



Markets Committee

Date: WEDNESDAY, 4 JULY 2012
Time: 11.30 am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:

Hugh Morris (Chairman)	Michael Henderson-Begg
Michael Hudson (Deputy Chairman)	Henry Jones
Alex Bain-Stewart	Deputy Alastair King
Deputy John Bennett	Deputy Keith Knowles
Mark Boleat	Anthony Llewelyn-Davies
John Brewster	Robert Merrett
Nigel Challis	Deputy Joyce Nash
John Chapman	Michael Page
Deputy Stella Currie	Chris Punter
Alex Deane	Elizabeth Rogula
Peter Dunphy	Alderman Sir Michael Savory
Deputy Robin Eve	Deputy Robin Sherlock
Deputy Bill Fraser	Deputy Dr Giles Shilson
Deputy Stanley Ginsburg	John Spanner
Deputy Pauline Halliday	Alderman Sir John Stuttard
Brian Harris	James Tumbridge

Enquiries: Rakesh Hira
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rakesh.hira@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at 1pm

Chris Duffield
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**

2. **DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ANY ITEMS ON THIS AGENDA**

3. **PUBLIC MINUTES**

To agree the public minutes and summary of the meeting held on 2 May 2012 (copy attached).

For Decision
(Pages 1 - 6)

4. **REVIEW OF THE GOVERNANCE ARRANGEMENTS IMPLEMENTED IN 2011**

Report of the Town Clerk, on behalf of the Post Implementation Governance Review Working Party (copy attached).

For Decision
(Pages 7 - 18)

5. **THE SUSTAINABLE FISH CAMPAIGN**

Resolution of the Energy and Sustainability Sub (Policy & Resources) Committee and a report of the Town Clerk (copy attached).

For Information
(Pages 19 - 24)

6. **REVENUE OUTTURN 2011/12**

Joint report of the Chamberlain and the Director of Markets and Consumer Protection (copy attached).

For Information
(Pages 25 - 34)

7. **ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET**

Report of the Director of Markets & Consumer Protection (copy attached).

For Information
(Pages 35 - 42)

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

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

10. **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 Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

Item Nos.	Exempt Paragraphs
11 - 13	3

Part 2 - Non-Public Agenda

11. **NON-PUBLIC MINUTES**

To agree the non-public minutes and summary of the meeting held on 2 May 2012 (copy attached).

For Decision
(Pages 43 - 46)

12. **LEASE RENEWAL, 2 SPITAL HOUSE, NEW SPITALFIELDS MARKET - SUNNYFIELD VEG LTD**

Report of the City Surveyor (copy attached).

For Decision
(Pages 47 - 50)

13. **NEW LETTING - BILLINGSGATE MARKET, Q SHOP 12**

Report of the Director of Markets and Consumer Protection (copy attached).

For Decision
(Pages 51 - 54)

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

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

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MARKETS COMMITTEE
Wednesday 2 May 2012

Minutes of the meeting of the MARKETS COMMITTEE held at Guildhall, EC2 on WEDNESDAY 2 MAY 2012 at 11.30am.

Present: Members

Alex Bain-Stewart
Deputy John Bennett
Mark Boleat
John Brewster
Nigel Challis
John Chapman
Deputy Stella Currie
Alex Deane
Deputy Robin Eve
Deputy Bill Fraser
Deputy Stanley Ginsburg
Deputy Pauline Halliday
Brian Harris
Michael Hudson

Henry Jones
Deputy Alastair King
Deputy Keith Knowles
Anthony Llewelyn-Davies
Robert Merrett
Hugh Morris
Deputy Joyce Nash
Chris Punter
Alderman Sir Michael Savory
Deputy Robin Sherlock
Deputy Giles Shilson
John Spanner
Alderman Sir John Stuttard

Officers

Rakesh Hira
Peter Lisley
Mathew Lawrence
Debbie Howard
Julie Smith
Paul Hickson
Andrew Wild
Andrew Crafter
David Smith
Jon Averbs
Malcolm Macleod
Robert Wilson
Andrew Buckingham

Town Clerk's Department
Town Clerk's Department
Town Clerk's Department
Chamberlain's Department
Chamberlain's Department
Comptroller & City Solicitor's Department
City Surveyor's Department
City Surveyor's Department
Director of Markets & Consumer Protection
Markets & Consumer Protection
Superintendent, Billingsgate Market
Superintendent, Smithfield Market
Public Relations Office

Alderman Sir Michael Savory took the Chair.

