

## PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 30 April 2013

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

### **Present**

#### **Members:**

Deputy John Tomlinson (Chairman)	Vivienne Littlechild
Wendy Mead (Deputy Chairman)	Professor John Lumley
Deputy Ken Ayers	Andrew McMurtrie
Deputy John Absalom	Alastair Moss
Deputy John Bennett	Barbara Newman
Nigel Challis	Deputy John Owen-Ward
Henry Colthurst	Deputy Gerald Pulman
Karina Dostalova	Deputy Richard Regan
Deputy Billy Dove	Delis Regis
Peter Dunphy	Jeremy Simons
Kevin Everett	Deputy James Thomson
Deputy Bill Fraser	Deputy Michael Welbank
George Gillon (Chief Commoner)	Mark Wheatley
Deputy Stanley Ginsburg	Alderman Sir David Wootton
Alderman John Garbutt	

#### **Officers:**

Katie Odling	- Town Clerk's Department
Mathew Lawrence	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Julie Smith	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Philip Everett	- Director of the Built Environment
Doug Wilkinson	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
David Smith	- Director of Markets and Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Tony Macklin	- Assistant Director, Environmental Health & Trading Standards
Sue Ireland	- Director of Open Spaces
Gary Burks	- Superintendent & Registrar, City of London Cemetery & Crematorium

### **1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Philip Woodhouse.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

3. **APPOINTMENT OF COMMITTEE**

RESOLVED – That the draft Order of the Court of Common Council, 25 April 2013, appointing the Committee be received and its Terms of Reference approved.

4. **ELECTION OF CHAIRMAN**

RESOLVED - That in accordance with Standing Order No 29, Deputy John Tomlinson be elected Chairman for the ensuing year.

The Chairman welcomed all those present in particular new Members and furthermore expressed his thanks to those Members who had retired.

5. **ELECTION OF DEPUTY CHAIRMAN**

RESOLVED – That in accordance with Standing Order No 30, Deputy Wendy Mead be elected Deputy Chairman for the ensuing year.

6. **MINUTES**

The Minutes of the meeting held on 8 January 2013, were confirmed as a correct record.

7. **OUTSTANDING ACTIONS**

The list of outstanding actions was noted by Members.

Enterprise Contract - Members were informed that in October 2011, Enterprise Managed Services (EMS) were awarded the term contractor for the City of London 8 year Waste collection, Street Cleansing and Ancillary services contract. Members noted that in April 2013 Officers received formal notification from EMS that there had been a management buy-out of their company by Ferrovial SE who were now the new parent company of EMS.

Members were advised that EMS would therefore continue to trade as a wholly owned subsidiary of Amey UK who in turn were owned by Ferrovial SE. Officers from Cleansing and Legal were currently in discussion with Amey UK to formalise the new ownership and management arrangements into the existing Enterprise contract.

RECEIVED.

8. **APPOINTMENT OF REPRESENTATIVES AND SUB COMMITTEES**

Consideration was given to a report of the Town Clerk which sought approval for the Appointment of Representatives to the various Sub Committees.

RESOLVED – That,

- a) The appointment of a Reference Sub Committee be deferred until it was required; and
- b) Deputy Wendy Mead be appointed to the Community and Children's Services Health and Social Care Scrutiny Sub Committee.

9. **DEPARTMENT OF THE BUILT ENVIRONMENT - BUSINESS PLAN 2013 - 2016**

Consideration was given to a report of the Director of the Built Environment relative to the Business Plan for 2013 – 2016.

During discussion, reference was made to the percentage of household waste recycled and the anticipated target for 2013/14.

RESOLVED – That the Department of the Built Environment's Business Plan 2013 – 2016 be approved.

**10. THE ALDGATE - HIGHWAY CHANGES AND PUBLIC SQUARE PROJECT - ALDGATE SUBWAY PUBLIC CONVENIENCE**

Consideration was given to a report of the Director of the Built Environment relative to the Aldgate – Highway Changes and Public Square Project.

