

# PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 18 May 2021

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

## **Present**

### **Members:**

Deputy Keith Bottomley (Chairman)	Alderman Gregory Jones QC
Mary Durcan (Deputy Chairman)	Shravan Joshi
George Abrahams	Vivienne Littlechild
Rehana Ameer	Deputy Edward Lord
Adrian Bastow	Deputy Robert Merrett
Peter Bennett	Deputy Andrien Meyers
John Chapman	Deputy Brian Mooney (Chief Commoner)
Deputy Peter Dunphy	John Petrie
John Edwards	Deputy Henry Pollard
Deputy Kevin Everett	Jason Pritchard
Helen Fentimen	Deputy Elizabeth Rogula
Deputy Wendy Hyde	Jeremy Simons

### **Officers:**

Jon Averbs	- Director of Markets & Consumer Protection
Gary Burks	- Superintendent & Registrar, City of London Cemetery & Crematorium
Colin Buttery	- Director of Open Spaces & Heritage
Ruth Calderwood	- EAir Quality Manager
Paul Chadha	- Chief Lawyer
Jim Graham	- Department of the Built Environment
Rachel Pye	- Pollution Control Team Manager
Gavin Stedman	- Port Health & Public Protection Director
Martin Falder	- Project Support Officer
Kristina Drake	- Communications Officer
Leanne Murphy	- Committee and Member Services Officer

## **1. APOLOGIES**

Apologies were received from John Bennett, Henrika Priest, Alexander Barr and Alderwoman Langley.

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

There were no declarations.

## **3. MINUTES**

RESOLVED – The Committee considered and approved the public minutes of the meeting held on 18 May 2021.

#### 4. **OUTSTANDING ACTIONS AND WORK PLAN**

The Committee noted the various outstanding actions and the updates provided thereon. The work plan for Committee meetings was also noted.

##### Electric Vehicle Charging

Members were informed that this work was being progressed through various Departments. Work has begun at the Baynard House Car Park, with works by the City Surveyor concerning vents and fire risks starting in June and the kit to go live by the summer. The Barbican Estate is still planning for additional bays and Middlesex Street are looking to secure additional funding, which were progressing together, and a report would follow.

A Member highlighted that residents would soon need to pay a charge. A Portsoken residents survey on electric cars indicated an overwhelming lack of charging points; however, the planned works were not happening to an appropriate timeline as residents would no longer receive a resident discount in five months, yet the charging points would not be ready for at least 12 months. It was noted that other Local Authorities had reacted quickly by using existing infrastructure and a meeting had been set up to speed up the charging ports in Portsoken.

Officers confirmed there was a street furniture issue as the light columns could not be used in the City due to their historic significance, with only 10% in the City able to be utilised unlike other Local Authorities.

It was noted that charging points were available at Minories Car Park, which could potentially provide usage for these residents, or potentially in Islington although most motorists were limited to their own Boroughs. The Member responded that people wanted to charge their vehicles close to home and would not invest in electric vehicles if they had to drive far. Another Member added that this was a potential issue for disabled people and that they must be mindful of obstructions on streets.

Officers agreed to attend the meeting with Portsoken residents, and the Chair requested the outcome.

##### Garden Waste Recycling

Following the unsuccessful trial seven years ago, there was feedback from residents to try this again which was planned to go ahead in March 2020 but was prevented by the pandemic. Officers were now proposing to revisit the scheme for March to October 2022. Members were supportive of this plan.

##### Measurement and mitigation options for operational rail noise from London Underground affecting the Barbican Estate

Officers were pleased to report that following continued engagement with London Underground, the redundant block joints underneath the track were being removed. Officers committed to keep up the pressure relating to this

issue, including promoting speed restriction for the area. The Town Clerk agreed to circulate the letter from TfL to Barbican residents.

#### Amendment to KPI TPR 11 of the DBE business plan 2021/22 / surveys

Benchmark data was now available following the KBT survey and Officers would use this to assist inspections. A September verbal update and October report would follow to the Committee. Officers agreed to include an update on the number of incidents of successful prosecution.

## 5. **COMMITTEE APPOINTMENTS**

### 5.1 **Streets and Walkways Sub Committee**

The Committee proceeded to appoint a representative on the Streets and Walkways Sub Committee and Deputy Edward Lord, being the only Member indicating his willingness to serve, was duly appointed.

