the implementation of the new waste cleansing contract and termination of the old contract, in response the Director of the Built Environment advised that there were plans in place to mitigate any risks and this would be monitored closely.

**RESOLVED** – That the Committee 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.

9. **LITTER INTERVENTION TRIAL**

The Committee received a report of the Director of the Built Environment which provided details of a litter intervention trial in partnership with Keep Britain Tidy.

In response to a Member's query on whether there was an adequate number of bins installed across the City, particularly as the public were being asked in the poster to "find a bin", the Assistant Director of Cleansing explained that the poster appended to the report before Members was not a final version and he would look at the wording used. The Assistant Director of Cleansing explained that the approach on the number of bins in the City had been agreed by the Committee in 2010 and officers were of the opinion that the current strategy was effective with high capacity bins used. The Assistant Director of Cleansing explained that adding further bins would require more resourcing and this would impact staffing, costs and maintenance. He surmised that it would be better to address the behaviour of people rather than increase the bins.

A discussion took place amongst Members on how to address behaviour regarding littering, it was suggested that a QR note be included within the posters which would provide a map of bins in the area. Members observed that littering was an issue and it would be helpful if the next report to Committee on this topic provided details on the success of the campaign and how this was measured.

A Member suggested that it would be timely to conduct another a review of the policy regarding the City's bins.

The Chairman asked the Director of the Built Environment to provide a report to either the May or July 2019 Committee meeting containing details on the number of bins in the City and the factors that had changed since 2010.

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

**10. CITY CORPORATION'S PROPOSED APPROACH TO CARBON OFFSETTING**

The Committee received a report of the Director of the Built Environment on the City Corporation's proposed approach to Carbon offsetting. The London Plan in partnership with the City of London Corporation sought to reduce the carbon omission, through developing ideas with regards to the Building Regulations requirement.

Responding to a Member's question regarding achieving the carbon target, the Director of the Built Environment explained that the requirement of achieving zero carbon had only come into effect in 2019 therefore it was too soon to report on this, but the density of buildings within the City meant that some work could not be carried out such as the installation of solar powers due to shading caused by nearby buildings. The City Corporation would endeavour to get as close to the zero carbon target as possible.

**RESOLVED** – That the Committee approve the proposed approach to Carbon offsetting for the City of London.

**11. DEPARTMENT OF THE BUILT ENVIRONMENT (CLEANSING SERVICES) BUSINESS PLAN PROGRESS REPORT FOR PERIOD 2 (AUGUST - NOVEMBER) 2018**

The Committee received a report of the Director of the Built Environment, which set out the progress made during period two (August – November) against the 2015/18 DEB Business Plan for Public Conveniences, Waste Collection, Street Cleansing, Waste Disposal and Transport Services.

This Director of the Built Environment advised that one of the initiatives as set out in the report before Members would seek to improve recycling rates. In response to Member's questions on how the City Corporation monitored recycling and waste, the Director explained that a waste composition analysis was conducted every two years; the results provided from that was subsequently used to target residents and this formed part of the Recycling Action Plan.

The Chairman suggested it would be useful when sending residents their council tax bills, to also provide information as to what could be recycled as this varied within London Boroughs and it could be a challenge for people to know what was recyclable. for residents to be provided with information as to what could be recycled.

The Chairman asked the Director to look into providing additional guidance on what could be recycled.

**RESOLVED** - that the Committee note the report.

12. **PROJECT TO INCREASE RECYCLING ON MIDDLESEX STREET ESTATE**

The Committee received a report of the Director of the Built Environment which updated Members on improve recycling on Middlesex Street estate this included incentivising residents to increase their recycling performance.

A Member asked whether officers had information as to why the recycling performance at Middlesex Street estate was not better and queried whether incentivising people was the best method. In response, the Director of the Built Environment explained that some residents on the estate did recycle but not all and it was hoped that incentivising would assist in helping people buy into recycling in the long term, particularly amongst young people who could encourage their parents.

**RESOLVED** - that the Committee note the report.

13. **REVENUE AND CAPITAL BUDGETS - 2019/20**

The Committee considered a report of the Chamberlain, Director of the Built Environment, Interim Director of Consumer Protection and Market Operations, and Director of Open Spaces which sought the approval of the latest revenue budget for 2018/19 and provisional revenue budget for 2019/20, for subsequent submission to the Finance Committee.

Responding to a Member's query on whether the transfer of responsibility for the Built Environment Directorate from this Committee to the Planning and Transportation Committee would affect matters discussed by the Committee, the Chairman confirmed that the Committee would continue to consider the same business as usual.