RESOLVED – That,

- a) the closure of the public conveniences located within the Aldgate subways to facilitate progress of the wider improvements through the delivery of the Aldgate – Highway Changes and Public Square project be approved; and
- b) a further report considering the need for any re-provision of toilet facilities and options for delivering that re-provision be received.

**11. LOVE THE SQUARE MILE - UPDATE**

Consideration was given to a report of the Director of the Built Environment regarding the Love Clean Streets application.

The Assistant Director informed Members that the Love the Square Mile scheme had been a huge success. The next stage of the project was to integrate the mobile phone reporting app with the Enterprise contract to ensure there was a streamlined approach to tackling issues.

A discussion took place around Fixed Penalty Notices (“FPNs”) and whether or not a right of appeal was available to individuals who wished to challenge the issuing of notices. The Comptroller and City Solicitor informed the Committee that there was no statutory right of appeal and that it would be for the City Corporation to prosecute any individual who refused to pay the FPN. It would then be for the Magistrates’ Court to determine whether or not the FPN had been properly issued. This process was followed by all local authorities. However, there was nothing to prevent individuals making representations to the City Corporation and the Corporation had discretion to cancel a FPN if it was accepted that the individual had a legitimate explanation as to why waste was placed for collection outside the permitted time bands. It was confirmed that the paper notice issued included a helpline contact telephone number.

RECEIVED.

**12. LONDON GATEWAY PORT**

Consideration was given to a report of the Director of Markets and Consumer Protection which provided an update regarding the London Gateway Port.

RESOLVED – That,

- a) the progress made to date in preparing for the opening of London Gateway Port in the last quarter of 2013 be noted;
- b) authority be delegated to the Town Clerk, in conjunction with the Director of Markets & Consumer Protection and the City Surveyor, and in consultation with the Chairman and Deputy Chairman, to approve terms for any additional accommodation requirements, should an identified need arise before the next Committee meeting on 2nd July.
- c) the Comptroller and City Solicitor be instructed to complete a lease for any additional accommodation should the need arise.

**13. DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2013-2016**

Consideration was given to a report of the Director of Markets and Consumer Protection which details the Business Plan for 2013 – 2016.

In response to a question by a Member the Chamberlain undertook to circulate an explanation for the large increase in employee costs between the 2012/13 original budget and the 2012/13 revised budget (page 103 of the report) after the meeting, which also outlined the process for setting the revised budget.

RESOLVED – That the Business Plan for 2013 – 2016 be approved.

**14. MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2012-2015: OUTTURN REPORT**

Consideration was given to a report of the Director of Markets and Consumer Protection which provided an update on progress against the Business Plan for the Port Health and Public Protection Division during 2012-13.

Members were informed that if an establishment was issued a '0' rating by the Food Standards Agency, they could apply to have the rating changed; however generally, the Corporation would work with the owners to ensure the rating was improved. Members noted that the food ratings of establishments in the City could be found via the Corporation's website.

RECEIVED.

**15. MITIGATION OF IMPACT FROM DEVELOPMENT SITES**

Consideration was given to a report of the Director of Markets and Consumer Protection regarding mechanisms for ensuring that the environmental impact of developments was mitigated as far as was practicable through planning conditions.

RESOLVED – That,

- a) the proposals set out in paragraphs 4 and 5, and the 7<sup>th</sup> Edition of the Code of Practice (Appendix 2), taking account any points arising from the discussion of this report at your Committee meeting be agreed; and
- b) future iterations of the CoP, anticipated in eighteen months' time be consulted upon and subsequently agreed by the Committee.

**16. APPROVAL OF THE HEALTH & SAFETY INTERVENTION PLAN 2013-2014**

In the interests of openness and transparency, this item was deferred to the next meeting.

**17. APPROVAL OF THE 2013 - 2014 FOOD SAFETY ENFORCEMENT PLANS FOR THE CITY AND THE LONDON PORT HEALTH AUTHORITY**

In the interests of openness and transparency, this item was deferred to the next meeting.