### 5.2 **Health & Wellbeing Board**

The Committee proceeded to appoint a representative on the Health and Wellbeing Board and Jeremy Simons, being the only Member indicating his willingness to serve, was duly appointed.

### 5.3 **Thames Estuary Partnership**

The Committee proceeded to appoint a representative on the Thames Estuary Partnership. The Town Clerk confirmed that John Edwards, who was appointed last year, was happy to remain the appointed Member for this three-year role.

### 5.4 **Thames21**

The Committee proceeded to appoint a trustee to Thames21. The Town Clerk confirmed that Andrew McMurtrie, who was appointed last year, was happy to remain the appointed Member for this three-year role.

## 6. **ELLA ADOO KISSI-DEBRAH INQUEST - PREVENTION OF FUTURE DEATHS REPORT**

The Committee received a report of the Director of Markets and Consumer Protection concerning the Ella Adoo Kissi-Debrah Inquest and Prevention of Future Deaths Report.

The Chairman read out the following statement:

The recently published Prevention of Future Deaths Report, following the inquest into the tragic death of Ella Adoo Kissi-Debrah, serves as a stark reminder of the terrible health impact that air pollution can have.

In December last year, a Coroner ruled that Ella had died of asthma, with exposure to excessive air pollution being a contributory factor. This is the first time that air pollution has been explicitly linked to a named individual's death. Our thoughts are very much with Ella's family and friends at this incredibly difficult time.

This tragedy underlines, in very human terms, the urgency with which governments, local authorities, businesses - all of us - must act to drastically improve air quality. Air pollution is a public health crisis here in the capital, with an estimated 4,000 Londoners dying prematurely from long-term exposure every year.

We have been taking a number of bold and practical actions to improve air quality in the Square Mile and wider London. But there is still much work to do.

Through our Air Quality Strategy, we are committed to meeting World Health Organisation guidelines for nitrogen dioxide. And, as most of the health impacts are associated with small particles, we continue to work with a wide range of organisations to ensure this pollutant is below the W.H.O. guidelines by 2030.

Our extensive network of monitors show that air quality in the City is improving. We will maintain our efforts, seizing new opportunities through our Climate Action Strategy, and COP26, and through our Emissions Reduction Bill, which with London Councils aims to give the capital's local authorities tough new powers to tackle air pollution caused by boilers, construction machinery and diesel generators.

And we will continue to raise community awareness around air pollution and how to reduce exposure.

Nobody should have to breathe dirty air and with our partners we will continue to work tirelessly to eliminate it.

At the request of a Member, the Town Clerk agreed to share the details of the e-newsletter and smart phone App with Members detailed in the report.

A Member noted the impact of COVID and the significant reduction of air pollution enquiring if there was any insight on where the pollution is coming and how tackle it long-term. Members were advised that a lot of nitrogen dioxide within the City was due to vehicles and reductions were seen due to low vehicle use in the last year. Particle pollution derived from a range of different things, not just vehicles and includes combustion dust, sea salt and agriculture particulates. As a consequence, levels of particle pollution did not change much during the COVID pandemic. Joint work to tackle air pollution continued in collaboration with others.

The Chairman noted that the Environment Bill was being heavily debated and would go to the report stage shortly. The City Corporation would engage to make amendments to the debate and bring change.

A Member felt that the City should invest and partner in renewable investments moving from fuel vehicles to renewable, including electric vehicle charging, not just for the good of the environment but also for making a return. The Chairman agreed to pick this up with the Climate Action team.

## 7. COVID-19 AND BREXIT UPDATE

The Committee received an oral update from the Port Health and Public Protection Director concerning COVID-19 and the UK's impact of leaving the EU (Brexit) on Port Health & Public Protection.

With regards to Brexit, Members were advised that border controls have been pushed back to October 2021 for documentary checks, with physical checks being brought in from January 2022. Initially the physical checks would be set at 1%, but this was likely to be reviewed in 2022. The service continues to recruit and train new staff; 25 new staff members have been recruited. COVID-19 had presented challenges in the way and time taken to train new staff, but that the service was well advanced in comparison to other ports.

It was noted that the Heathrow Animal Reception Centre (HARC) live animal controls were due to take place from 21 March 2022 and staff were undertaking the necessary preparations.

Officers were still waiting for Defra to respond to a number of questions and provide guidance on a variety of issues that will impact on services, e.g. the service has an underwriting from Defra to 31 March 2022 relating to funding but no further clarity beyond that has been received. The process for handling and sealing groupage vehicles containing multiple consignments and the use of electronic documentation. The City Corporation continues to work with port operators and Government bodies on these issues.

