

MARKETS COMMITTEE

Wednesday, 2 March 2016

Minutes of the meeting of the Markets Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Wednesday, 2 March 2016 at 11.30 am

Present

Members:

John Scott (Chairman)	Ann Holmes
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 Robert Merrett
Deputy John Chapman	Deputy Joyce Nash
Alderman John Garbutt	Graham Packham
Deputy Stanley Ginsburg	Chris Punter
Deputy Brian Harris	James de Sausmarez
Tom Hoffman	Angela Starling
Michael Hudson	Patrick Streeter
Deputy Jamie Ingham Clark	

In Attendance

Gemma Stokley	- Town Clerk's Department
Caroline Al-Beyerty	- Chamberlain's Department
Debbie Howard	- Chamberlain's Department
Paul Hickson	- Comptroller and City Solicitor's Department
Steven Chandler	- City Surveyor's Department
Andrew Crafter	- City Surveyor's Department
Nicholas Sommerville	- City Surveyor's Department
David Smith	- Director of Markets and Consumer Protection
Matthew Hill	- Smithfield Market Superintendent
Malcolm Macleod	- Superintendent, Billingsgate Market
Ben Milligan	- Superintendent, New Spitalfields Market
Donald Perry	- Markets and Consumer Protection Department

1. APOLOGIES

Apologies for absence were received from Karina Dostalova, Elizabeth Rogula, Ian Seaton, Deputy Dr. Giles Shilson, David Thompson 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 27 January 2016 were considered and approved as a correct record.

MATTERS ARISING

Frequency of Meetings and Terms of Reference (page 2) – In order to clarify a point raised at the last meeting the Town Clerk reported that, in Summer 2011, the Director's responsibilities were widened and his title changed from Director of Markets to Director of Markets and Consumer Protection. In response to this, and a recommendation that relevant Committees look to see how they could encourage more 'joined up work', the Markets, Licensing and Port Health and Environmental Services Committees all agreed, in January 2013, that their terms of reference would be amended to state that the appointment of the Director would be made in consultation with each other. At no stage was there any reference to any one of the three Committees taking precedence in terms of managing the appointment process.

A Member, also Deputy Chairman of the Establishment Committee, confirmed that, in cases where a Chief Officer reports to more than one Committee, the appointment panel would be chaired by the Chairman of the Establishment Committee in accordance with the Appointment of Chief Officer rules.

In response to questions, the Town Clerk confirmed that the Committee's current terms of reference were correct and fit for purpose as they ensured that this Committee had a say in the appointment of any future Directors.

Smithfield Market Christmas Traffic Plan Review (page 4) – The Superintendent of Smithfield Market reported that he had spoken to the Indigo Car Park Manager who had confirmed that, when the car park was open free of charge, the barrier remained in the up position. The barrier was only closed when the car park started to fill up in order to maintain a flow of traffic.

The Chairman reported that a further report on car parking charges would be brought to the Committee in May 2016.

Billingsgate (page 5) – In response to a question regarding the imminent retirement of the Chief Fish Inspector, the Director reassured Members that there would still be a significant Worshipful Company of Fishmongers presence on site but that it was not yet known if the Inspector would be replaced.

4. **MARKETS COMMITTEE RISK**

The Committee received a report of the Director of Markets and Consumer Protection providing Members 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 requested that any actions already completed be removed from the Risk Register and that, if an action was still ongoing, the dates assigned to these be revised so that no dates were in the past.

The Chairman went on to question why there was no comment provided against Action No. MCP-3M 003b (Repaint Road Markings). The Superintendent of Smithfield Market reported that the actions for this risk are owned by the Department for the Built Environment (DBE). The Superintendent has been liaising with DBE to progress these actions. Some improvements had been made recently and it was hoped that this work would be complete by December 2016.

A Member questioned why there were no actions assigned to Risk no. MCP-SM 002 (Cooling Towers) and how officers therefore expected to lower the risk in this area. Another Member questioned why there were two separate risks assigned to the cooling towers. The Head of Business Performance, Markets and Consumer Protection, reported that the second risk related to the chemical treatment of the water within the towers.

