

## **MARKETS COMMITTEE**

**Wednesday, 15 September 2021**

Minutes of the meeting of the informal hybrid Markets Committee meeting held in Committee Rooms 3 & 4 - 2nd Floor, West Wing, Guildhall and Microsoft Teams on Wednesday, 15 September 2021 at 11.30 am

### **Present**

#### **Members:**

|  |                                      |
|--|--------------------------------------|
| John Chapman (Chairman)                | Gregory Lawrence                     |
| Deputy Henry Pollard (Deputy Chairman) | Deputy Robert Merrett                |
| Caroline Addy                          | Deputy Brian Mooney (Chief Commoner) |
| Matthew Bell                           | Hugh Morris                          |
| Peter Bennett                          | Deputy Barbara Newman                |
| Nicholas Bensted-Smith                 | John Petrie                          |
| Mark Bostock                           | Stephen Quilter                      |
| Deputy David Bradshaw                  | Deputy Elizabeth Rogula              |
| John Edwards                           | Deputy John Scott                    |
| Deputy Kevin Everett                   | Ian Seaton                           |
| Helen Fentimen                         | Deputy Dr Giles Shilson              |
| Alderman Prem Goyal                    | James Tumbridge                      |
| Deputy Tom Hoffman                     | Dawn Wright                          |
| Michael Hudson                         |                                      |

### **In Attendance**

#### **Officers:**

|                    |   |
|--------------------|---|
| Donald Perry       | - Markets Division                          |
| Daniel Ritchie     | - Markets Division                          |
| Mark Sherlock      | - Markets Division                          |
| Peter Young        | - City Surveyor's Department                |
| Anna Dunne         | - City Surveyor's Department                |
| Steven Chandler    | - City Surveyor's Department                |
| Andrew Fothergill  | - Comptroller & City Solicitor's Department |
| Antoinette Duhaney | - Town Clerk's Department                   |

### **ADVICE FROM COMPTROLLER**

In response to questions from Members regarding the meeting taking place as a formal decision making meeting, Officers advised that the Court of Common Council had agreed arrangements to continue with informal hybrid meetings and decisions signed off by the appropriate Chief Officer once the will of the Committee is known.

Although it would be possible to hold an in person meeting with decisions made at the meeting if there is a quorum present, the Markets Committee is bound to follow the process agreed by the Court on 15 April 2021. In addition, having advertised the meeting as an informal hybrid meeting, with formal decisions to be taken through delegated officer approval, it would not be appropriate to change it to a formal meeting.

1. **APOLOGIES**

Apologies were received from Simon Duckworth, Alderman Alison Gowman, Wendy Mead, Deputy Henry Jones, Angus Knowles-Cutler and Deputy Philip Woodhouse.

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

There were no declarations.

3. **PUBLIC MINUTES**

RESOLVED – That the public minutes of the meeting held on 7 July 2021 be approved as a correct record.

4. **OUTSTANDING ACTIONS LOG**

The Committee considered a report of the Town Clerk tracking progress on actions outstanding from previous meetings. A Member suggested that timelines be included in future reports and this was supported by the Committee.

RESOLVED –

1. That the report be noted.

2. That future reports include timelines for completion of outstanding actions.

5. **SUPERINTENDENT UPDATES (ORAL REPORT)**

The Committee heard oral updates from the Markets Superintendents on the matters set out below

***New Spitalfields***

**Trade** - Vehicle numbers had increased by 2.5% for June to August 2021 compared to the same period in 2020. This reflected an increase of 8.5% compared to March to May 2021. More people were visiting the market which was especially busy on Thursdays, Fridays, and before and after bank holidays.

**Brexit** - There was no significant impact to date. However, a few traders were experiencing a 1-2 day delay in receiving deliveries. An average of 3,500 HGV deliveries were made each month between April and August 2021 which was an increase of 16% compared to deliveries for the previous 5 months. Officers flagged that despite the increase in HGV deliveries, the shortage of HGV drivers was a risk to trade.

