

Markets Committee

Date: **WEDNESDAY, 5 MARCH 2014**

Time: 11.30 am

Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members: Hugh Morris (Chairman) Professor John Lumley

Michael Hudson (Deputy Chairman)

Alex Bain-Stewart Christopher Boden

Alderman Charles Bowman Deputy John Chapman Karina Dostalova John Fletcher

Deputy Stanley Ginsburg Ian Seaton

Alderman Timothy Hailes

Brian Harris

Christopher Hayward

Tom Hoffman Ann Holmes

Deputy Alastair King Deputy Keith Knowles

Edward Lord

Deputy Dr Giles Shilson

Angela Starling Patrick Streeter James Tumbridge

Wendy Mead

Chris Punter

Robert Merrett

Deputy Joyce Nash

Graham Packham

Elizabeth Rogula

Adam Richardson

Deputy Michael Welbank

Mark Wheatley Vacancy

Enquiries: Rakesh Hira

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Lunch will be served in the Guildhall Club at 1pm

John Barradell **Town Clerk and Chief Executive**

AGENDA

Part 1 - Public Agenda

- 1. APOLOGIES
- 2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA
- 3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 29 January 2014.

For Decision (Pages 1 - 6)

4. ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET

Report of the Director of Markets and Consumer Protection.

For Information (Pages 7 - 16)

- 5. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 6. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT
- 7. EXCLUSION OF THE PUBLIC

MOTION - 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 Part I of Schedule 12A of the Local Government Act.

Part 2 - Non-Public Agenda

8. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 29 January 2014.

For Decision (Pages 17 - 20)

9. OUTLINE OPTIONS APPRAISAL - REPAIR OF THE POULTRY MARKET AND INCOME GENERATION OPPORTUNITIES

Joint report of the Director of Markets and Consumer Protection and the City Surveyor.

For Decision (Pages 21 - 32)

10. CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING THE EASTER PERIOD 2014

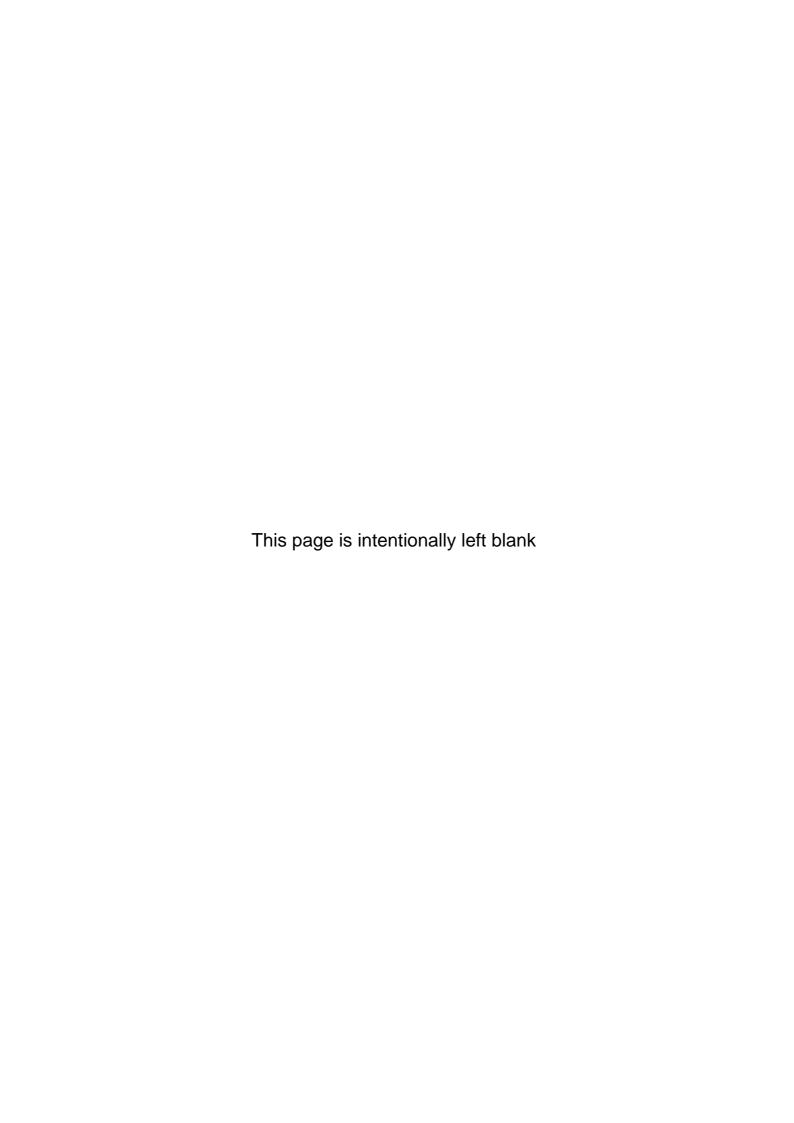
Report of the Superintendent of Smithfield Market.

