

## **MARKETS COMMITTEE**

**Wednesday, 30 September 2015**

Minutes of the meeting of the Markets Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Wednesday, 30 September 2015 at 11.30 am

### **Present**

#### **Members:**

John Scott (Chairman)	Michael Hudson
James Tumbridge (Deputy Chairman)	Edward Lord
Alex Bain-Stewart	Professor John Lumley
Deputy John Barker	Alderman Julian Malins
Nicholas Bensted-Smith	Wendy Mead
Chris Boden	Deputy Joyce Nash
Deputy John Chapman	Graham Packham
Alderman John Garbutt	Chris Punter
Deputy Stanley Ginsburg	Deputy Dr Giles Shilson
Tom Hoffman	Patrick Streeter
Ann Holmes	Mark Wheatley

### **In Attendance**

#### **Officers:**

Steven Chandler	
Andrew Crafter	
Paul Hickson	
Debbie Howard	Chamberlain
Malcolm Macleod	
David Smith	
Julie Smith	
Robert Wilson	
Gemma Stokley	Town Clerk's Department
Kay English	Department of the Built Environment
Carla-Maria Heath	Chamberlain's Department
Huw Rhys Lewis	City Surveyor's Department
Scott Morgan	Town Clerk's Department
Robert Wright	City of London Police
Peter Young	City Surveyor's Department
Graham Potts	Chamberlains

### **1. APOLOGIES**

The Chairman opened the meeting by welcoming Matthew Hill, new Superintendent of Smithfield Market, Graham Potts from Revenue Collection

and Robert Wright from the City of London police to their first meeting of the Markets Committee. He also welcomed Robert Wilson back in his new capacity as Superintendent of New Spitalfields Market.

Apologies were received from Karina Dostalova, Deputy Brian Harris, Deputy Jamie Ingham Clark, Deputy Robert Merrett, Elizabeth Rogula and James De Sausmarez.

**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 22 July 2015 were considered and approved as a correct record.

**MATTERS ARISING**

**Revenue Outturn 2014/15 (page 2)** – The Chairman reported that the minute of the last Markets Committee meeting outlining Members' concerns around the presentation of their Revenue Outturn Reports and requesting that future reports be presented in conventional commercial format with expenditure shown as a negative value (in brackets), rather than in the public sector format had recently been considered by the Finance Committee.

The Chairman reported that, whilst the new Chamberlain had agreed to provide the Revenue Outturn Reports in the format requested by the Markets Committee, the Finance Committee were opposed to this and on the basis that it would create inconsistency between Committees within the Corporation and may lead to confusion for Members of the public when reading Committee papers.

**MOTION** – Mr Lord moved that, as the two Committees were in dispute, this matter be referred to the Policy and Resources Committee. All Members present unanimously seconded this motion.

**RESOLVED** – That, the Policy and Resources Committee be asked to consider the Markets Committee's request regarding the future presentation of its Revenue Outturn Reports.

**Farmers' Market – St Bartholomew's Hospital (page 4)** – In response to a question, the Director reported that the SMTA were adamantly opposed to a Farmers' Market within the grounds of St Bartholomew's Hospital.

The Chairman stated that the organisers were, nevertheless, free to pursue this matter with the City's Planning and Transportation Committee.

4. **MARKETS BUSINESS PLAN UPDATE PERIOD 1 2015/16 (APRIL - JULY)**

The Committee received a report of the Director of Markets and Consumer Protection providing an update on progress against the Business Plan of the Markets Department for Period 1 (April-July) of 2015-16 against key performance indicators (KPIs) and objectives outlined in the Business Plan.

The Chairman reported that there had been additional visitors to the Markets since the report had been produced. The Lord Mayor had visited Smithfield Market on 28 July 2015, the Deputy Mayor of London, Roger Evans, had visited Billingsgate Market on 15 September and the Committee had also visited Billingsgate earlier this morning for which the Chairman, on behalf of all Members, wished to record his thanks to all staff and traders.