**COVID-19** - Signage was being updated recommending the continued wearing of face coverings and social distancing.

**Rental of empty catering units** - There was a list of prospective tenants and an update from the agents was awaited.

**Climate action policy** - The forthcoming Markets Committee tour on 22 September 2021 would incorporate a visit to the waste compound and City Harvest so Members could see the positive work done in terms of no landfill waste and diverting food waste.

### ***Smithfield***

**Trade** – Trade continued to recover but some traders were not able to recruit staff.

**Protests** - Climate Change protests had taken place with minimal impact on traders and emergency plans and risk assessments had been refreshed as necessary.

**Food Business Audit** – The Biennial food business had taken place and the market had been ranked as good which was the highest possible rating.

**HGV Audit** – the recent audit had been positive and there had been a marked improvement in compliance.

### ***Billingsgate***

Markets Co location Programme – On the whole, traders were positive about the programme. Concerns remained in respect of repairs and maintenance in the interim.

**Income generation** - Car park income was lower than expected but this had compensated in part by income from filming which was higher than anticipated

**Overseas visit** – A visit was hosted for delegates from Iceland.

RESOLVED – That the updates be noted.

## **6. MARKETS BUSINESS PLAN UPDATE PERIOD 1 2021/22 (APRIL-JULY)**

The Committee considered a report of the Markets Director providing an update on progress made during Period 1 (April-July) of 2021/22 against the Key Performance Indicators (KPIs) and key improvement objectives outlined in the Markets' Business Plan 2021/22.

In response to observations and questions from Members, Officers advised that debts were high at Smithfield Market due to an embargo on lease forfeitures until 25th March 2022. However, Officers were taking all possible measures to recover outstanding debt in line with the agreed debt recovery strategy. Debt repayments plans were being negotiated and debt was gradually reducing.

A Member who was a trader at Smithfield Market reported that the closure of hotels and restaurants during lockdown had impacted on the cashflow of businesses and this was exacerbated by suppliers requesting earlier settlement of bills.

RESOLVED – That the report be noted.

**7. WHOLESALE MARKETS RISKS UPDATE**

The Committee considered a report of the Markets Director providing assurances that satisfactory risk management procedures are in place which meet the requirements of the corporate Risk Management Framework.

The Chairman suggested that business as usual risks were removed from future reports so that the Committee could focus on any risks reported on an exception basis or instances where risk ratings had changed significantly.

Members were concerned that hygiene risks were not reflected in the report and also Climate Action Strategy targets were not included. In response, Officers stated that hygiene managements arrangements varied across markets and there was work to do to achieve full compliance. Officers were happy to prepare a report on hygiene risks across all three markets for a future meeting.

RESOLVED –

1. That the report be noted.
2. That full risk updates be provided twice yearly and at other times, risk reporting should be on an exception basis/where risk ratings had changed significantly.
3. That Officers present a report on hygiene risks across all three markets to a future meeting.

**8. UPDATE ON THE EDGE CONDITION SURVEYS FOR THE MARKETS**

The Committee considered a report of the City Surveyor outlining works necessary to keep the wholesale markets operational. In presenting the report, Officers advised that the report at item 16a on the agenda for this meeting had been considered by the Projects Sub Committee and concerns had been raised in respect of funding. Officers stated that the Committee would have to make annual bids and prioritise works. On the whole the markets were in a satisfactory condition and operational risks were managed. However significant investment would be required in the medium term and the Committee would have to consider what works were desirable/essential.

Members were concerned that the report had no clear recommendations and requested clarification on what works were deemed necessary so that only essential works were undertaken to minimise expenditure on sites which would become vacant when markets were relocated.

A Member suggested that works at Smithfield Market should be prioritised as these building was listed but only essential works should be undertaken. Concerns were also raised in respect of the CoL breaching its legal obligations by failing to maintain Smithfield Market in a reasonable state of repair.

On balance, Members were generally supportive of the report as the first step in the process of identifying and prioritising works, some of which had been outstanding for many years.