**RESOLVED** – That the Committee:

- 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 of the report before Members)
- Air Quality, £99,000 (para 17 of the report before Members)
- Coroner & Mortuary, £175,000 (para 18) of the report before Members;
- 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 of the report before Members);
- agree that approval for any minor changes arising from the completion of the asset verification exercise be delegated to the Chamberlain; and
- authorise the Chamberlain to revise these budgets for changes in respect of recharges.

**14. CEMETERY AND CREMATORIUM - FEES, CHARGES AND MARKETING**

The Committee received a report of the Director of Open Spaces which set out the fees and charges for the service provided at the City of London Cemetery and Crematorium and proposed an increase of 3% increase for a number of items and services offered.

**RESOLVED** - that the Committee:

- agree the fees and charges as set out in the report and shown in the appendix for implementation with effect from 1 April 2019;
- note the marketing activities undertaken in 2018 and those planned for 2019 for the Cemetery and Crematorium.

**15. CREMATOR REPLACEMENT - CITY OF LONDON CEMETERY AND CREMATORIUM**

The Committee received a report of the Director of Open Spaces which set out options for the removal and replacement of the old cremators at the City of London Cemetery and Crematorium.

The Director of Open Spaces presented the Committee with three viable options to remove the cremators, Members agreed that option 5 should be taken forward which proposed the removal of the old cremators and they be replaced with two new cremators complete with fuel gas treatment plant.

**RESOLVED** - that the Committee:

- Agree option 5 be taken forward and implemented; and that the total budget of £1,100,000 be approved.

**16. PERIOD 1 & 2 (APRIL - NOVEMBER) CEMETERY & CREMATORIUM BUSINESS PLAN PERFORMANCE AND RISK MANAGEMENT UPDATE**

The Committee considered a report of the Director of Open Spaces which provided an update on the performance of the Cemetery and Crematorium for



the duration of April to November 2018 and sought approval of the removal of two risks from future risk reports.

The Chairman congratulated officers on their recent Celebrating Our People Award.

**RESOLVED** - that the Committee:

- note the performance of the Cemetery and Crematorium during this reporting period;
- approve the removal of the two “green” risks from future risks reports to the Committee as proposed in paragraph 19 and 20 of the report before Members.

**17. ANIMAL RECEPTION CENTRE - HEATHROW AIRPORT: ANNUAL REVIEW OF CHARGES**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations which sought the approval to increase the Schedule of Charges in respect of the services provided at the Heathrow Animal Reception Centre for the financial year of 2019/20. A general inflationary increase to the fees of 2.5% was proposed and a split fee for dogs, cats and ferrets travelling under the pet Travel Scheme.

The Interim Director of Consumer Protection and Market Operations explained that the proposed fee increase was in accordance with inflation. It was added that with regards to the proposed charge of £15 per consignment for all shipments that terminate at Heathrow, this be amended to £20.

**RESOLVED** - that the Committee:

- approve the charges included in the appendix to the report with effect from 1 April 2019, but with the £15 consignment charge being increased to £20 or as soon as practicable thereafter; and
- approve the proposed Byelaws contained in the Appendix to this report and recommend to the Court of the Common Council that the Byelaws be made, and that the Comptroller and the City Solicitor be instructed to seal the Byelaws accordingly.

**18. MOOR LANE: ULTRA-LOW EMISSION VEHICLE ACCESS RESTRICTION**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations which recommended postponing the introduction of a scheme, due to take place in April 2019, to introduce an ultra-low emission vehicle access only restriction at the southern section of Moor Lane for up to six months.

During discussion amongst Members it was confirmed that whilst the recommendation sought to postpone the scheme, the power to make the traffic order would reside with the Streets and Walkways Sub-Committee and the preferred option was for the ULEV pilot to operate 7am-11pm on weekdays and the current barriers closure to be maintained overnight and at weekends.

**RESOLVED** - that the Committee;

- Postpone the introduction of the scheme 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; and
- approve to purchase and install equipment before April 2019.

19. **MEASUREMENT AND MITIGATION OPTIONS FOR OPERATIONAL RAIL NOISE FROM LONDON UNDERGROUND AFFECTING THE BARBICAN ESTATE.**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations on how to mitigate and gain a reduction in the noise and vibration to the residents of the Barbican Estate affected by the operational rail noise from London Underground sub-surface train lines running beneath the estate.

The Chairman reminded Members that a six-page letter of response from London Underground had been circulated to Members of the Committee. The Interim Director of Consumer Protection and Market Operations advised that it was intended for officers, Cole Jarman and London Underground specialists to meet to agree on what mitigation measures could be implemented.