For Decision (Pages 33 - 36)

11. **SMITHFIELD MARKET – CONDENSER WATER COOLING SYSTEM** Report of the City Surveyor.

For Information (Pages 37 - 40)

- 12. NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED



MARKETS COMMITTEE

Wednesday, 29 January 2014

Minutes of the meeting of the Markets Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall, EC2 on Wednesday, 29 January 2014 at 11.30am

Present

Members:

Hugh Morris (Chairman) Deputy Alastair King

Michael Hudson (Deputy Chairman) Edward Lord

Alex Bain-Stewart
Christopher Boden
Alderman Charles Bowman
Deputy John Chapman
Chris Punter

Adam Bishardaan

Karina Dostalova Adam Richardson

John Fletcher Deputy Dr Giles Shilson

Deputy Stanley Ginsburg
Alderman Timothy Hailes
Brian Harris
Angela Starling
Patrick Streeter
James Tumbridge

Tom Hoffman Deputy Michael Welbank

Ann Holmes Mark Wheatley

Officers:

Sean Cable Town Clerk's Department
Julie Smith Chamberlain's Department
Debbie Howard Chamberlain's Department

Paul Hickson Comptroller & City Solicitor's Department
David Smith Director, Markets & Consumer Protection
Malcolm Macleod Markets & Consumer Protection Department
Nigel Shepherd Markets & Consumer Protection Department
Robert Wilson Markets & Consumer Protection Department
Jon Averns Markets & Consumer Protection Department

Andrew Buckingham Public Relations Office
Julie Zhu Public Relations Office

1 APOLOGIES

Apologies were received from Christopher Hayward, Deputy Keith Knowles, Wendy Mead, Robert Merrett, Elizabeth Rogula and Ian Seaton.

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 20 November 2013 were approved as a correct record.

4. MARKETS BUSINESS PLAN UP-DATE PERIOD 2 2013/14

A report of the Director of Markets & Consumer Protection provided an update on the progress against the Business Plan of the Markets Department for Period 2 (August - November) 2013-14 against key performance indicators (KPIs) and the objectives outlined in the Business Plan.

Members noted that the Markets & Consumer Protection Department had, to date, underspent in 2013/14 by £169k against an overall local risk budget of £1.1 million. The Department was forecast to underspend by £130k by the end of the financial year. The Committee was informed of how the underspend was distributed across City Fund and City Cash respectively.

The Director of Markets & Consumer Protection advised the Committee that the reasons for the current budget position at the end of November 2013 was largely due to balancing charges proving less that had originally been projected for Citigen costs (combined heat and power) for the years 2010-2013. Underspent funds would be subsumed within the capped service charge income at Smithfield Market. It was anticipated that the better than budget position would continue until the end of the financial year.

In discussion, Members queried the lower recycling figures at Smithfield Market compared with those at Spitalfields and Billingsgate markets. The Committee heard from the Superintendent of Smithfield Market that the new recycling regime had been newly implemented and the low numbers would relate to a large degree to the volume of trade. Further, many materials (such as cardboard) were ineligible for recycling if they were bloodstained.

The Committee, in response to a Member's question, was informed by the Superintendent of Billingsgate Market that high pre-tender costs estimate at Billingsgate were due to an overestimate of how much that particular exercise would cost.

RESOLVED – That:

- I. the contents of the report be noted.
- II. Appendix C of the report (Market Key Risks) be added to the Corporation's Risk Register.

5. CHRISTMAS 2013 - SMITHFIELD MARKET TRAFFIC MANAGEMENT PLAN UPDATE

A report of the Superintendent of Smithfield Market which updated Members on the outcome of the 2013 Christmas Traffic campaign was considered.