In response to observations and questions from Members, Officers advised that further reports would be presented seeking the views of traders and the Committee on how works would be prioritised and funded to ensure that the markets remained operational until they were relocated to the new site.

A member suggested that the recommendation in the report be amended and the revised recommendations as set out below were agreed unanimously.

RESOLVED –

1. That the report be noted
2. That the Committee supports the items marked as key actions in paras 12, 14, 16 & 17 of the report being addressed.

9. **PROVISION OF ADDITIONAL FISH HANDLING FACILITIES - BILLINGSGATE MARKET**

The Committee considered a report of the City Surveyor requesting approval of measures to increase delivery capacity at Billingsgate Market. In presenting the report, Officers advised that a pedestrian was recently injured by a forklift truck making a delivery and the forklift driver had been suspended. Officers also highlighted that current fish handling facilities were not adequate to accommodate deliveries.

RESOLVED – That the Committee

1. Agrees that £15,000 of the previously approved budget of £32,000 is released and supplemented by a further budget of £77,000 for consultancy fees to allow options analysis and works to be tendered;
2. Approves a revised project budget of £92,000 (excluding risk);
3. Note the total estimated cost of the project at £1,411,000 (excluding risk);
4. Agree that a Costed Risk Provision of £5,000 is approved (to be drawn down via delegation to Chief Officer).

5. Agree that a further options evaluation report is prepared following stakeholder consultation and costing to recommend preferred options.

10. **BILLINGSGATE ACTION PLAN - CCTV**

The Committee considered a report of the City Surveyor regarding the replacement of CCTV to enhance security at Billingsgate Market.

RESOLVED – That

1. A budget of **£11,000 for staff and consultancy fees** to reach the next Gateway be approved.
2. The anticipated total estimated project cost of £245,000 (£340,000 including risk) be noted.

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

There were no questions.

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

There were no urgent items.

13. **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 |
|---------|-----------|
| 14 - 23 | 3         |

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 7 July 2021 were approved as a correct record.

15. **SUPERINTENDENT UPDATES (ORAL REPORT)**

The Committee heard non-public oral updates from the Markets Superintendents.

16. **BILLINGSGATE ACTION PLAN - EARLY TERMINATION OF EAST QUAY 2 LEASE**

The Committee considered a report of the Markets Director seeking to terminate the East Quay 2 lease.

#### **16.1 Billingsgate Fish Market Action Plan**

The Committee considered a joint report of the Markets Director and the City Surveyor regarding an action plan for a programme of works for Billingsgate Market.

#### **16.2 Billingsgate Fish Market Cold Store Roof**

The Committee considered a joint report of the Markets Director and the City Surveyor regarding proposals to address longstanding issues with condensation to the cold store roof.

#### **17. CITY HARVEST - ANNUAL REVIEW OF RENT AND ADDITIONAL SQUARE FOOTAGE REQUEST**

The Committee considered a report of the Markets Director seeking approval for additional floorspace for City Harvest.

#### **18. DEBT ARREARS - MARKETS (PERIOD ENDING 31ST JULY 2021)**

The Committee considered a report of the Markets Director regarding arrears of invoiced income for the wholesale markets.

#### **19. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There were no urgent items.

#### **ADVICE FROM COMPTROLLER**

In response to questions from Greg Lawrence and other Members regarding Mr Lawrence's participation in the meeting during consideration of confidential business, Officers reiterated previous advice that it is open to the Corporation, through the Town Clerk, Chairman or Committee to deny Mr Lawrence access to documents in circumstances where it is reasonable to conclude that Mr Lawrence should not participate under the Principles of Public Life and/or where the Corporation's legitimate interests are put at risk.

In this instance, sharing confidential Markets Co-location related reports with Mr Lawrence would be likely to prejudice the Corporation's commercial interest in negotiations with the Smithfield Market Tenants Association. This was a valid reason to deny Mr Lawrence access to the report, and in addition to ask him to leave the meeting when the report in question is discussed.

At this point, Mr Lawrence left the meeting.

**The meeting ended at 1.39 pm**

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Chairman

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