1. APOLOGIES

Apologies for absence were received from Michael Henderson-Begg, Michael Page, Elizabeth Rogula and James Tumbridge.

2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council of 19 April 2012, appointing the Committee and approving its terms of reference was received.

4. ELECTION OF CHAIRMAN

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

The Town Clerk read out a list of Members eligible to stand as Chairman and Hugh Morris, being the only Member indicating his willingness to serve, was duly elected Chairman for the ensuing year, and took the Chair.

The Chairman welcomed Alderman Sir John Stuttard, Deputy Giles Shilson and Chris Punter to their first meeting and thanked Alderman Gordon Haines, Deputy John Barker and Ms Marianne Fredericks for their contribution to the Committee.

5. ELECTION OF DEPUTY CHAIRMAN

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No.30.

The Town Clerk read out a list of Members eligible to stand as Deputy Chairman. Two Members indicated their willingness to serve and, therefore, a ballot was taken. Mr Tumbridge, who had given his apologies for the meeting, had expressed, in writing, his wish to stand.

The results were as follows:

Michael Hudson	17
James Tumbridge	9

Michael Hudson was declared to have been elected Deputy Chairman for the ensuing year.

6. APPOINTMENT OF THE REFERENCE SUB COMMITTEE

Members proceeded to appoint the Reference Sub Committee for the ensuing year.

RESOLVED – That the Reference Sub Committee be comprised of the following Members: -

John Brewster
Nigel Challis
Anthony Llewelyn-Davies
Deputy Robin Eve
Brian Harris
Deputy Pauline Halliday
Deputy Joyce Nash
Together with the Chairman and Deputy Chairman.

7. MINUTES

The public minutes and summary of the meeting held on 28 February 2012 were approved.

8. MARKETS & CONSUMER PROTECTION – 3RD PERIODIC PERFORMANCE PLAN UPDATE

A report of the Director of Markets and Consumer Protection which updated Members on the progress in achieving the objectives set out in the annual Performance Plan for the 3rd period in 2011/12 (December – March inclusive) was considered. The principal subjects covered in the report were:

- NABMA's views on the government's new Planning Policy Framework;
- Smithfield lease negotiations and;
- The Olympic and Paralympic Games.

In response to a question by a Member, the Director pointed out that following a serious accident, the debrief from the Health and Safety Executive had been positive.

In relation to Smithfield Market it was noted that efforts were being made to look at sustainability issues as had been done at both Billingsgate and Spitalfields Markets.

A discussion took place and it was noted that the attendance management figures for 2011/12 would be corrected.

RESOLVED – That Members note the contents of the report.

9. MARKETS & CONSUMER PROTECTION – BUSINESS PLAN 2012 - 2015

A report of the Director of Markets and Consumer Protection which detailed the Business Plan for 2012-15 for the Department of Markets & Consumer Protection was considered. The Business Plan consisted of an overarching plan which contained information relating to the whole Department and a separate annex reflecting the responsibilities for the Committee.

RESOLVED – That Members approve the contents of the report and its appendix.

10. ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET

A report of the Director of Markets and Consumer Protection detailing the enforcement activity carried out by the enforcement team within the department at Smithfield Market during the four month period from 1 October 2011 to 31 January 2012.

RESOLVED – That Members note the contents of the report.

11. SMITHFIELD MARKET TRADING HOURS DURING THE 2012 OLYMPIC AND PARALYMPIC GAMES

A report of the Superintendent, Smithfield Market, seeking approval for the proposed variation of trading hours at Smithfield Market during the period of the Olympic and Paralympic Games, with delegated powers being conferred upon the Town Clerk in conjunction with the Chairman and Deputy Chairman of the Markets Committee for any further variations which may be required during the period of the Games, was considered.

In relation to Billingsgate Market it was noted that the Superintendent had delegated powers to open earlier, if required, and that it would be opening at 02.00 hours. In relation to Spitalfields Market it was noted that the market already opens at midnight and with no intention of opening earlier.

RESOLVED – That Members approve the following: -

a. The Smithfield Market's trading hours be varied between the periods Sunday 22 July 2012 until Friday 14 September 2012 opening from midnight until mid-day Monday to Friday as opposed to the current 03.00 hours to mid-day Monday to Friday and;

b. In the event that during the period, due to changing trading or traffic situations, if further variations to the trading hours are required any such decisions be delegated to the Town Clerk in conjunction with the Chairman and Deputy Chairman to approve.

