

PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE

Tuesday, 27 November 2018

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

Present

Members:

| | |
|--|---------------------------|
| Jeremy Simons (Chairman) | Graeme Harrower |
| Deputy Keith Bottomley (Deputy Chairman) | Deputy Tom Hoffman |
| Alderman Nick Anstee | Deputy Wendy Hyde |
| Alexander Barr | Deputy Jamie Ingham Clark |
| Adrian Bastow | Shravan Joshi |
| Deputy John Bennett | Vivienne Littlechild |
| Peter Bennett | Henrika Priest |
| John Chapman | Jason Pritchard |
| Peter Dunphy | Deputy Richard Regan |
| Mary Durcan | Mark Wheatley |
| Anne Fairweather | |

Officers:

| | |
|-------------------|---|
| Sacha Than | - Town Clerk's Department |
| Chloe Rew | - Town Clerk's Department |
| Jennifer Ogunleye | - Town Clerk's Department |
| Grace Rawnsley | - Town Clerk's Department |
| Laura Simpson | - Town Clerk's Department |
| Jenny Pitcairn | - Chamberlain's Department |
| Paul Chadha | - Comptroller & City Solicitor's Department |
| Warren Back | - City Surveyor's Department |
| Zahur Khan | - Department of the Built Environment |
| Jim Graham | - Department of the Built Environment |
| Karen Marks | - Department of the Built Environment |
| Jon Averbs | - Markets & Consumer Protection Department |
| Rachel Pye | - Markets & Consumer Protection Department |
| Gavin Stedman | - Markets & Consumer Protection Department |
| Jonathon Poyner | - Barbican Centre |

1. APOLOGIES

Apologies were received from Deputy John Absalom, Caroline Addy, Tijs Broeke, Deputy Kevin Everett, Christopher Hill, Andrew McMurtrie, Adrien Meyers, Deputy Joyce Nash and Deputy Elizabeth Rogula.

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

Vivienne Littlechild declared a non-pecuniary interest in respect of Item 7 due to being a resident of the Barbican.

The Comptroller and City Solicitor advised that if any member has an interest in land in the City, there is no disclosable pecuniary interest in this agenda item that arises from any such property interest. In this case, any property interest is considered too remote from the subject of the report. Whilst it is a matter for each member to decide, and the City Solicitor can only speak for himself, but as far as he is concerned in his role as Monitoring Officer, he is happy to confirm that he has no expectation of any self-referrals being made by any member due to their participation in this agenda item.

3. **MINUTES**

RESOLVED – That the public minutes and summary of the meeting held on 25 September 2018 be approved as a correct record.

Matters Arising

The Director of Cleansing reported that a meeting had been held with Bloomberg to discuss the issue of littering as raised at the previous meeting, however there had been difficulty confirming a further meeting, but he hoped this would take place soon. Officers have been monitoring the area and he believed that things have improved.

4. **MINUTES**

RESOLVED – That the public minutes and summary of the meeting held on 8 November 2018 be approved as a correct record.

5. **OUTSTANDING ACTIONS**

The Committee received the current list of outstanding actions.

Noise Pollution from the London Underground

The Director of Port Health and Public Protection advised that a report summarising the draft recommendations following measurements and investigations has been submitted to London Underground for consideration. A response is expected by the end of November 2018 and a report with recommendations would be brought before the Committee in January 2019.

A Member advised the Committee that a meeting had taken place with residents, Members and the Rt Hon Mark Field MP for the Cities of London and Westminster; following this, Members would continue to raise the issue of noise pollution from the London Underground with the London Assembly Member for the City and Transport for London.

A Member referenced section 122 of the Railways Act 1993, querying whether officers were investigating the extent of the statutory defence as discussed at a previous meeting applied in this case. The Director of Port Health and Public Protection explained that this would be addressed within the January report.

Electric Vehicle Charging

The Director of Transportation and Public Realm advised that a charging point at Noble Street will be in operation by mid-December 2018. There will be rapid chargers for taxis, as well as standard chargers for general motorists in off-street locations. The department is working with TfL, Hackney Carriages and the taxi industry in general to implement the plan.

A Member asked how many charging points were needed and the overall cost, in response the Director of Transportation and Public Realm explained he did not have the exact figures but would circulate an update with this information.