The Committee was informed that Sheerness were now proposing to accept high-risk food and feed through their port. This was very late in the process and Officers were currently in discussions with Defra and the port operator about the additional resources and funding required to deliver Border Controls at the port. The distance to Sheerness (Kent) from the main Head Office (Essex) and staff location made this challenging.

The Port Health Service and Heathrow Animal Reception Centre have continued to operate throughout the various lockdowns and easings. During this time, the Port Health Service has seen a 25% increase in throughput and HARC only had a slight dip in numbers, although this was returning to normal. Officers have also been in the City as required throughout the pandemic and have been ensuring compliance and supporting businesses recover.

Members were informed that Officers continued to raise awareness of the Business Recovery Fund which was linked to the Covid Compliance Accreditation scheme to assist with the confidence of returning customers and a good number of applications had been received. Officers were also assisting where possible with the evolving Recovery Taskforce Vibrant Offer theme.

With relation to Freeports, meetings with Port Operators are planned in for June and July, and discussions with regards to the potential opportunities with the Investments Property Director were ongoing.

The Chairman thanked the team for their hard work working with businesses noting that 60% of business in the City were now open.

A Member was concerned the City Corporation had missed the boat concerning freeports noting the wider strategic reason to be involved and enquired how this was being coordinated. Officers confirmed they continued to link with the various Corporation teams, plus liaising with the relevant port operators. It was agreed that an update with timescales would be provided at the next meeting.

With regards to the uplift in trade, a Member stated that the increase was a result of companies trying to beat the deadline to leave the EU but there was a feeling that businesses were not prepared. Members were informed that trade was never stable or static, with a new trade possibly being displaced to the container ports from ferry ports. However, trends still predicted an upward trajectory for the London Port Health Authority. It was agreed that Ports needed to be ready for the January deadline and the Member agreed to feed examples to the Port Health and Public Protection Director.

**8. BUSINESS PLANS 2020/2021: PROGRESS REPORT (PERIOD 3)**

The Committee considered a joint report of the Director of the Built Environment, Director of Open Spaces and Director of Markets and Consumer Protection providing an update on progress made during Period 3 (December-March) against the High-Level Business Plans 2020/21 for the three service areas.

The Deputy Chairman congratulated the team for securing an additional funded post for illegal street trading enforcement and requested further detail concerning changes to HARC's changes to operation. It was confirmed that staff at the centre worked with airlines to make sure they had the resources to import live animals safely, thus ensuring the welfare of the animals and providing a safe, COVID compliant environment for staff. This 'ok to forward' process placed restrictions on the number of animals coming in at one time. However, it was hoped as COVID restrictions were eased that these restrictions could be lifted.

A Member noted the increase in the number of deaths and funerals and was concerned by the current approach for any income over and above the total expenditure to be moved to a reserve fund for the Cemetery and Crematorium. It was felt there was a potential risk of reduction for future years which would require contingency from the Chamberlain in the long-term as opposed to the current short-term gain. Members agreed to bolster the reserve fund despite the good year and Officers agreed to follow up with Chamberlain's as no money was currently agreed.

Members enquired about the delay in dealing with graffiti and the Committee were reminded that their remit related to the public realm and not individual estates or TfL who were responsible for their own assets.

**RESOLVED** – That Members note the content of this report and its appendices.

9. **DRAFT CITY OF LONDON CONTAMINATED LAND INSPECTION STRATEGY 2021-2030**

The Committee considered a report of the Director of Markets & Consumer Protection concerning the Draft City of London Contaminated Land Inspection Strategy 2021-2030. This strategy fulfils the City of London's statutory obligation to set out its wider approach to contaminated land and its inspection duties within the Square Mile and provides a more accessible, shorter and condensed strategy document.

Members were advised that the City Corporation had a statutory duty to ensure land within its boundaries were fit for use and have a plan in place which was reviewed every five years.

A Member highlighted rising groundwater which was an issue 5-10 years ago as a possible pollutant issue. Officers were not aware of any issues concerning rising water which was looked at carefully by environment services. Issues were caused by the flow of water from the tidal Thames resulting in the movement of pollutants.