12. OUTSTANDING REFERENCES

A report of the Town Clerk detailing the outstanding reference schedule, which is produced on a six-monthly basis, was considered.

RESOLVED – That Members note the contents of the report.

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

Spitalfields – Rainwater Harvesting Project

In response to a question by a Member, the Director of Markets and Consumer Protection confirmed that this project was underway.

Roof Solar Panels at New Spitalfields Market

It was noted that roof solar panels would be considered and that this item would be added to the outstanding references report.

Possible subsidence at Spitalfields Market

It was noted that a further discussion would take place with the particular Member to clarify the issue raised.

West Poultry Avenue

It was noted that the City Surveyor would keep Members updated on the issues relating to West Poultry Avenue. It was noted, in response to a supplementary question, that the Highways Department would be requested to smarten up the concrete blocks, which were placed in the roadway as a road closure measure.

Smithfield Cycle Event

It was noted that this event would take place on 9 June 2012 and all Members would accordingly be invited to attend.

Forklift Trucks

The Superintendent, Smithfield Market, responded to a question on Forklifts being used on the public highway and the Superintendent explained that, whilst the Market had a certain responsibility where forklifts were being used in the common parts, it was for other authorities such as the City Police to deal with issues relating to the public highway.

Quantity of Meat at Smithfield Market

It was noted that a large quantity of meat had appeared in the Constabulary office at Smithfield Market on the 29/30 March 2012 and that an audit enquiry was in progress.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

15. 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 1 of Schedule 12A of the Local Government Act as follows:-

Item No. Paragraphs	Exempt
16 – 21	3

Part 2 – Non-Public Agenda

16. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 28 February 2012 were agreed.

17. SMITHFIELD MARKET LEASE NEGOTIATIONS

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

**18. SMITHFIELD MARKET – CONDENSER WATER COOLING SYSTEM –
PROGRESS UPDATE**

A report of the City Surveyor was received.

**19. REQUEST FOR CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING
THE 2012 OLYMPIC AND PARALYMPIC GAMES PERIOD**

A report of the Superintendent, Smithfield Market was received.

20. BILLINGSGATE WORKING PRACTICES - UPDATE

The Director of Markets and Consumer Protection provided a verbal update.

The Chairman thanked the Director, the Superintendent, Billingsgate Market, and all other individuals for their efforts and hard work in bringing the working practices changes at Billingsgate to a successful conclusion.

21. TENANCIES AT WILL GRANTED AND ARREARS OUTSTANDING

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

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

There were no questions.

**23. 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 meeting closed at 12.55pm

CHAIRMAN

**Contact Officer: Rakesh Hira
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e-mail: rakesh.hira@cityoflondon.gov.uk**

Agenda Item 4

Committee(s): Markets	Date(s): 4 July 2012
Subject: Review of the Governance Arrangements implemented in 2011	Public
Report of: Town Clerk (on behalf of the Post Implementation Governance Review Working Party)	For Decision
<u>Summary</u>	
<p>The Court has agreed that a Working Party should be established to undertake a post-implementation review of the revised governance arrangements agreed in March 2011 after twelve months of their operation, to take stock of the new governance arrangements and how they are working.</p> <p>The purpose of this report, prepared on behalf of the Working Party, is to seek comments, if any, from each Committee on the governance arrangements introduced last year and the impact that they may have had on the operation of your Committee.</p> <p>Recommendation: It is recommended that this Committee considers whether it wishes to make any representations to the Working Party on the revised governance arrangements in so far as it affects this Committee.</p>	

Main Report

Background

1. The Court has agreed that a Working Party should be established to undertake a post-implementation review of the revised governance arrangements agreed in March 2011 after twelve months of their operation, to take stock of the new governance arrangements and how they are working.
2. For the purposes of clarification, this review is not, therefore, in relation to any new governance initiatives but is restricted to considering the operation and effectiveness of the revised arrangements implemented last year. A summary of the revised governance arrangements is contained Appendix A.