Low Emission Neighbourhood (LEN)

The Chairman advised that this item could now be removed from the Outstanding Actions list.

S. 101 Agreements

The Director of Port Health and Public Protection advised that a draft Section 101 agreement has been submitted to Tower Hamlets and officers were awaiting their response.

The Deputy Chairman expressed concern and disappointment on the arrangement not yet being agreed noting the issue of illegal street trading on the bridges. In response, the Director of Port Health and Public Protection advised that City of London Corporation officers were continuing to liaise with Tower Hamlets to ensure the agreement would be signed. The Chairman offered to write to the relevant Cabinet Member within Tower Hamlets if there was no progress.

Water Refill Points

A Member asked how much water was tapped to each refill point, and if the water usage was being monitored. In response, the Director of Cleansing advised that he could not confirm the exact amount of water at each point, but this was metered and regularly monitored. The Director confirmed he would consult with colleagues and circulate an update.

The Chairman asked Members to submit their suggestions for locations of refill sites within the City.

Plastic Wrapping

Members expressed concern as to whether envelopes posted out containing Committee meeting papers were recyclable. The Chairman advised that the existing envelopes could be returned to the post room for recycling, however Members raised the point that the envelopes used should be of robust quality, particularly when containing confidential information.

6. **CITY CORPORATION MODERN SLAVERY STATEMENT**

The Committee considered a report of the Chamberlain concerning the City Corporation Modern Slavery Statement developed in response to the Modern Slavery Act 2015. The report proposes that the City Corporation complies with annual reporting requirements indicated in the Modern Slavery Act on a

voluntary basis, to reflect the organisation's commitment to responsible business principles.

One Member asked if the City Corporation had the power to revoke procurements if it was found that modern slavery was present in the supply chain. The Chamberlain advised that a response would be circulated to Members outside of the meeting.

RESOLVED – That the Committee,

- a) approves the publication of a voluntary Modern Slavery Statement by the City Corporation;
- b) approves the version submitted, including the 'Modern Slavery Policy'; and
- c) notes and specifically approves the 'continuous improvement' sections detailed throughout, which will form the basis of the action plan used to drive progress amongst all relevant departments over the next year.

7. CONSULTATION ON NOISY SATURDAY CONSTRUCTION WORK ACTIVITIES IN THE CITY OF LONDON

The Committee considered a report of the Director of Markets and Consumer Protection concerning Consultation on Noisy Saturday Construction Work Activities in the City of London.

A report was produced which considered possible solutions to the issue of noisy construction work on Saturday mornings. This report addressed a variety of factors to consider, including safety concerns, residents' needs, the needs of people with disabilities, and legal advice. Legal advice emphasised the need to comply with the requirements of the Equalities Act 2010 and to ensure that any decision did not discriminate against individuals with disabilities. In particular, it was drawn to the Committee's attention that residents with physical disabilities may be unable to leave their homes and would be more affected by the noise than a person without a physical disability, as they could leave their home to be relieved of the noise. The report proposed limiting noisy works to the hours of 08.00 to 13.00. The Chairman advised Members that the Planning and Transportation Committee had approved the recommendations within the report with the amendment of the hours being changed to 09:00 to 14:00. The Chairman suggested the Port Health and Environmental Services Committee also support this amendment.

A Member stated that he had issues with the statistics provided within the report, an issue which he had previously raised at Committee in 2017. He referred to the 725 responses received to the consultation on this matter, 78% of which were attributable to individuals. He questioned whether these individuals were mostly City workers who would therefore not be affected, for the most part, by proposals on noisy Saturday working. The report went on to state that 21% of all responses were from organisations. If a response was, for example, sent in from one organisation, how could this be classed as representative of the views of all its employees?

The Member went on to argue in favour of option d.ii. – not permitting noisy construction works on Saturdays near residential areas. He also questioned the reference within the report to the potential negative impacts of Saturday noisy working on certain protected groups, suggesting that the response from the City on this point was weak.

The Member explained that the original request to the Committee had been to consider the banning of noisy Saturday working near residential areas. This study had therefore been irrelevantly expanded and should therefore be rejected.

A Member further advised that there is a levy for works, which is paid by construction firms, and the profits are used to monitor behaviours of workers and the impact on the surrounding environment (ie. inappropriate calls to women, spitting, cigarette litter).

