

## **MARKETS COMMITTEE**

**Wednesday, 4 March 2015**

Minutes of the meeting of the Markets Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Wednesday, 4 March 2015 at 11.30 am

### **Present**

#### **Members:**

John Scott (Chairman)	Michael Hudson
Hugh Morris (Deputy Chairman)	Jamie Ingham Clark
Alex Bain-Stewart	Professor John Lumley
Nicholas Bensted-Smith	Wendy Mead
Christopher Boden	Deputy Joyce Nash
Karina Dostalova	Graham Packham
Deputy Stanley Ginsburg	Elizabeth Rogula
Alderman Timothy Hailes	Deputy Dr Giles Shilson
Brian Harris	Angela Starling
Tom Hoffman	Patrick Streeter

### **In Attendance**

#### **Officers:**

Steven Chandler	City Surveyor's Department
Andrew Crafter	City Surveyor's Department
Huw Lewis	City Surveyor's Department
Paul Hickson	Comptroller & City Solicitor's
Debbie Howard	Chamberlain
Malcolm Macleod	Superintendent, Billingsgate
David Smith	Director of Markets & Consumer Protection
Julie Smith	Chamberlain's Department
Jon Averbs	Markets & Consumer Protection
Paul Spooner	Markets & Consumer Protection
Julie Zhu	Public Relations Office
Chris Bartson-Umuliisa	Town Clerk's Department
Gregory Moore	Town Clerk's Department

#### **1. APOLOGIES**

Apologies were received from Deputy John Chapman, Christopher Hayward, Deputy Keith Knowles, Edward Lord, Robert Merrett, Adam Richardson, Ian Seaton, James Tumbridge and Mark Wheatley.

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

There were no declarations.

### 3. **PUBLIC MINUTES**

The public minutes of the meeting held on 28 January 2015 were approved as a correct record.

Matters arising:

- The Director of Markets and Consumer Protection updated the committee on sickness absence trends within the Markets department. In a response to a query as to why August and October seemed to have more sickness absence than other months, Members were informed that the HR business partner could not find any underlying trends.
- The Deputy Superintendent at Smithfield Market provided members with an update on occupancy levels. The Committee was informed that 59% of the Poultry Market was currently occupied, whilst a further 12% of available space was the subject of ongoing negotiations. The Superintendent stated that, should all these applications proceed successfully, the total occupancy in the Poultry Market would be 86%.
- The Director of Markets and Consumer Protection updated the Committee on the fruit and vegetable self-surrender process in operation at Spitalfields Market. Members were informed that the City had identified a number of charities and would encourage the tenants association to deal with them directly.
- The Superintendent at Billingsgate Market updated Members on how the fee charges were negotiated for filming/photography at the market, confirming that the use by Harrods had been negotiated as non-commercial following discussion with tenants as it was for use in in-house training videos for staff, rather than for commercial or promotional purposes.

### 4. **TERMS OF REFERENCE**

Members considered and approved the committee's terms of reference, subject to the following amendments:

- That the phrase 'management of all matters' at paragraph (a) be changed to 'oversight of the management of all matters'.

**Resolved** – that the proposed amendment be submitted to the Court of Common Council for the forthcoming year.

### 5. **ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET**

Members received a report of the Director of Markets and Consumer Protection advising on the Enforcement Activity carried out by the Smithfield Enforcement Team during the four month period 1 October 2014 to 31 January 2015.

Two successful funding bids to the Food Standards Agency (FSA) in respect of the FSA's National Co-ordinated Food Sampling Programme 2014/15 and a food standards and traceability project were noted.

An outline of the guidance and training developed for Smithfield traders to assist them in complying with their legal obligations in respect of the new Food Information Regulations 2014 was also provided.

In respect of enforcement under the Health & Safety at Work etc Act 1974, it was noted that there was a reduction in the level of verbal advice given to traders, market customers and self-employed persons.

The Chairman asked what the City's role was when dealing with unsatisfactory product results. The Director of Markets and Consumer Protection informed Members that enforcement responsibility rested with those local authorities where the producers were based and that the City would advise them of any such results. Those authorities would normally take action as a consequence, but the City also had the ability to escalate matters to the Food Standards Agency if it felt insufficient action was being taken.

Members enquired about animal by-product controls, considering an explanation on the difference between produce declared unfit for human consumption and produce which was past its use by date. The Director of Markets and Consumer Protection informed the Committee that the two were not separated for the purpose of this report when counting the kilos of by-product, with any produce past its use by date deemed unfit for human consumption and therefore included in the total calculation. However, he would be happy to look into whether it was possible to obtain the separate figures and advise the Chairman outside the meeting.

The Chairman asked for clarification on whether the position of a temporary officer for the Smithfield Enforcement team was necessary to replace a retired authorised officer. The Director of Markets and Consumer Protection explained that a short term appointment had been made as the entirety of the Corporation's environmental health arrangements were currently under review, and therefore it would have been precipitate to make a permanent appointment until the outcome of this review was known.