The Chairman highlighted that references to 'overtrading' within the report related to traders who were trading outside of their tenanted area. It was requested that this be referred to as an 'encroachment fee' in future reports. In response to a question, the Director stated that simply asking traders to move goods that were placed outside their tenanted areas was not effective. An incentive for traders to comply was therefore required. The Deputy Chairman reported that he had now seen the issue first hand and that this was a real problem. The Chairman asked for further reports on this matter if the encroachment fee did not result in improvements.

In response to questions regarding sickness absence levels, the Superintendent of New Spitalfields Market (and former Superintendent of Smithfield Market) reported that there had been some long-term sickness cases, predominantly within the Constabulary teams at both sites, but that two of the individuals concerned had now returned to work. However, Members were informed that a member of maintenance staff had now gone on long term sick leave and had undergone one operation and was awaiting a further procedure. The member of staff's future employment would need to be considered.

A Member requested that, in future, sickness absence and long-term sickness should be separated out so as to present a clearer picture to the Committee. The Director agreed to report this, as in the past, in a broken out way.

A Member questioned whether members of the Constabulary underwent medical examination before appointment. The Director confirmed that all would be required to complete an Occupational Health form and receive clearance from Occupational Health before taking up employment. He underlined the sensitivity around medical information. A Member stated that there were also restrictions around what questions could be asked of employees in accordance with the Disability Discrimination Act.

In response to further questions, the Superintendent of New Spitalfields Market reported that long term sickness absence could relate to either physical or mental illness and that work as well as many other factors may be contributors to this.

The Chairman requested that sickness absence levels be kept under review and reported back to this Committee periodically.

In response to a question regarding details around the increased charges at Smithfield Market for the new VINCI car park, the Superintendent of Smithfield market undertook to circulate a note to all Members following the meeting, via the Committee Clerk.

In response to a question, the Superintendent of Smithfield Market reported that the filming of ITV's Jekyll and Hyde was charged at a rate of £250 per hour. Members requested that the final fee charged be circulated to all. Members also requested that information on the fees associated with the filming of the Sky production 'Lucy Man' be circulated to all outside of this meeting.

**RESOLVED** – That the Committee notes the content of this report and its appendices.

5. **MARKETS COMMITTEE RISK**

The Committee received a report of the Director of Markets and Consumer Protection providing the Markets Committee with assurance that risk management procedures in place within the Department of Markets and Consumer Protection are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

The Chairman stated that the various risk owners would now be updated to reflect the appointment of the new Superintendents.

With regard to the risk associated with East Poultry Avenue, a Member questioned whether it would be feasible to close this off during trading hours. The Director stated that this would cause huge traffic problems in the surrounding area and reported that the Department of Built Environment were currently exploring other potential solutions including traffic calming measures. The Superintendent of New Spitalfields Market stated that extra consideration would need to be given to forklift trucks using this road as traditional traffic calming measures such as speed humps were not always effective for these type of vehicles.

In response to questions, the Director reported that risks were reviewed by the Senior Management Group on a monthly basis. The annual, fundamental, risk register review was also reported up to the Senior Management Group.

**RESOLVED** – That, Members note the report and the actions taken in the Department of Markets and Consumer Protection to monitor and manage effectively risks arising from the Department's operations.

6. **CHRISTMAS 2015 - SMITHFIELD MARKET TRAFFIC MANAGEMENT PLAN**

The Committee considered a report of the Superintendent, Smithfield Market, updating Members on discussions to implement a comprehensive Traffic

Management Plan at Smithfield Market for the Christmas period 2015 following the success of a similar Plan initiated in 2014.

The Chairman reported that arrangements in place in 2014 had worked well and that he would therefore be reluctant to make any fundamental changes this year.

The Chairman referred to the statement within the report that highlighted that the City of London Police were not currently part of the Community Safety Accreditation Scheme (CSAS) although there were plans to review this position. The Chairman highlighted his concern that this advice had not changed since last year and asked that a resolution be put to the Police Committee requesting that they re-consider the matter and inform Members of progress as soon as possible.