Views on the Governance Arrangements

3. The Working Party has agreed that the most effective and inclusive way of identifying whether there are any issues arising out of the operation of the revised arrangements is to seek the views of the various City Corporation Committees and all Members of the Court individually. This will enable

comments to be expressed in the context of the operation of the various Committees (including observations from non-City Corporation Members) and will also allow all Members to have their say individually and raise any points; all of which will help to inform the work of the Working Party.

4. The purpose of this report is to seek a view on whether any representations should be made to the Working Party on the revised governance arrangements in so far as they affect this Committee. All of the views expressed will be collated and submitted to a further meeting of the Working Party in September.

Background Papers:

Summary of the revised governance arrangements agreed by the Court of Common Council in March 2011.

Appendix A: Summary of the revised governance arrangements

Contact:

Simon Murrells |
simon.murrells@cityoflondon.gov.uk |
0207 332 1418

Summary of the Governance Changes Implemented in April 2011

Set out below are the changes agreed by the Court on 3 March 2011 which have been in operation since 1st April 2011.

A. The Court of Common Council

A1. Not less nine Court meetings are now held each year (reduced from eleven) and a short spring recess now takes place on an annual basis.

A2. At least two informal or private Member meetings (at which no decisions could be taken) are arranged each year. This is on the basis that they do not proceed if there is insufficient business;

A3. Any Member, provided that he or she has the support of twenty other Members, can requisition a report and/or a decision of any of the City Corporation's Committees for consideration and final decision by the Court of Common Council, provided that such action does not preclude a decision being taken and/or implemented that was necessary for legal reasons or for the efficient conduct of the City Corporation's business;

A4. Standing Order No.11 governing the conduct of debate in the Court of Common Council has been amended as follows:

- in addition to the current arrangements governing debate, a further provision be made enabling all Members to speak on a second occasion for no longer than two minutes; and
- should the mover of an amendment to a motion choose to speak for a second time (on the amendment), he or she shall be the penultimate speaker on the amendment (the mover of the original motion being the final speaker on the amendment).

A5. Standing Orders governing the number of supplementary questions that may be asked has been amended so as to increase from two to three the number of other Members (ie not the Member asking the question) allowed to ask two supplementary questions provided that the supplementary questions arise naturally out of the original question and the answer to it;

A6. Standing Orders have been amended so as to increase the time limit for putting and answering questions, including supplementary questions, from 30 minutes to 40 minutes;

A7. To avoid the period allocated for asking and responding to questions being taken up with issues concerned with awards, prizes and memorials, a regular item is now placed on the summons for meetings of the Court to enable such matters to be reported upon in writing.

B. Ward Committees

B1. The Planning & Transportation, Port Health & Environmental Services, Markets, Finance and Community & Children's Services Committees remain as Ward Committees.

B2. All Wards are now able to choose whether or not to nominate a Member (or Members) to serve on Ward Committees rather than being obliged to nominate a Member (or Members) or 'pair' with another Ward;

B3. Where there are vacant or unfilled places on a Ward Committee by virtue of a Ward not making a nomination(s), the vacant or unfilled place can be advertised to all Members and filled by the Court;

B4. Any Ward having six or more Members can nominate up to two Members to a Ward Committee irrespective of whether a Ward has sides;

B5. In addition to the Chairman of the Policy & Resources Committee, the Deputy Chairman of the Policy & Resources Committee is now an ex-officio Member of the Finance Committee. This complements the current arrangement whereby the Chairman and Deputy Chairman of the Finance Committee are ex-officio Members of the Policy & Resources Committee;

B6. The remit of the Finance Committee has been widened to include performance monitoring and its terms of reference adjusted to reflect this. The performance monitoring was to be undertaken by the Estimates Working Party (EWP) or such body determined by the Finance Committee. (NB: Finance Committee subsequently agreed to dispense with EWP and created an Efficiency and Performance Sub-Committee to deal with this area of activity).

B6a. In addition to the above, the constitution of the Finance Committee was amended by the Court on 8 September 2011 to include the Chairman and Deputy Chairman of the Investment Committee, creating a reciprocal arrangement between the Policy and Resources, Finance and Investment Committees (see F2 and J4 below).

B7. All Wards that have 200 or more residents (based on the ward list) are able to nominate a maximum of two Members to the Community & Children's Services Committee; under this arrangement, the current provision for four Members to be elected by the Court, at least two of whom shall represent the main four residential wards, was discontinued; and

B8. The Community & Children's Services Committee was asked to consider giving oversight of its housing management activities (excluding the Barbican Estate) to a sub-committee (with power to act) to enable greater focus in that area. (NB: The Community & Children's Services Committee subsequently created the Housing Management Sub-Committee to oversee the City Corporation's housing activities).