**18. OPEN SPACES DEPARTMENTAL BUSINESS PLAN 2013 - 2016**

Consideration was given to a report of the Director of Open Spaces regarding the Departmental Business Plan for 2013 – 2016.

The Chairman requested that a risk register similar to that detailed on page 182 be produced for both the Department of the Built Environment and the Department of Markets and Consumer Protection.

RESOLVED – That the sections specifically relating to the Cemetery and Crematorium that have been included in the Open Spaces Department Business Plan for 2013 – 2016 and the targets for service delivery as quantified by the performance indicators be approved.

**19. VEHICLE ACCESS AND PUBLIC CONSULTATION**

Consideration was given to a report of the Director of Open Spaces regarding the public consultation in respect of Vehicle Access.

RESOLVED – That,

- a) the continuation of the vehicle access permit scheme at no charge to cemetery users be approved;
- b) the information provided by Marketing Assistance regarding public perceptions towards the services that cemetery and crematorium provides be noted; and
- c) a future report regarding the development of a friends group and volunteering within the cemetery be submitted to a future meeting.

**20. DECISIONS TAKEN UNDER DELEGATED OR URGENCY PROCEDURES**

Consideration was given to a report of the Town Clerk which provided details of action taken between meetings in accordance with Standing Order 41(a) and 41(b).

RECEIVED.

**21. LONDON COUNCIL NOMINATIONS**

Consideration was given to a report of the Town Clerk regarding the London Councils Transport and Environment Committee.

RESOLVED - That,

- a) in line with the principle agreed by the Court in 2000, the Committee noted that the Chairman of the Planning and Transportation will be recommended to be nominated to represent the City Corporation on the Associated Joint Committee (London Councils Transport and Environment Committee) (TEC); and
- b) the Chairman of the Port Health and Environmental Service Committee, the Deputy Chairman of the Planning and Transportation Committee and the Deputy Chairman of the Port Health and Environmental Services Committee be nominated to serve as the City Corporation's named deputies.

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

Chewing gum – Concern was expressed regarding the amount of chewing gum on the streets. The Director agreed to discuss specific locations with the Member following the meeting to ensure these could be addressed.

Vehicles reversing on Widegate Street - Members were informed that this issue had now been addressed through careful monitoring and management.

Wasabi on Bishopsgate – One Members raised the issue of rubbish outside this premises which the Director agreed to investigate.

23. **URGENT ITEMS**

RESOLVED – That the Committee agrees to withdraw the Corporation's Membership of the Association of Port Health Authorities.

24. **EXCLUSION OF THE PUBLIC**

RESOLVED - That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting to consider item 16 on the Agenda on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 5 of Part I of the Schedule 12A of the Local Government Act.

25. **NON-PUBLIC MINUTES**

The Committee considered the non-public minutes of the meeting held on 8 January 2013.

26. **DEBT ARREARS**

Consideration was given to a joint report of the Director of the Built Environment, Director of Markets and Consumer Protection and Director of Open Spaces regarding the Debt Arrears for the period ending 31 March 2013.

RECEIVED.

27. **SUICIDE PREVENTION - PORT HEALTH AND ENVIRONMENTAL SERVICES - COMMITTEES ROLE**

Consideration was given to a report of the Director of Markets and Consumer Protection regarding the Committee's role in the prevention of suicides in the City.

RECEIVED.

28. **OUTCOME REPORT - CITY OF LONDON CEMETERY & CREMATORIUM: ESSENTIAL REPAIRS TO LISTED BUILDINGS, PHASES 2 AND 3**

Consideration was given to a report of the City Surveyor regarding the City of London Cemetery and Crematorium: Essential repairs to Listed Buildings, Phases 2 and 3.

RECEIVED.

29. **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**

There were no items of urgent business.

**The meeting closed at 1.00pm.**

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Chairman

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