A Member underlined the importance of properly differentiating between HGVs and LGVs as these were no longer commonly used terms. Whereas H for Heavy and L for Light was previously common, the approach now is L for Large and S for Small.

**RESOLVED –** That, Members:

- Approve the Final Traffic Management Plan; and
- Agree to fund the additional traffic control measures such as the appointment of private stewards outlined in the report from either the projected underspend on Smithfield Central Risk budgets or from a reduction in any concessionary car parking measures by one week.

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

There were no questions.

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

**Strategic Review of Markets**

The Chairman asked the Director to initiate a strategic review of the City's Markets. He underlined the importance of looking at the long term future of these Markets.

Members were supportive of this suggestion and stated that it would be crucial to engage also all stakeholders and tenants in the review.

**SMTA Protocol Letter**

The City Surveyor reported that the Comptroller and City Solicitor was in receipt of a formal letter of claim dated 21 September 2015 from Kidd Rapinet solicitors acting on behalf of the SMTA with regard to the Poultry Market dilapidations. Members were informed that the letter contains three requests:- first that receipt of the letter be acknowledged within seven business days, second that the City agree to the report of their building surveyor and third that a clear start date for the historical repairs is provided.

The City Surveyor went on to report that the Comptroller and City Solicitor had already formally acknowledged receipt of the letter and that the report of the building surveyor was currently being reviewed. The Committee were informed that a full response to the letter was required within 28 days of receipt (19 October).

#### **National Association of British Market Authorities (NABMA)**

The Chairman, on behalf of the Committee, congratulated the Director of Markets & Consumer Protection on being presented with the Krys Zasada award for his outstanding contribution to the Markets industry, nationally through NABMA and internationally through the World Union of Wholesale Markets. The award was displayed at the meeting.

#### **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:-

<b>Item</b>	<b>Paragraph</b>
<b>10 - 12</b>	<b>3</b>
<b>13</b>	<b>2 &amp; 3</b>
<b>14</b>	<b>3, 5 &amp; 7</b>
<b>15 - 16</b>	<b>3</b>

#### **10. NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 22 July 2015 were considered and approved as a correct record.

#### **11. POULTRY MARKET - UPDATED GATEWAY 3 OPTIONS REPORT**

The Committee considered an updated Gateway 3 options report of the City Surveyor relative to the Poultry Market. Several of the recommendations were approved and one deferred to a meeting of the Reference Sub Committee with power to act.

#### **12. POULTRY MARKET LETTING STRATEGY**

The Committee considered a report of the City Surveyor regarding the Poultry Market Letting Strategy. This matter was referred to the Markets Reference Sub Committee for further consideration with power to act.

#### **13. TENANCIES AT WILL AND ASSIGNMENTS**

The Committee received a report of the Director of Markets and Consumer Protection on Tenancies at Will that have been granted at the City of London's Wholesale Markets and on lease assignments.

#### **14. DEBT ARREARS MARKETS - PERIOD ENDING 30TH JUNE 2015**

The Committee received a report of the Director of Markets and Consumer Protection informing Members of invoiced income raised and outstanding as at 30<sup>th</sup> June 2015.

**15. RECOVERING THE COSTS OF ADMINISTERING DEBT AT THE MARKETS**

The Deputy Chairman was heard relative to recovering the costs of administering debt at the Markets.

**16. CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING THE CHRISTMAS PERIOD 2015**

The Committee considered and approved a report of the Superintendent, Smithfield Market relative to concessionary parking at Smithfield Market during the Christmas Period 2015.

**17. SMITHFIELD COOLING SYSTEM**

The City Surveyor was heard relative to the Smithfield Cooling System.

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

Questions relating to Spitalfields Market renewal lease terms and the Billingsgate Market fraud case were raised.

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

Items regarding the SMTA Protocol Letter received and the 2016 annual Markets Committee Dinner were raised.

**The meeting ended at 1.15 pm**

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Chairman

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