The Committee congratulated officers for managing to keep the number of incidents of enforcement requiring a written notice at zero during the 2<sup>nd</sup> quarter of this period.

**Resolved.** That the contents of the report be noted

6. **SMITHFIELD MARKET - CONDENSER WATER COOLING SYSTEM - UPDATE**

Members received a report of the City Surveyor providing an update on the performance of Smithfield Markets' Condenser Water Cooling System, which served Tenants' refrigeration equipment, and the works currently being undertaken to improve the system. The report highlighted that the performance of the condenser water cooling system since the last report in January was satisfactory.

Members asked what the effects of changing the temperature of the water provided to the system to 25°C, up from 20°C, would mean for the City. The City Surveyor explained that a lower temperature incurred higher costs due to the temperature towers working harder to cool the water. Costs would therefore decrease for the City. In response to queries, the City Surveyor explained that the Corporation was not bound to keeping the temperature at 20°C as the original specification for the system suggested a temperature of 28-30°C. In respect of the phasing in of the new water temperature, the City Surveyor agreed that a balance needed to be struck between implementing the change quickly while ensuring due consideration was given to the likely higher general temperature in the summer months.

Members considered what would happen in a few years when maintenance of the system was handed over to the Smithfield's Tenants Association. The City Surveyor assured the Committee that the Tenants were fully aware of the agreement and their future responsibilities over it.

The City would continue to monitor the system closely, and respond to Tenants' requests for advice concerning refrigeration and cooling matters.

Resolved. **That the contents of this report be noted.**

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

**Occupancy Levels at Smithfield Market**

A Member referenced the Deputy Superintendent for Smithfield's update at item 3, seeking clarity on occupancy levels of the Poultry Market and the 14% vacancy rate that the Deputy Superintendent had projected, as well as seeking reassurance that sufficient efforts were being made to achieve a 100% occupancy rate. The Director of Markets and Consumer Protection informed the Committee that some of the space at the Poultry Market was unable to be let, due to accessibility issues or it being used for other purposes. The City Surveyor informed Members that he was working with the Superintendent at the market to ensure all vacant space was let, as well as reviewing the figures so not to include this unlettable space, as this was misleading. The Director of Markets and Consumer Protection agreed to send a written reply to the Member, copying in the entire Committee, with further detail.

**8. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
**Risks**

The Chairman advised that he and the Deputy Chairman had recently attended one of the Audit and Risk Management Committee's challenge sessions, which had focused on the markets. He advised that two red risks had been identified and, as a result of discussions, had agreed with the Director of Markets and Consumer Protection that the Committee should receive a short report at each meeting identifying red risks and any adverse risk movement over the last period.

The Director advised that one of the red risks identified concerned the 200 forklift trucks operating at the Spitalfields market site, with the specific concern being the City's responsibility when these vehicles were driven on common land and highways for which it held responsibility. The accident rate at this site had increased in the last year, but had stabilised recently and a plan had been put in place to mitigate risks. The second red risk concerned large vehicles on the Smithfield Market site and their backing onto the terminals to offload produce, with there being some concern that the bank men who supervised this activity were not being fully provided with the training and supervision necessary. The Superintendent was meeting with the tenants' association to address this issue and mitigate the risk.

9. **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 of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

Item	Paragraph
10 - 15	3

10. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 28 January 2015 were approved as a correct record.

**Resolved.**

11. **CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING THE EASTER PERIOD 2015**

The Committee considered a report of the Director of Markets and Consumer Protection advising that the Smithfield Market Tenants' Association (SMTA) had requested consideration be given once again to a concessionary free parking in the Rotunda car park over the Easter period 2015.

**Resolved: That approval be granted to the implementation of free parking for all drivers using the car park on trading days between the period 2100 on Sunday 29 March until 1200 on Thursday 2 April.**

12. **NON PUBLIC APPENDIX TO THE 'SMITHFIELD WATER CONDENSER COOLING SYSTEM – UPDATE'**

These were the non-public appendices associated with Item No.6 and were considered in conjunction with that item.

**RECEIVED.**

**13. POULTRY MARKET ROOF - UPDATE**

The City Surveyor presented the Committee with a briefing setting out the works needed to put the Grade II listed Poultry Market into sound repair

**Resolved** – That authority be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Markets and Projects Sub-Committees

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

There were no questions.

**15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

**Poultry Market Lettings update**

Members received a report of the City Surveyor, requesting delegated authority.

**Resolved.** Members agreed to delegate authority to the to the Town Clerk, in consultation with the Chairman and Deputy Chairman, the Director of Markets & Consumer Protection, and the City Surveyor.

**Formal Thanks**

Members of the Committee wished to record their sincere thanks and gratitude to the Deputy Chairman for his excellent work.

**The meeting ended at time not specified**

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Chairman

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