C. Culture, Heritage and Libraries Committee

C1. A new Culture, Heritage and Libraries Committee was established with responsibility for matters relating to culture, heritage, tourism and visitors

including overseeing the development of policies and strategies in those areas. It also took on:

- the responsibilities of the Libraries, Archives & Guildhall Art Gallery Committee which ceased to exist;
- the various tourism, heritage and Benefices activities and responsibilities currently undertaken by the City Lands & Bridge House Estates Committee which also ceased to exist;
- oversight of the City Corporation's Visitor Strategy, the City of London Festival and the management of the City Information Centre from the Policy and Resources Committee; and
- the management of Keats House from the Keats House Management Committee. A Consultative Committee should continue to operate although the detailed arrangements would be a matter for the Culture, Heritage and Libraries Committee to determine.

D. City Lands and Bridge House Estates Committee

D1. The City Lands and Bridge House Estates (CLBHE) Committee ceased to exist and its work merged with the work of other Committees, such as the new Culture, Heritage and Libraries Committee and the new Investment Committee. Other elements of CLBHE Committee's work was transferred to the Policy & Resources Committee and is managed by dedicated Sub-Committees. For example, the management of operational property is now undertaken by the Corporate Asset Sub-Committee and hospitality and Members' privileges activities are undertaken by the Hospitality Working Party and the Members' Privileges Sub-Committee both of which are chaired by the Chief Commoner.

D2. Where previously the CLBHE Committee would have hosted an event of City Corporation hospitality, the Chief Commoner now oversees the detail for that event in line with parameters set by the Hospitality Working Party. The number of Members to comprise the host element is also determined by the Hospitality Working Party on the basis of a rota maintained by the Town Clerk, together with other Members with a special connection with or interest in the guest organisation.

E. The office of Chief Commoner

E1. Candidates for the office of Chief Commoner are nominated by not less than 10 other Members and he or she is elected by the whole Court of Common Council from amongst the Common Councilmen (the expectation is that Aldermen will not vote in the election for Chief Commoner);

E2. For 2011, the election of Chief Commoner was held in April and thereafter, the election is held in September of each year, prior to the successful candidate taking office in April, to enable a period of 'lead-in';

E3. The 'job description' for the office of Chief Commoner was approved;

E4. The Chief Commoner remains an ex-officio Member of the Policy and Resources Committee and is also Chairman of any sub-committees

responsible for City of London Corporation hospitality and Members' privileges;

E5. Provision has been made in Standing Orders to enable the Chief Commoner to report on and speak to activities and responsibilities of the sub-committees referred to in E4 above in the Court of Common Council; and

E6. The Chief Commoner is not able to be Chairman of any City of London Corporation committee with the exception of the sub-committees referred to above. However, as with other chairmanships, the Chief Commoner is able to continue an existing chairmanship until the next meeting of the relevant committee when a new chairman shall be elected.

F. Investment Committee

F1. This new non-ward committee was established. The Investment Committee has responsibility for managing and overseeing the City Corporation's property and non-property investments in accordance with approved strategies and policies;

F2. The Investment Committee comprises 14 Members elected by the Court of Common Council, 8 Members appointed by the Policy and Resources Committee from amongst all Members of the Court, together with the Chairmen and Deputy Chairmen of the Policy and Resources and the Finance Committees in an ex-officio capacity but with voting rights;

F3. The Investment Committee appoints and maintains two Boards, one for each investment area (property and non-property) for the purposes of detailed scrutiny and decision taking, with the Chairman of the Investment Committee is also able to be Chairman of one of the Boards;

F4. The Boards are empowered to co-opt people with relevant expertise or experience, including non-Members of the Court, to assist in their deliberations; and

F5. Provision has been made in Standing Orders to enable the Chairmen of both Boards to report on and speak to their respective activities and responsibilities in the Court of Common Council and to ensure that any decisions, especially those relating to property, are taken without undue delay.