A Member questioned why, within the Summary of Key Risks, it stated that if risk MCP-SM 002 (Cooling Towers) were to be realised it would result in prosecution, a fine and reputational damage for the City as other risks stated only that this could be the case. The Director stated that he would prefer for the summary to be amended to could in line with the other risks.

In response to further questions, the Director reported that the treatment of the water within the cooling towers and others across the City was taken very seriously and that a whole programme of work around this was in progress.

In response to a question regarding the Risk associated with the Cooling water failure and when this would next be reviewed, the Superintendent of Smithfield Market clarified that Officers were and had been reviewing this. He added that an indicative timetable on this had recently been received from City Surveyors and was now being discussed with the Smithfield Market Tenants Association (SMTA).

5. **SUPERINTENDENTS' ORAL UPDATES**

The Superintendents were heard relative to current issues at each of their sites.

Billingsgate

Car Parking

The Superintendent reported that in excess of £400k of income had been generated by the car park this financial year. He reported that a permit system was currently in place. Members were informed that car park users had previously been permitted to pay for parking via mobile phone but there had been some problems with this. Automatic Number Plate Recognition technology had recently been introduced to the site. This would allow officers to specifically target people with penalty charges.

Finally, the Superintendent confirmed that online renewals were to be introduced in the near future.

Early Trading

The Superintendent reported that this was a matter of concern to market tenants. Trading at the site commences at 4.00am, however, some were trading ahead of this. Members were informed that Tenants had called a meeting to rule that there should be no trading on site before 4.00am and had since issued a notice to all along these lines. They were therefore currently policing this matter amongst themselves.

Waste Dumping

The Superintendent reported that waste dumping, of polystyrene boxes and trays in particular, was an issue at the market. He reported that vehicle registration was being logged to monitor and tackle the problem and that Officers were hoping to hold a meeting with Tower Hamlet's Environmental Health team in the near future to discuss how best to tackle this going forward.

Smithfield

Condenser Water System and Pumps

The Superintendent reported that this had been identified as one of the top three areas for him to manage and control following his appointment. He went onto report that he was currently working alongside colleagues in the City Surveyor's to replace the pumps. Members were informed that this was the most pressing issue at the market for both officers and tenants at present.

SMTA Meetings

The Superintendent reported that he had developed a positive working relationship with the SMTA and that some fruitful meetings had recently taken place. He informed the Committee that they were now looking to 'wind down' the Joint Specification Committee Meetings as a number of items were 'ticked off' of the list of service specifications to agree.

Waste

The Superintendent reported that a review of waste was being undertaken and that officers had recently emailed the SMTA regarding the use of cardboard cages and incentives around this. Officers would now be looking at other recycling opportunities and at littering on the site.

Deputy Mayor of London Visit

The Committee were informed that the Deputy Mayor of London had recently visited Smithfield Market at the invitation of the SMTA – unfortunately, the Superintendent had not been given any notice of this visit. The Superintendent stated that he had since received an apology for this oversight and had now also been invited to attend a number of follow up meetings.

New Spitalfields

Forklift Trucks

The Superintendent reported that, following receipt of the 'Labyrinth Report' there was no intention to ban fork lift trucks on site but that a barrier system would be introduced to control the exposure of the public/pedestrians to the trucks. There were some concerns regarding space but these were currently being looked at. The Superintendent went on to report that a compound would

be provided to a forklift training provider – the Market were now looking to appoint one provider to ensure consistency across the board.

In response to questions from the Deputy Chairman, the Superintendent confirmed that the review of forklift trucks on site would also include the potential to change all trucks from diesel to electric. With regard to the appointment of a single forklift training provider, the Superintendent reported that he was currently engaged with a company to have a presence on site. The training provider had been selected from a choice of four. He stated that he would be actively seeking feedback from the tenants on the level of training provided. He clarified that, at present, the training provider had not been engaged for any period of time and was not a formal agreement. Nor was there a plan to review the preferred provider. The Superintendent was asked to consider this.