A Member expressed concern that regulation enforcement was an issue, even with the current restrictions in place on noisy works, it was difficult to ensure workers adhere to the regulations.

The Director of Port Health and Public Protection advised that enforcement of the relevant rules does take place, however acknowledged that it is not practical to have an officer at every works site to enforce the regulations. Furthermore, some works were necessarily carried out outside of the regulated hours due to the requirements of certain technology.

A Member expressed concern with the Committee's response to the consultation report, stating that the information provided was for their guidance, and Members should not find fault with the consultation process if the result does not bring a desired outcome.

The Member went on to state that the City Corporation should not discourage business in the City with restrictions to construction works, but must continue to encourage business development in order for the City to continue to thrive.

Discussion took place on zoning with Members offering differing opinions, some Members suggested there be specific areas within the City (i.e. largely residential areas) where noisy working on Saturdays be prohibited. However, other Members spoke against creating segregated areas of the City with different regulations. A Member explained that there were zoning policies and democratic arrangements regarding planning and licensing and these should be applied to the City as a whole.

A Member queried whether it was mandatory for vehicles to use beeps when reversing or in movement as this noise was affecting residents at early hours. The Director of Port Health and Public Protection advised they would consult legislation and provide an update to Members.

A Member echoed a previous statement, advising that the City must be able to develop, and although there are areas which are residential, the City must also

encourage growth and development, and should facilitate better consultation between residents and developers. There should be more dialogue and less legislation.

At this point, a Member requested to adjourn further discussion of this topic to either a later meeting or a special meeting, due to the amount of time which had been spent discussing the item and the need to discuss other items on the agenda. A vote was taken to adjourn further discussion:

FOR – 3 votes

AGAINST – 15 votes

The majority objected to this proposal and the debate carried on.

Marianne Fredericks spoke as a Member for the Ward of Tower, urging the Committee to consider the needs of residents, workers and businesses, including restaurants and hotels; and asked Members to find the most pragmatic solution that would work for people within the City. A suggestion was made to alert residents to when noisy works would be taking place which would allow them to plan accordingly.

The Chairman asked Members to vote on the recommendations contained within the report before them with the amendment to consider restricting noisy works hours to 09:00 to 14:00

FOR – 9 votes

AGAINST – 5 votes.

RESOLVED – That the Committee:

- a) note the assessment and evidence set out in Appendices 3-6 and 8;
- b) consider the report on the outcome of public consultation set out in Appendix 2; and
- c) Having considered 1 and 2 above and read the legal comments of the City Solicitor set out in Appendix 9 and having, both when considering 1 and 2 above and at all stages throughout, complied with the City's duties set out in this report, including reading and considering the Equality Impact Assessment at Appendix 7 and having due regard to the needs set out in section 149 of the Equality Act 2010, decide that standard noisy construction hours arrangements for Saturday mornings in the City of London are changed City wide to 0900 to 1400.

8. **46TH CITY OF LONDON THAMES FISHERY RESEARCH EXPERIMENT**

The Committee considered a report of the Director of Markets and Consumer Protection concerning the 46th City of London Thames Fishery Research Experiment which details the outcome of the Fishery Research Experiment of Saturday 22 September 2018 on the River Thames in Gravesend.

In response to a Member's query on the involvement of the schools, the Director of Port Health and Public Protection advised that the invitation would be extended to the Academies for the 2019 event.

RESOLVED – That the Committee,

- a) note the content of the report;
- b) review and approve the grant of £5,460 from the City's Cash to partially fund the 2019 event; and
- c) approve the 47th City of London Thames Fishery Research Experiment to take place on Saturday 12 October 2019.

9. **GARDEN WASTE RECYCLING TRIAL ON THE BARBICAN ESTATE**

The Committee considered a report of the Director of Built Environment concerning the garden waste recycling trial on the Barbican Estate, reporting on the result of the trial which had a low participation from residents and consequently a high cost.

A Member advised that the low participation rate may have been related to poor advertising of the trial, and that the trial was carried out during summer, rather than another time of year when there would be more garden waste.

The Chairman requested a further report at a future meeting following progress with the new cleansing contract. The Director for Built Environment advised that the new contract would start in April 2019, so future reports would reflect the transition from the terminating contract to the new contract.

