

MARKETS BOARD
Wednesday, 8 March 2023

Present

Members:

Deputy Henry Pollard (Chairman)
Deputy Philip Woodhouse (Deputy Chairman)
Deputy Mark Bostock
Alderman Alison Gowman
Gregory Lawrence
Wendy Mead
Deputy Brian Mooney
Catherine McGuinness
Deputy Edward Lord
Henry Jones
Hugh Selka

In attendance:

Paul Martinelli – Smithfield Market Tenants Association
Tony Lyons – Billingsgate Market Tenants Association

Officers:

Emma Moore - Chief Operating Officer
Ben Milligan - Markets Director, Department of the Chief Operating Officer
Paul Wright - Deputy Remembrancer
Donald Perry - Department of the Chief Operating Officer
Daniel Ritchie - Billingsgate Market General Manager
Mark Sherlock - Smithfield Market General Manager
Emma Beard - New Spitalfields Market General Manager
Steven Chandler - City Surveyors
John James - Chamberlains
Andrew Fothergill - Comptroller & City Solicitor's Department
Julie Mayer - Town Clerks

1. APOLOGIES

Apologies were received from Paul Walker (New Spitalfields Tenants Association), Alderman Sir David Wootton, James Tumbridge, Ian Seaton, Henry Jones and Oliver Sells (Mr Sells joined the meeting remotely).

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

Mr Gregory Lawrence advised that he has been granted a dispensation to speak on all matters concerning the London Central Markets (Smithfield) other than: (i) those in which he has a disclosable pecuniary interest as a shareholder or director of any company which holds a tenancy in the market; and (ii) those which would affect only him personally or his business interests as opposed to the generality of tenants within the market. *NB. This dispensation will be in place until the next Common Council elections in March 2025.*

3. **PUBLIC MINUTES**

RESOLVED, that – the public minutes and non-public summary of the meeting held on 18th January be approved as a correct record.

Matters arising:

- Members had received the Confidential Agenda pack for the Capital Buildings Board the previous day, which included a report on the Terms of Reference for the new Barking Reach Working Group. The Chairman advised that Members would have an opportunity to discuss this further in the Confidential part of today's meeting.
- Officers agreed to clarify the position in respect of funding for the concrete canopy repair works to East Smithfield; i.e. - whether this would be funded as part of the enabling works, as agreed by the Capital Buildings Board in 2020.
- In respect of the Christmas Auction, the Chair asked if this could be followed up in good time for Christmas 2023. Members asked for more detail in respect of costs and logistics. The Director explained that he had raised this matter with the relevant Departments, as the 'stopping-up' of highways and 'temporary event notices' fall outside of the Board's remit.

4. **TERMS OF REFERENCE UPDATE**

The Board considered a report of the Town Clerk in respect of the Annual Review of the Committee's Terms of Reference, which enables any proposed changes to be considered in time for the annual re-appointment of Committees by the Court of Common Council.

1. Members asked if the Chairs of the Market Tenants Associations could also appoint a Deputy, noting that they too would need to sign a Non-Disclosure Agreement, in order to receive non-public reports and attend the non-public parts of Board Meetings.
2. During further discussion on the Terms of Reference, Members agreed that there should be reference to the Chairman and Deputy Chairman, or their representatives, being Co-optees on the Capital Buildings Board (CBB) and the new Barking Reach Working Group (BRWG).
3. Members also felt that the scheduling of Markets Board Meetings should be revisited, to enable meetings to take place as soon as possible after Capital Building Board and Barking Reach Working Group Meetings.
4. The Town Clerk reminded Members that the Policy and Resources Committee on 23rd March would be considering proposed Terms of Reference, ahead of the Annual Meeting of the Court of Common Council on 27th April 2023. Members therefore agreed to delegate the final wording on the revised Terms of Reference to the Chairman and Deputy Chairman of the Markets Board.

RESOLVED, that :

1. The Terms of Reference of the Markets Board be amended to permit the Chairs of the Market Tenants Association to appoint a Deputy to attend Markets Board Meetings, in addition to either themselves or their nominated representatives. *NB. The Deputies would need to sign a Non-Disclosure Agreement, in order to receive non-public reports and attend the non-public part of Board Meetings.*
2. Reference be made to the Chairman and Deputy Chairman, or their nominated representatives, being Co-optees on the Capital Buildings Board and the new Barking Reach Working Group.
3. The scheduling of Markets Board Meetings be revisited, to enable meetings to take place as soon as possible after CBB and BRWG meetings.
4. Given the timescales in terms of reporting to the Policy and Resources Committee on 23rd March 2023 and the Annual Meeting of the Court of Common Council on 27th April 2023, the final wording of the proposed amendments to the Board's Terms of Reference be delegated to the Chairman and Deputy Chairman of the Markets Board.
5. **UPDATES FROM THE GENERAL MANAGERS**
The Board received updates from the General Managers and during the discussion the following points were noted:

Smithfield – Refrigeration Outage

Given that this was out of use for a week, Members asked for feedback in terms of lessons learnt. Further concerns were expressed about transition arrangements more generally, given that the Poultry Market would be vacated in 4 months' time.