The Superintendent explained that a de-brief meeting was held with all interested parties on 28 January 2014 to discuss all aspects of the campaign and improvements for future campaigns were identified. The meeting was well-attended and positive, with the Chairman present to voice concerns about traffic problems and to explain the gridlock that had occurred throughout the Christmas period. The Superintendent stated that following the meeting on the

28 January 2014, a further meeting had been organised for 11 February 2014 at which a more substantial plan of action would be drafted. The plan would be submitted to the Committee at its July 2014 meeting.

The Chairman updated the Committee, explaining that it had taken an hour to get through traffic in the area on one particular occasion and it was therefore suggested that, for Christmas 2014 there might be a need to introduce temporary traffic orders to ease congestion.

Responding to a question from a Member, the Superintendent of Smithfield Market explained that Christmas 2013 had seen more traffic problems than previous years. The reasons for this were due to a combination of factors, namely, an increase in the level of business and delivery traffic delays owing to problems elsewhere, which meant that supply vehicles were caught in rush hour traffic.

RESOLVED – That:

I. Some thought be given to the temporary traffic order arrangements ahead of Christmas 2014.

6. CORPORATE GOVERNANCE - SCHEME OF DELEGATIONS AND STANDING ORDERS

A report of the Town Clerk relative to the Scheme of Delegation relating to the Director of Markets and Consumer Protection.

The Committee heard that the Scheme of Delegations to Chief Officers had recently been reviewed and a number of changes were proposed to reflect changing legislation, corporate policy and operational requirements.

The Chairman noted that only the first four delegations listed in Appendix 1 (functions delegated to the Director of Markets & Consumer Protection) came under the purview of the Committee.

RESOLVED – That:-

- Subject to the approval of the Policy and Resources Committee of the overall Scheme of Delegation, the delegations relating to the Director of Markets and Consumer Protection as set out in Appendix 1 be approved; and
- II. Members note the proposed amendment to Standing Orders relating to the declaration of operation property assets which are surplus to requirements.

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

BBC Filming at Billingsgate Market

A question was raised by a Member regarding a documentary being produced by the BBC regarding Billingsgate Market. Members were keen to ensure that the Committee was feeding in to the programme in some way.

The Superintendent of Billingsgate Market explained that the programme in question was in fact centred on one individual trader and was not relating to the work of the Committee. Consequently, there wasn't any scope for the Committee to have or monitor involvement.

8. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT Letter to the Smithfield Market Tenants' Association

The Chairman drew the Committee's attention to a letter that had been sent to the Smithfield Market Tenants' Association (SMTA) from a Common Councilman supporting a motion to relocate Smithfield Market outside of the City.

The Chairman requested that in the future, the Chairman and Deputy Chairman of the Committee should have sight of such correspondence prior to it being sent.

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	3
11	3, 5 & 7
12 - 15	3
16 - 17	-

10. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 20 November 2013 were approved as a correct record.

11. DEBT ARREARS MARKETS - PERIOD ENDING 31.12.2013

A report of the Director of Markets and Consumer Protection was considered and agreed.

12. SMITHFIELD MARKET - CONDENSER WATER COOLING SYSTEM - UPDATE

The Committee received a report of the City Surveyor.

13. SMITHFIELD MARKET - POULTRY MARKET LETTING OF STALL 203

A joint report of the Director of Markets and Consumer Protection and the City Surveyor was considered and agreed.

14. TENANCIES AT WILL GRANTED

A report of the Director of Markets and Consumer Protection was received.

15. **DECISIONS TAKEN UNDER DELEGATED AUTHORITY**

A report of the Town Clerk was received.

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

There were no questions.

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

There were no urgent items.

The meetin	g ended a	at 12.45pm
Chairman		.

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sean.cable@cityoflondon.gov.uk

Agenda Item 4

Committee(s):	Date(s):	
Markets Committee	5 March 2014	
Subject: Enforcement Activity at Smithfield Market		Public
Report of: Director of Markets & Consumer Protection		For Information

Summary

This report advises your Committee of Enforcement Activity carried out by the Smithfield Enforcement Team within my Department, and the Food Standards Agency, at Smithfield Market during the four month period from 1st October 2013 to 31 January 2014.