Members thanked the officers for the work carried out and for commissioning the Cole Jarman report which had been provided to the Committee, Members expressed their disappointment regarding the letter received from London Underground and asked that this issue continue to be considered by the Committee. The Chairman noted that representatives from Transport for London were in the public gallery and had heard the views of the Committee.

Discussion took place on the level of noise being experienced by residents and the impact this had, Members asked officers to explore the costs involved for City Corporation to progress to the next stage of works and ways in which the mitigation measures could be funded.

The Chairman asked that a report be provided to the March 2019 Committee meeting with an update on the meetings that were due to take place and asked whether Cole Jarman could provide further information regarding the proposed works, associated costs, and the impact this would have on residents. The Chairman noted that Members could not support the implementation of the night tube until these issues were resolved.

**RESOLVED** - that the Committee note the content of the report and endorse the actions as set out in paragraphs 15 to 18.

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

The Committee received a report on Port Health and Public Protection Risks from the Director of Markets and Consumer Protection. The report provided the Committee with assurance that risk management procedures in place within the Department of Markets and Consumer Protection were satisfactory and met the

benchmarks of the corporate Risk Management Framework. The report further noted risks were reviewed regularly by Senior Officers.

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

21. **MARKETS AND CONSUMER PROTECTION BUSINESS PLAN 2018/2019: PROGRESS REPORT (PERIOD 2)**

The Committee received a report of the Interim Director of Consumer Protection and Market Operations which provided an update progress made by the Port Health and Public Protection Division during Period 2 of 2018/19 against the Market and Consumer Protection Business Plan 2018/2019.

The Interim Director of Consumer Protection and Market Operations provided Members with an update explaining that there was continued increase through the Ports, particularly London Gateway which was up by 35%. Filming had taken place at the Heathrow Animal Reception Centre and a new television series about the Animal Reception Centre entitled Animal Airport was due to be shown on More 4.

The Committee congratulated Beth Humphrey, Air Quality Officer on her recent Rising Star award at the City Corporation's Celebrating our people event.

**RESOLVED** - that the Committee note the report and its appendix.

22. **RESOLUTION OF THE PLANNING AND TRANSPORTATION COMMITTEE**

The Committee considered a resolution of the Planning and Transportation Committee from their meeting of 20 November 2018 which raised their concerns on the need to strengthen and align policies in the area of ventilation systems.

The Chairman advised Members that a report on this matter would be considered at Item 23 of the agenda.

**RESOLVED** – That the Committee note the resolution and Members' concerns.

23. **VENTILATION AND EXTRACTION REQUIREMENTS FOR RESTAURANTS/CAFES**

The Committee received a report of the Chief Planning Officer on Ventilation and Extraction Requirements for Restaurants/Cafes which set out the statutory context for controlling odours being extracted at ground floor level from restaurants and café premises.

The Chairman advised that the full report of Control of Odour and Noise from Commercial Kitchen Exhaust systems had been placed in the Members' Reading Room.

The Interim Director of Consumer Protection and Market Operations advised that since the report had been produced, officers had sought to include a more

robust approach within the Local Plan which would include maintenance and the keeping of records.

Responding to Members' comments on whether the Environmental Protection Act of 1990 could be update and noting issues they have experienced with old/existing premises regarding odour and ventilation issues, the Interim Director of Consumer Protection and Market Operations advised that there were no plans to update the Act but there was a high level of case law that had to be taken into account. When Environmental Health Officers undertook inspections of food premises, they looked at the ventilation arrangements in place. The Chairman added that if their ventilation was poor, this could affect their food hygiene rating score.

The Committee was advised that if Members had any concerns regarding local restaurants/cafes, they should contact the Department of Markets and Consumer Protection.

**RESOLVED** - that the Committee note the report.

24. **TREE PESTS AND DISEASES: OAK PROCESSIONARY MOTH URGENT UPDATE**

The Committee received the report of the Director of Open Spaces which provided an update on the Oak Processionary Moth (OPM) and the challenges being faced as it spread across the Open Spaces in the care of the City of London Corporation.

The Director of Open Spaces provided the Committee with an update on work being carried out to control the spread of the OPM which included nest removal or pesticide spraying and this was the most pragmatic approach.

**RESOLVED** - that the Committee note the report.

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

There were no questions.

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

There were no questions.

27. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

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28. **NON-PUBLIC MINUTES**

**RESOLVED** – That the non-public and summary of the meeting held on 27 November 2018 be approved as a correct record.

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

There were no questions.

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

The Committee considered a late report which sought approval of an urgent waiver.

**The meeting ended at 12.44 pm**

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Chairman

**Contact Officer: Rofikul Islam  
Tel. No: 020 7332 1174  
Rofikul.islam@cityoflondon.gov.uk**