The Chief Operating Officer and Markets Director responded as follows:

1. Members were asked to form a balanced opinion, given the age and condition of the refrigeration unit. The issue had arisen due to the positioning of a flow valve during the pipework replacement project, and this would be a key learning point if the pipework needs to be replaced on the West Market. The General Manager had acted as quickly as possible to resolve the operational challenges and work was underway to ensure that temporary refrigeration/storage is available in the event of a recurrence.
2. Following the implementation of the Target Operating Model (TOM), there had been a strong upturn in performance, with additional General Managers in place covering administration, security and finance.
3. The Director and General Managers require specific examples of what constitutes a failure, with tangible examples. The market holds 2-weekly operational meetings for raising such issues, with transitional matters considered separately. The Chief Operating Officer (COO) invited any

Members, with concerns about performance of an individual or team, to ask for a meeting in the first instance, noting that the Markets Board is not an appropriate forum for raising these concerns.

4. There have been improvements in terms of pest control and cleaning but the procedures require input and commitment from tenants.
5. There will be cost implications in respect of the provision of SMTA offices during the transition period but every effort would be made to accommodate this.
6. Work is underway in terms of the provision of parking and unloading spaces whilst areas are out of commission.
7. The COO advised that there are clear City Corporation procedures for assessing insurance claims, which might involve more than one party. This would be the subject of a non-public report at the next meeting. The COO stressed that any future admission of liability would be dealt with as part of the claims process.

In concluding, the Chairman advised that he meets regularly with the Director and asked for a list of grievances to be presented to the next Meeting of the Board, to ensure they are being addressed. The Chair thanked those traders who had been able to assist during the outage.

New Spitalfields - Energy

The General Manager advised that the entire City of London Corporation had received incorrect billing and Departments were still awaiting for credit notes for the past quarter. However, the Power Purchase Agreement (PPA) had been more successful than expected, and this should result in a considerable reduction from January 2023. Members noted that the City Corporation used to pre-purchase energy in peaks and troughs but this arrangement expired in September 2022. Therefore, all Bills up to October 2022 had been correct.

Billingsgate

Members would receive a further update in the non-public part of the meeting.

6. WHOLESALE MARKET RISK UPDATE

The Board received a report of the Markets Director, which provided Members with assurance that risk management procedures in place within the Markets Division are satisfactory and that they meet the requirements of the Corporate Risk Management Framework.

Members noted that the MCP risk had been amended to reflect the change to the Bill, in that only two of the Markets would be moving. If the Bill were to be unsuccessful, the revised risk set out mitigations and next steps. Members noted that there had been no recent developments that might improve the score. The COO advised that the risk scoring criteria is consistent across the City Corporation and offered to discuss this further outside of the meeting, should any Member have queries.

Members noted that transport risks had been disaggregated, following the accident at Smithfield, as it this would give each risk more accountability.

RESOLVED, that – the report be noted.

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

The Chair of the Smithfield Markets Tenants Association asked about the suspension of free parking over the Easter period. The Chair (of the SMTA) was concerned that this is the Market's busiest time of the year. The Director advised that parking concessions are very much 'business as usual', for resolution by the General Manager. However, if a concession is warranted, then the Tenants' Association should present a business case, with data to support the request. Members noted that, historically, this had been a decision taken by the former Markets Committee but the Governance Review recommended that the Board should be more strategic and not stray into operational matters.

The Chair suggested that it might be helpful for the Board to receive a calendar of events, which might warrant parking concessions. Members noted that Smithfield is different to the other Markets in that its car parking fund is ringfenced for uses that benefit the Market's tenants and customers. The General Manager advised that the parking fee waiver would cost approximately £600 per night, and this would need to come from the local risk budget.

Members noted that the Board's Terms of Reference states : '*oversight of the management of all matters relating to Smithfield Market, Billingsgate Market and New Spitalfields Market and the letting of all premises therein*'. It was Proposed by Edward Lord, Seconded by Brian Mooney and RESOLVED, that – the Markets Board receive a report to enable them to take a policy decision in respect of parking concessions, including a calendar of events setting out when such concessions might be warranted.

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

There were no items.

At 1pm Members agreed to extend the meeting to 1.30 pm in order to complete the business on the agenda.

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:-

Paras
10 – 20

Nos
1,2 & 3

10. **NON-PUBLIC MINUTES**
RESOLVED, that - the non-public minutes of the meeting held on 18th January 2023 be approved as a correct record.
11. **UPDATES FROM THE GENERAL MANAGERS**
The Board received a non-public update in respect of Billingsgate Market.
12. **USE OF FORMER BILLINGSGATE SEAFOOD TRAINING SCHOOL ACCOMMODATION**
The Board considered and approved a report of the Markets Director.
13. **UPDATE ON THE MARKETS BILL'S PROGRESS**
The Deputy Remembrancer was heard,
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 AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There were no urgent items.
16. **CONFIDENTIAL MINUTES**
RESOLVED, that – the confidential minutes of the meeting held on 18th January 2023 be approved as a correct record.
17. **RENT REVIEW**
The Board considered and approved a report of the Markets Director
18. **MARKETS CO-LOCATION PROGRAMME UPDATE**
The Chief Operating Officer was heard.
19. **MCP CAPITAL**
The Chief Operating Officer was heard.
20. **MCP GOVERNANCE**
The Chairman was heard.

The meeting ended 1.30 pm.

Chairman

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