RESOLVED – That the Committee does not continue with the separate collection of Garden Waste, as the cost is extremely high (£1,300/tonne) and the quantities collected have had a minimal impact on the City's recycling rate. The issue will be revisited as soon as it is reasonably practical after the new Waste Collection, Street Cleansing and Ancillary Services contract has been mobilised as the new contract may offer alternative options which may reduce the overall costs to make the provision of a garden waste service more attractive.

10. **UPDATE ON THE IMPACT OF THE UK LEAVING THE EU (BREXIT) ON PORT HEALTH & PUBLIC PROTECTION**

The Committee received a report from the Director of Markets and Consumer Protection which provided an update on the impact of the UK leaving the EU (Brexit) on Port Health and Public Protection (PH&PP). The report outlined the implications of a 'no-deal' Brexit on the PH&PP and provided an update on representations made by PH&PP to Government and relevant agencies.

The Director of Port Health and Public Protection provided an update on information contained within the report advising that since publication of the papers, the draft agreement had been agreed by the European Union with a vote to take place in Parliament on 11 December 2018 and if this was agreed, the UK would remain part of the customs union for the duration of the implementation period. The Director noted there was continued uncertainty on what deal might be made and officers were continuing to prepare for different scenarios.

In response to a Member's question, the Director of Port Health and Public Protection advised that the throughput at the Ports continued to increase, and as of September 2018, the Port had already exceeded 2017's total level of throughput.

The Director advised that within the City of London Corporation, the Town Clerk has convened a weekly working group with Chief Officers specifically on Brexit and updates would continue to be provided to Committee. The Chairman advised the Committee that subject to Court approval, the Finance Committee had granted a £2M contingency fund to address the financial risks of Brexit.

RESOLVED – That the Committee note the report and its contents.

11. **BANKSY ARTWORK - BARBICAN EXHIBITION HALLS**

The Committee received a report of the Director of Built Environment and the Assistant Town Clerk & Culture Mile Director regarding Banksy Artwork at the Barbican Exhibition Halls. The report addresses the two pieces of Banksy artwork which have appeared, how they have been maintained, the public reception, associated reputation risks to the City of London Corporation, and proposes a solution for the medium-term future.

RESOLVED – That the Committee note the report and its contents.

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

There were no questions.

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

The Chairman drew the Committee's attention to a recent article in the *Evening Standard* pertaining to the "filthiest" restaurants and boroughs in London with regards to hygiene ratings posted on the doors and asked officers for an update.

The Director of Port Health and Public Protection advised that the City had been omitted from the article, noting that 75% of restaurants within the City have a 5-star rating for hygiene, and only 4% have 2-stars or less. A statement has been sent to the *Evening Standard* from the City of London Corporation.

The Director of Port Health and Public Protection advised that the City of London Corporation supports the Food Standards Agency in making it mandatory for restaurants to display hygiene ratings. This issue will be addressed further once more lobbying has been carried out.

14. **EXCLUSION OF THE PUBLIC**

RESOLVED – 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.

| Item | Paragraph |
|------|-----------|
| 15 | 3, 5, 7 |
| 16 | 3, 4 |
| 17 | 3, 5, 7 |
| 18 | 3 |
| 19 | 3 |

15. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes and summary of the meeting held on 25 September 2018 were approved as a correct record.

16. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes and summary of the meeting held on 8 November 2018 were approved as a correct record.

17. **DEBTORS - PORT HEALTH AND ENVIRONMENTAL SERVICES PERIOD ENDING 30 SEPTEMBER 2018**

The Committee received a joint report of the Director of Built Environment, Director of Markets and Consumer Protection and Director of Open Spaces concerning debtors.

18. **WALBROOK WHARF OFFICES**

The Committee received a report of the Director of Built Environment and Director of Markets and Consumer Protection pertaining to the Walbrook Wharf offices fronting Upper Thames Street.

19. **REPORT OF ACTION TAKEN**

The Committee received a report of the Town Clerk pertaining to decisions taken under urgency powers since the last meeting of the Committee.

RESOLVED – That the Committee note the report.

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

There were no questions.

21. **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 12.41 pm

Chairman

Contact Officer: Sacha Than
tel. no.: 020 7332 3419
sacha.than@cityoflondon.gov.uk