Opening Times

The Superintendent reported that the market's opening times had last been reviewed in 2002. He added that it was now proposed that HGV's on the site be controlled after midnight with a grace period of 2 hours for them to offload before the market opened at 2.00am. The idea being to avoid the market becoming a 'lorry park'. The enforcement aspects of this would need to be looked at with the market constabulary.

Barrier System

The Superintendent reported that he was currently looking at a new entry barrier system via Procurement and that a full report would be presented to this Committee in due course. He stated that he envisaged a five barrier system where vehicles were required to pay the full charge on entry. There would be a set rate for cars using the site for 24 hours with HGV's charged according to a timed system.

Members were informed that Automatic Number Plate Recognition was already operational on site.

Self-Surrender

The Superintendent stated that he was proposing that the monthly threshold for waste per tenant be abolished and that a fee be set for self-surrender. The Committee were informed that, at present, tenants were permitted a monthly level of waste beyond which they are charged. However, some tenants currently had larger allowances than others and this had created an issue. The concern was that some tenants could, potentially, become traders in waste.

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

Strategic Review of the Markets

A Member questioned when the Committee would receive a report and policy on, amongst other things, the possible relocation of some of the City's Markets. He stated that he felt it was important to have a plan/policy in place before consulting on this and added that this was how other agencies tended to approach matters such as these.

The Chairman stated that he felt there was a danger in having any pre-conceived ideas before consultation.

A Member stated that it was good governance to consult on the matter first and to then look at all of the possible options and formulate a policy in principle before consulting further. He outlined that there were many stakeholders in the Markets and that it was correct that all should be consulted.

A Member stated that there would be some value in the Committee discussing the framework of options/parameters ahead of any initial consultation.

The Chairman went on to state that he felt it was inadvisable for individual Members to consult the media on these matters without speaking to the Director first.

Waste

A Member questioned whether there was a Committee policy on non-tenant waste at the Markets. The Director stated that this was actively discouraged at all sites, with individual Markets imposing charges on any individual found dumping waste. The Director pointed out that, were the City to allow non-tenants to bring their waste on to site, it would require a waste transfer licence to legally do so, but he confirmed that no written Committee policy currently existed. Members were informed that some of the Markets conducted stop and searches on vehicles at the barriers to prevent those with waste entering the site.

The Chairman requested that a report on non-tenant waste and the extent of this problem be submitted to the next meeting of this Committee. Members also requested that the report outline the options available to the Committee and Officers in terms of penalties.

7. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Billingsgate Fraud

The Director reported that a former Administrative Manager at Billingsgate Market had, this week, been found guilty at the Old Bailey on all 14 charges against him. He added that this was a satisfactory outcome from the City of London Corporation's point of view. The individual concerned would now be sentenced at the end of April 2016.

Members were informed that a report on this matter had featured in yesterday's Evening Standard. The City Corporation had also issued a strong statement on this regarding its 'zero tolerance policy' against fraud.

The Director went on to report that a number of staff and traders had been called to give evidence at the trial.

The Chairman, on behalf of the Committee, thanked all for their hard work in bringing this to a satisfactory conclusion.

8. **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(s)
9	2, 3 & 5
10	3
11	1, 2, 3 & 5
12	3
14	3

9. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 27 January 2016 were considered and approved as a correct record.

10. **THE COST OF ADMINISTERING MARKET DEBTS - UPDATE**

The Committee considered and approved a report of the Chamberlain providing Members with an update on the progress and options for recovering the administrative cost of debt for both lease related and miscellaneous charges.

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

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

12. **CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING THE EASTER PERIOD 2016**

The Committee considered a report of the Superintendent of Smithfield Market regarding concessionary free parking in the Rotunda car park over the Easter period 2016.

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

There were no questions raised in the non-public session.

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

The Committee considered and approved a late, separately circulated report of the City Surveyor regarding the Poultry Market - Asbestos Decontamination Waiver Approval and Stage 3 fee position.

The meeting ended at 1.00 pm

Chairman

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