The Member also noted that the City of London Primary Academy Islington (COLPAI) site had found asbestos on what was a City of London and Islington site and enquired if the Corporation was working with other Local Authorities. Members were advised that there was a statutory requirement to assess ground and land information was also the case with the COLPAI land. When there were risks adjacent to boundaries, this would be managed by the relevant Local Authority.

In response to a query concerning whether sufficient resources were available to manage this work, Officers confirmed the costs were met within the existing departmental budget plus the cost of contamination was borne by the landowner. If something required significant detailed investigation and this came to the Corporation rather than the land owner, a request would come back to the Port Health Committee for sign off.

RESOLVED – That Members approve the proposal set out in paragraph 12 and 13 that the attached draft contaminated land inspection strategy (Appendix 1) undergoes external consultation until 25 July 2021, subject to any comments received at your meeting and a further report will be presented to your 27 September 2021 meeting to approve the subsequent new strategy.

10. **COMMERCIAL ENVIRONMENTAL HEALTH AND PORT HEALTH SERVICE PLANS 2021-2022**

The Committee considered a report of the Director of Markets & Consumer Protection concerning the Commercial Environmental Health Team's Service Plan for 2021-22 addressing the ongoing COVID-19 pandemic and responding to the needs of the recovery of the City of London and the Port Health's Service Plan for 2021/22 in relation to food premises inspections.

Members were informed that the Statutory Plans were annually reviewed by the Committee and the FSA required Local Authorities to seek member approval for these plans.

It was acknowledged that the last year had been clearly affected by Covid and the restrictions meant that many businesses had to close for large amounts of time. It was hoped that all businesses would reopen as workers returned to the City. In the meantime, the services would continue to work on a priority risk basis looking at Covid compliance and support, matters of evident concern, track and trace, imported food and feed in the ports, etc.

RESOLVED – That Members:-

- Approve the approach outlined in paragraph 14 of this report relating to Commercial Environmental Health’s Service Plan;
- Approve the approach outlined in paragraph 17 relating to Port Health’s Service Plan; and
- Note that a further report will be brought back to this Committee when future expectations have been confirmed by the Food Standards Agency (paragraph 18).

**11. RISK MANAGEMENT - PERIODIC UPDATE REPORT**

The Committee received a joint report of the Director of the Built Environment, Director of Markets & Consumer Protection and Director of Open Spaces providing assurance that risk management procedures in place within the Department of the Built Environment, Department of Markets and Consumer Protection, and the Open Spaces Department are satisfactory and that they meet the requirements of the corporate Risk Management Framework. Risk is reviewed regularly within each department as part of the ongoing management of operations.

The Committee was provided with an update on the management of risks faced by the departments.

RESOLVED – That Members note the report and the actions taken by each department to monitor and manage effectively risks arising from their operations.

**12. CREMATOR REPLACEMENT PROJECT**

The Committee considered a Gateway 6 report of the Director Open Spaces concerning the Cremator Replacement Project.

Members were provided with the headlines of the project which saw the old cremators replaced by two new efficient and environmentally friendly cremators. This was carried out at challenging but necessary time and the project went well, running to time and cost target. Members congratulated Officers on a successful outcome.

RESOLVED – That Members approve and sign-off the successful completion of the Cremator Replacement project at the City of London Cemetery and note the lessons learned.

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

High Timber Street noise complaint

A Member noted on behalf of their constituents that the Borough of Southwark had previously agreed to deal with noisy buskers affecting local residents on High Timber Street and requested if this could be escalated. Members were advised that a letter had been recently sent to Councillor Kieran Williams and Officers awaited a response. In the meantime, discussions were progressing with the City Solicitor regarding enforcement options.

Measurement and mitigation options for operational rail noise from London Underground affecting the Barbican Estate

In response to the update provided under the outstanding actions item, a Member felt a letter should go to Barbican Estate residents from the Chairman and Deputy Chairman informing them that intervention by the Committee led to action. The Chairman and Deputy Chairman agreed to send a letter to residents.

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

There was none.

**15. 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.

**16. NON-PUBLIC MINUTES**

RESOLVED – The Committee considered and approved the non-public minutes of the meeting held on 18 May 2021.

**17. NON-PUBLIC APPENDIX: RISK MANAGEMENT REPORT - RISK REGISTER**

The Committee received a non-public Risk Register appendix to be read in conjunction with item 11 concerning Risk Management.

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

There were no questions.

**19. 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.

**The meeting closed at 12.43 pm**

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Chairman

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