It also provides updated information on the Food Standards Agency's (FSA) National Co-ordinated Food Sampling Programme 2013-14 in which the City of London Corporation is participating; information on the on-going City of London Corporation / Food Standards Agency joint initiative regarding food delivery vehicles that visit Smithfield Market.

The Food Standards Agency's (FSA) Lead Veterinarian has reported that there has been an increase in the number of enforcement actions taken during the period in line with the hierarchy of enforcement.

In respect of enforcement under the Health & Safety at Work etc Act 1974, it should be noted that there has been a decrease in the level of verbal advice given to traders; however the number of verbal advices given to market customers has increased.

Recommendations

I recommend that your Committee notes the content of this report.

Main Report

Background

1. This is the thirty first such report submitted to your Committee. The attached table (Appendix 1) gives a more detailed breakdown of health and safety enforcement activity for the four month period, but without releasing the names of tenants to whom warnings were issued. The table (Appendix 2) shows the health and safety enforcement activity over a twelve month period. Food Standards Agency enforcement action is shown in the attached table (Appendix 3).

Current Position

2. Members will be aware from the report considered on 20 November 2013 that the City of London Corporation has been award £28,370 from the Food Standards Agency to undertake a food sampling programme at Smithfield Market, in respect of a wide range of manufactured meats and minced meat products, to verify compliance with compositional standards and species authentication as part of a National Co-ordinated Food Sampling Programme. The programme has been running from June 2013 and ends in March 2014. In respect of Smithfield, the programme aims to analyse a total of 70 samples.

Since November 2013 my officers have taken a further 18 samples which have been analysed by the Public Analyst. Currently the results for these samples indicate that nine have been found to be satisfactory, and three have failed. One sample failed because its meat content was below the 75% stated on the label and that an additive had been wrongly described in its list of ingredients; another sample failed because the quantitative declaration for the characterising ingredient (pork) had not been included in the list of ingredients on the label and the other failed because the labelling information on the product was entirely in a foreign language (French). The Food Labelling Regulations 1996 require that prescribed information is given in English. The manufacturers of the failed products in addition to the home local authorities, (i.e. the local authority that has enforcement responsibility for the producers) and the traders on Smithfield Market have all been written to and advised of the failures. A final update will be provided in future reports.

Members should note that the results of all food samples taken by my officers at Smithfield are entered onto the Food Standards Agency's United Kingdom food surveillance system (UKFSS) national food sampling database.

- 3. The joint initiative between officers of the Smithfield Enforcement Team and the Food Standards Agency in relation to food delivery vehicles that visit Smithfield Market has continued. Members will be aware from the report considered on 20 November 2013 that the initiative is currently at Phase 3, where my officers are liaising with the appropriate local authorities in England and Wales. To date twenty five local authorities have been written to seek confirmation that these businesses are registered with them and currently seventeen replies have been received. Twelve local authorities have confirmed that they are aware of these businesses and five have advised that they have no knowledge of these businesses and will be making further investigations. A further update will be provided in future reports.
- 4. Over the four month period from 1 October 2013 to 31 January 2014 formal and informal enforcement has continued under the Health and Safety at Work etc. Act 1974. Formal enforcement is detailed in paragraph 7 and informal action in paragraph 8. Members will be aware from the report of 20 November 2013 that formal enforcement has been reinstated following the publication of the National Local Authority Enforcement Code in May 2013. The Code states that at premises where high risk activities such as workplace transportation, working at height, and the use of cutting and lifting equipment takes place, these premises will continue to be subject to proactive inspection. These high risk activities are all undertaken at Smithfield Market. Prior to publication of the code, formal auditing of businesses management systems was temporarily suspended.

Food Standards Agency Action

5. The FSA's Lead Veterinarian has advised that during the period 1 October 2013 to 31 January 2014 the following actions have been taken against traders:

789 enforcement actions have been taken by the FSA during the period these were:

- On 693 occasions verbal advice was given to traders, of which 16 relating to Animal by Product controls
- 80 written advices given to traders, including 1 letter relating to Animal by Product deficiencies
- On 9 occasions verbal advice was given to the City of London Corporation, 1 of which related to Animal by Product deficiencies