G. Audit and Risk Management Committee

G1. A new non-ward committee, Audit and Risk Management was with responsibility for the City Corporation's activities and responsibilities in these areas (with the Finance Committee relinquishing its current responsibilities for audit and risk); and

G2. The Audit and Risk Management Committee shall comprise 9 Members elected by the Court of Common Council (the Chairman of the Policy and Resources, Finance and Investment Committees not being eligible for election to the Committee), 3 external Members (ie non-Members of the Court of Common Council), the Chairman and Deputy Chairman of the Finance Committee (ex-officio with no voting rights) and a representative of the Policy and Resources Committee also in an ex-officio capacity with no voting rights.

G3. The Deputy Chairman of Audit and Risk is not able to be Chairman of another committee.

I. Open Spaces Committees

I1. The management of the City Corporation's open spaces is now maintained by three Non-Ward Committees, as follows:-

(i) Open Spaces, City Gardens and West Ham Park Committee comprising 8 Members elected by the Court of Common Council together with the Chairmen and Deputy Chairmen of the Hampstead Heath, Highgate Wood and Queen's Park and the Epping Forest and Commons Committees (see below) in an ex-officio capacity. The Committee is responsible for setting overall strategy for the operation of the City Corporation's open spaces and for the management of City Gardens. It is also responsible for the management of West Ham Park. This area of work is undertaken separately from the Committee's other business and the Committee's composition includes 4 representatives nominated by the Heirs-at-Law of the late John Gurney, 1 representative nominated by the Parish of West Ham and 2 representatives nominated by the London Borough of Newham;

(ii) Hampstead Heath, Highgate Wood and Queen's Park Committee comprising at least 12 Members elected by the Court of Common Council together with the Chairman and Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee (see above) in an ex-officio capacity. The Committee is responsible for the management of Highgate Wood and Queen's Park. It is also responsible for the management of Hampstead Heath with this area of work being undertaken separately from the Committee's other business. The composition of the Committee includes at least 6 external representatives which must include 1 representative of the London Borough of Barnet, 1 representative of the London Borough of Camden, 1 representative of the owners of Kenwood lands and 3 persons representing local, ecological, environmental or sporting interests; and

(iii) Epping Forest and Commons Committee comprising 12 Members of the Court of Common Council including 10 Members elected by the Court of Common Council together with the Chairman and Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee (see above) in an ex-officio capacity, to be responsible for the management of Burnham Beeches and the City Commons. The Committee also manages Epping Forest and this area of work is undertaken separately from the Committee's other business. The composition of the Committee includes 4 Verderers elected or appointed pursuant to the Epping Forest Act 1878. If the Chairman and/or Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee are already Members of the Epping Forest and Commons Committee in their own right, the vacancy(s) are filled by the Court of Common Council.

J. Policy and Resources and Police Committees and the Boards of the Governors of the City Schools

Policy and Resources Committee

J1. Of the five vacancies that becomes available on the Policy Committee each year, one place is now reserved for a Member with less than 10 years' service on the Court, resulting in at least four places on the Committee for Members with less than 10 years' service at the time of their appointment;

J2. In view of the synergies between the work of the Energy Working Party (previously of the City Lands and Bridge House Estates Committee) and the Sustainability Working Party (of the Policy and Resources Committee), the work has been merged and transferred to the Policy Committee and is operated through a dedicated Sub-Committee (the Energy and Sustainability Sub-Committee) whose membership can be drawn from the whole Court;

J3. The Policy and Resources Committee is responsible for providing additional scrutiny, oversight and challenge for the management of major projects and programmes of work, including, amongst other things, considering all proposals for capital and supplementary revenue projects (including those which may be funded from external sources), and determining, at detailed options appraisal stage, whether projects should be included in the capital and supplementary revenue programme as well as the phasing of any expenditure. This work is undertaken by a dedicated sub-committee, the Projects Sub-Committee, which comprises 3 Members appointed by the Policy and Resources Committee, 2 Members appointed by the Finance Committee. The Projects Sub-Committee is also able to co-opt 2 further Members from the Court of Common Council with relevant experience.

J4. The Policy & Resources Committee was asked to review its various ex-officio appointments. A review was subsequently undertaken and the outcome reported to the Court on 8 September 2011. Whilst it was felt that the current ex-officio places were still relevant, the Court acknowledged that culture was an area which over the years had become more prominent and which also had substantial resource implications. It was therefore agreed that the Chairman of the new Culture, Heritage and Libraries Committee should become an ex-officio Member of the Policy Committee. Similarly, the development and management of the City Corporation's investment portfolio (property and non-property) was considered to be of great significance and the Court also agreed that the Chairman and Deputy Chairman of the Investment Committee should also serve as ex-officio members, creating a reciprocal arrangement between the Policy and Resources, Finance and Investment Committees.

