

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Planning and Transportation Health and Wellbeing Board	6 March 2018 26 March 2018 15 June 2018 (tbc)
<b>Subject:</b> Consultation and Study of the impact of Saturday Construction Work Activities in the City of London	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision (PHES) For Information (P&amp;T), (H&amp;WBB)</b>
<b>Report author:</b> Steve Blake, Assistant Director Environmental Health and Public Protection	

### **Summary**

At the 19 September 2017 Port Health and Environmental Services Committee (PHES) meeting it was agreed to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> edition. It was also agreed that the City Corporation would undertake a consultation about Saturday working in relation to noisy construction activities.

This report provides an update including some commentary on the likely evidence base and timetable for a decision on the matter being taken by Members.

A draft questionnaire for the consultation process is attached and comments are invited by Members at your meeting and until 13 March 2018.

### **Recommendation(s)**

I recommend that your Committee approves the proposal set out in paragraph 11, subject to any comments received at your meeting.

### **Main Report**

#### **Background**

1. At the 19 September 2017 PHES Committee meeting it was agreed to publish the latest iteration of the City's Code of Deconstruction and Construction Practice (COP), 8<sup>th</sup> edition on 3 October 2017. The COP had been updated to reflect current best practice, guidance and the inclusion of a schedule of monitoring fees for developers to encourage use of the best environmental options in planning and managing construction and deconstruction. It balances the needs of the business City to undertake construction works, with the expectations of residents and neighbouring businesses who want impacts to be minimised. It also reflects the priority placed on mitigating the impact of poor air quality and unwanted sound from construction sites on the health of residents, workers and visitors.

2. The consultation on the draft 8th edition in 2017 included residents, businesses, and neighbouring boroughs. Comments were very supportive of the Code and where critical feedback was received on issues these were about improving guidance, e.g. less intrusive vehicle reversing alarms, requesting a stricter approach and additional resources to help enforce the Code. These suggestions were all included in the new 8th edition which can be found at <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/Pages/Noise-strategy-and-policy.aspx>
3. A suggestion was received for not permitting noisy work from construction sites in or adjoining residential areas on Saturdays. After discussion at the PHES Committee in September and November 2017 it was agreed that the City would undertake a consultation about Saturday working in relation to noisy construction activities. The Committee agreed that 'a further evidence based study on Saturday Morning Working and the impact this has on both Barbican residents and those in residential wards, and the effects on developments along with the legal implications would be prepared and undertaken'. The corollary is that the matter would then be presented as a report to your Committee for decision.

### **Current Position**

4. The Comptroller and City Solicitor has obtained advice from counsel on the consultation process for changing Saturday working, definitions of noisy working, how to approach the issue of exemptions to the restrictions, and how the needs of developers could continue to be met, whilst implementing a new policy. On the scope of the intended consultation, counsel's advice is that whilst the City Corporation has substantially "residential wards" for electoral purposes; given that residential properties are distributed, albeit with varying degrees of intensity and numbers, throughout the City's area, consultation should take place throughout the City. It may be perceived that respondents may be shut out in advance if it is suggested that only certain areas could be subject to a ban. A question inviting general comments *including* alternative options, would however give respondents the opportunity to raise and discuss this issue if they want to.
5. In a similar vein the intention of the consultation is to seek views as widely as possible to ensure a continued 'balanced approach' to the needs of the business City to undertake construction works, with the expectations of residents and neighbouring businesses who want impacts to be minimised, as was done with the 2017 consultation for the COP.
6. In parallel with the proposed consultation evidence is being sought to include in the report to your Committee later this year. The City has been asked to consider the principle of removing/revising the 'standard hours' working arrangements for Saturday mornings. The following evidence has been, or is in the process of being gathered.

#### Data

- Noise complaint data by type (Street works / Construction / Demolition) by day and two-hour time slot including weekday vs weekend, site hours variations

agreed by day, time, type of works, reason for varied hours, site address and contractor from City databases.

- Noise monitoring data provided by a sample of current development sites.
- Air quality monitor data by time and day.

#### Construction Work Programmes

- Collated for each site to include the whole project, 4-week time snapshot and Saturdays utilised within the project window.
- Agreed site hours for each site, extended hours, and varied hours.
- Reasons for site hours, both where extended and varied.

#### Highways data

- Cranes approvals, hours & locations
- Street works permit approvals by day and time.
- Riney's (City street works contractor) programmes.
- Traffic & pedestrian flow data by day time, hour & vehicle type.

#### **Observations -**

- Targeted observations by EHO's/City Officers based on work programmes and variations granted. Video footage will be collated with audio and descriptions.

7. The draft consultation questionnaire has incorporated the advice from counsel and preliminary comments from City Officers across Departments. The draft is attached at Appendix 1. It will be amended to incorporate any comments received from Members at your meeting, or subsequently received by 13 March 2018, with a final version to be agreed by Chairman and Deputy Chairman of your Committee. The advice of counsel on the final document for consultation will be sought prior to the consultation starting.

#### Proposed Timetable

8. Government guidance for consultation best practice is to have consultations open for twelve weeks to ensure adequate time for publicity and for respondents to consider and send their response. It is therefore proposed to launch the consultation immediately after the Easter weekend for twelve weeks to ensure that there is no clash either with Easter or Summer holidays periods.
9. The analysis of responses, and the evidence base being produced in parallel with the consultation, will be collated in the summer recess and the final report for decision will be presented for decision on the first Committee date after the recess, currently 25 September 2018.

10. It is anticipated that the current officer working party, which at present comprises of the Comptroller and City Solicitor, the Port Health and Public Protection Director and the Chief Planning Officer and Development Director and other relevant officers from their services, will be utilised to consider the responses, evidence and any other suggestions received in producing the final report for Members' consideration.

### **Proposals**

11. I propose that, subject to comments received at your meeting, the consultation and evidence gathering are undertaken as set out in this report with a final report submitted for decision by Members in September 2018.

### **Financial Implications**

12. There are no direct financial implications at this stage for consideration as the cost of carrying out this work will be met from existing resources within the Markets and Consumer Protection Department's local risk budget.

### **Corporate and Strategic Implications**

13. The work on the COP sits within the current Corporate Plan: 'To provide modern, efficient and high quality local services, including policing, within the Square Mile for workers, residents and visitors' and the following Key Policy Priority 'KPP2 Improving the value for money of our services within the constraints of reduced resources' For the new Corporate Plan 2018-2023 it will meet all three aims of 'contributing to a flourishing society', specifically that 'people enjoy good health and wellbeing', as well as elements of 'supporting a thriving economy' and 'shaping outstanding environments'.

### **Conclusion**

14. The City Corporation is proceeding with consultation and a parallel evidence gathering with respect to the matter of Saturday working in relation to noisy construction activities, A full report for decision will be presented to PHES Committee after the summer recess.

### **Appendix 1 Draft Consultation Questionnaire**

#### **Contact:**

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### **Appendix 1 Draft Consultation Questionnaire**