- 1 written advice was given to the City of London Corporation.
- 6. Other relevant actions during this period:
 - There have been no temperature issues during this current period. However the Food Standards Agency is seeking assurance from the City of London Corporation that the water flow will be sufficient when the warmer weather arrives. A meeting was held on 13 February 2014 at which the City Surveyor's Principal Engineer briefed the Food Standards Agency's Contractor (Eville and Jones) on the work underway on the condenser water system and reassured them that this should prevent problems in the future.
 - 6 non-compliances were raised in respect of 6 consignments arriving at Smithfield from different abattoirs in England.
 - Liaison meetings between the City Corporation and the Food Standards Agency continue to be held every six weeks.
 - There has been an increasing practice of customers and market workers not wearing adequate personal protective equipment in service areas despite advice on the issue.
 - Improvements have been made on the traceability of products left in common areas due to action taken by the traders.

Formal Action

- 7. Since November 2013 my officers in the Smithfield Enforcement Team have taken the following actions:
 - Ten companies received written advice in respect of failure to implement a health and safety management system, following an audit.

Informal Action

- 8. My officers in the Smithfield Enforcement Team have taken the following action:
 - Verbal advice was given on 223 occasions (traders, self-employed and customers to the Market) for health and safety infringements, e.g. not wearing personal protective equipment.

Overall there has been a decrease in compliance on the market. However of the 223 verbal advices given in this period only 48 involved traders, but 150 involved customers, and 25 involved the self-employed.

9. Food Hygiene enforcement is governed by the FSA under the Compliance Code for Regulators. It will continue to be applied to Food Business Operators in the Market. This code is also applied when undertaking Health & safety enforcement, along with the Public Protection Service Policy Statement on Enforcement, as this is a statutory duty of the City.

Conclusion

Over the last reporting period there has been an improvement in the number of occasions that verbal advice was given to market traders in respect of health and safety compliance. However there has been an increase in the number of occasions that verbal advice was given to market customers.

Background Papers:

Please note: the autonomous numbering system used for the stalls in Appendices 1 and 2

now differs from Appendix 3. The Food Standards Agency has imposed its own autonomous numbering system (Appendix 3) which is different from that used by the City's enforcement team for health and safety enforcement

activity.

Appendix 1: Table showing breakdown of health and safety enforcement activity during

the four month period of 1 October 2013 to 31 January 2014 (inclusive).

Appendix 2: Comparison table showing health and safety enforcement activity summary

for the period 1 October 2012 to 30 September 2013.

Appendix 3: Table showing breakdown of Food Hygiene enforcement activity during the

period 1 October 2012 to 30 September 2013 (inclusive).

Appendix 4: Summary and key findings of the National Audit Office report on Food Safety

and Authenticity in the Processed Meat Supply Chain 10 October 2013.

Contact:

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HEALTH & SAFETY ENFORCEMENT ACTIVITY SUMMARY FOR LONDON CENTRAL MARKETS 1 October 2013 to 31 January 2014

- 1. Health & Safety Management System relates to breaches of: The Management of Health & Safety at Work Regulations 1999
- 2. Defective work equipment relates to breaches of: The Provision and Use of Work Equipment Regulations 1998
- 3. Health & Safety Advice relates to breaches of: The Personal Protective Equipment at Work Regulations 1992

Stall	Verbal advice	Written advice	Formal Notices	Referred for Investigation and possible prosecution	Reason
5	3				Health & Safety Advice
6	2	1			Health & Safety Management System
7	1	1			Health & Safety Management System
8	1				Health & Safety Advice
10	2				Health & Safety Advice
12	1	1			Health & Safety Management System
17		1			Health & Safety Management System
18	2				Health & Safety Advice
19		1			Health & Safety Management System
24		1			Health & Safety Management System
27		1			Health & Safety Management System
28	5				Health & Safety Advice
30	2				Health & Safety Advice
31	7				Health & Safety Advice
32	1				Health & Safety Advice
33	0				Health & Safety Advice
34	1	1			Health & Safety Management System
35	1				Health & Safety Advice
36	1				Health & Safety Advice
37	3				Health & Safety Advice
38	3				Health & Safety Advice
40	6	1			Health & Safety Management System
44	2	1			Health & Safety Management System
45	4				Health & Safety Advice
TOTAL	48	10			Health & Safety Advice
Combination of Market tenants, customers & self-employed	223				Health & Safety advice

Each company has been allocated a number, so that the above information remains confidential. The number allocated to the company will remain the same in each period, and this will demonstrate whether companies are improving or whether they are continuing to fail to comply with the Regulations.

HEALTH SAFETY ENFORCEMENT ACTIVITY SUMMARY SMITHFIELD MEAT MARKET - 1 FEBRUARY 2013 to 31 JANUARY 2014

The following information shows the breakdown of the enforcement activity. Each company has been allocated a number, so that the information remains confidential. The number that has been allocated to the company remains the same, and this will demonstrate whether companies are improving or whether they are continuing to fail to comply with the Regulations.

Key A: Verbal advice C: Formal notices

B: Written advice D: Recommended for prosecution

Stall	Fel	o 13 to	о Мау	13	June 13 to Sept 13				Oct 1	TOTAL			
	Α	В	С	D	A B C D				Α				
1					7.					В	С	D	0
2	3				3								6
3					3				0				3
4					2								2
5	2				8				3				13
6					Ŭ				2	1			3
7					2				1	1			4
8					1				1				2
9					'				'				0
10									2				2
11													0
12	3				1				1	1			6
13					-				<u>'</u>	-			0
14					2								2
15	3				6								9
16	3				1								1
17					- 1					1			1
18					3				2				5
19					3					1			1
20													0
21													0
22	1												1
23	-												0
24					4					1			5
25													0
26													0
27										1			1
28	3				6				5				14
29					J				Ŭ				0
30	1				1				2				4
31	3				12				7				22
32	2				13				1				16
33	1				1				0				2
34									1	1			2
35					5				1	- 1			6
36					Ĭ				1				1
37	1								3				4
38	2				6				3				11
39													0
40	2				3				6	1			12
41										'			0
42	4												4
43	7												0
44					2				2	1			5
45	1				1				4	'			6
46													0
TOTAL	32	0	0	0	86	0	0	0	48	10	0	0	176
	<i>72</i>	v	_		33	J			75			_	1,0

FSA ENFORCEMENT ACTIVITY SUMMARY - SMITHFIELD MEAT MARKET 1 FEBRUARY 2013 - 31 JANUARY 2014

The Food Standards Agency has imposed its own autonomous numbering system which is different from that used by the City's enforcement team for Health and Safety enforcement activity.

The following information shows the breakdown of the enforcement activity. Each company has been allocated a number, so that the information remains confidential. The number that has been allocated to the company remains the same, and this will demonstrate whether companies are improving or whether they are continuing to fail to comply with the Regulations.

Key A: Verbal advice C: Formal notices

B: Written advice D: Detention of food notices/Agreement to destroy food

Stall	Feb	13 to	May 1	13	Jun	June 13 to Sep 13				t 13 to	TOTAL		
	Α	В	С	D	Α	В	С	D	Α	В	С	D	
1	12				1				8				21
2	26	6	1		21				13	5			72
3	15				30				22	5			72
4	6	2			16				1	1			26
5	7				8				11	3			29
6	6				16	1			19	3			45
7	3			1	2				3				9
8	8				19	2			14				43
9	1				7				8				16
10	8			1	6				7				22
11	5				12				14	3			34
12	8				25			2	23	6			64
13	11				16	1		1	10	1			40
14	5				11				6	2			24
15	10				16				12	6			44
16	17				14	2			8	4			45
17	4				23				6	3			36
18	5				14				6	1			26
19	10				12				15				37
20	2				13	3			8				26
21	9				7	3			7	2			28
22	16				34				28	2			80
23	24				16				17	2			59
24	14				36				39	2			91
25	3				10				7	2			22
26	10	1			21				19	2			53
27	5				16	2		3	8	2			36
28	6				23	1			35	4			69
29	9				12				19				40
30	2				7				1				10
31	12	5			17	1		2	35				72
32	6	2			21	4			14				47
33	11				4				4				19
34	22	4			22	3		2	30				83
35	10				4				3				17
36	11				16			1	17	2			47
37	22	2			27	7			23	8			89
38	23				21	3			31	3			81
39	11	2			20	2			14	2			51
40	7				9				11				27
41	11				13				15	2			41
42	1				7				3				11
43	6	2			14	1			19	2			44
TOTAL	420	26	1	2	659	36	0	11	613	80	0	0	1848

Agenda Item 8

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 11

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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