Police Committee

J5. For the purposes of continuity the length of service of the Chairman of the Police Committee was extended to a term not exceeding four years;

J6. The current restriction whereby no Member of the Court of Common Council is eligible to serve on the Police Committee until such time as they have served a minimum of two years on the Court, should be removed (NB:

The constitution of the Police Committee has been reviewed since the governance review).

Boards of Governors of the City of London School, the City of London School for Girls and the City of London Freeman's School

J7. The three City School Boards were recommended to consider establishing a Working Party comprising key Members from each Board such as the Chairmen and Deputy Chairmen, to discuss important issues that may be of common interest, for example pay awards.

J8. The restriction whereby no Member can serve on more than one Board of Governors was removed.

K. Service on City Corporation Committees and Outside Bodies

Reserving places on Non-Ward Committees for 'newer' Members

K1. With the exception the Policy and Resources Committee which has separate arrangements, 10% of places (where 10% results in a fraction it should be rounded down, subject to at least one place being reserved on every non-Ward Committee for a Member falling in to this category) on all elected committees are reserved for Members with less than 5 years' service at the time of their appointment.

Limiting the number of Grand Committees on which a Common Councilman can serve at any one time

K2. The number of grand committees on which a Common Councilman can serve at any one time (excluding appointments or nominations to committees in an ex-officio capacity) is limited to no more than eight.

Limiting the number of Outside Bodies that a Member can serve on

K3. The number of outside bodies that a Member can serve on at any one time (excluding appointments that are by virtue of Office or in an ex-officio capacity) is limited to no more than six. If a vacancy cannot be filled from the Common Council, then such vacancy can be filled by non-Members, including officers on the basis that there are no issues of major concern to the work of the City Corporation likely to arise;

K4. Appointments to outside bodies are made by the Court of Common Council at meetings other than the meeting at which the appointment of Committees is undertaken.

L. Other Committee Issues

Publishing data of attendance by Members at Committee Meetings

L1. Data relating to the attendance of Members at committee, sub-committee and Court meetings was to be more accessible and placed on-line on the City Corporation's website provided that the figures are put in context (ie attendances should be shown together with the actual number of opportunities to attend).

Submission of supporting statements

L2. Members seeking election as Chairmen and Deputy Chairmen of committees are now able voluntarily to submit a statement of no more than 300 words in support of their candidature in advance of the meeting at which the election is to be held.

Frequency of Committee meetings

L3. The frequency of Committee meetings be reviewed and determined by individual Committees, as was presently the case.

Sub-Committees, Working Parties and 'Workshop' style meetings

L4. The constitutional position of sub-committees and working parties and informal 'workshop' style meetings or Member and officer working groups was noted and the Court requested that all Committees review their current arrangements to ensure that they conform to the principles outlined; and

L5. The concept of informal 'workshop' style meetings in appropriate circumstances was accepted in order to improve communication and increase interaction, particularly between Members and officers, at an early stage in major complex, costly or contentious proposals.

Committee Papers and Minutes

L6. Committee reports, minutes and papers are to be concise and to the point and that no late papers should be dispatched without the relevant Committee Chairman's consent having first been obtained;

L7. Agendas, reports and other papers shall continue to be dispatched in hard-copy, but greater use of electronically circulated papers be made; and

L8. A standard of seven working days after the Court of Common Council or Committee meetings should be set within which officers will seek to circulate the draft minutes to all Members (or Members of the relevant Committee).

Outgoing Chairmen

L9. In addition to the above it was subsequently agreed that in order to assist with arrangements for the election of a deputy chairman, outgoing Chairmen should be required to give notice of their intention to stand down.

M. Terms of Reference, Delegations and Standing Orders

M1. A scheme for the Appointment of Members on Committees and Terms of Reference for the City of London Corporation Committees was approved;

M2. The Framework for Accountability and Delegation approved by the Court in January 2005 was endorsed and individual Committees asked to review delegations to officers to ensure that they are appropriate and relevant.

M3. Revised Standing Orders were agreed and the Town Clerk authorised, in consultation with the Chairman and Deputy Chairman of the Policy and Resources Committee, to make any necessary consequential changes to

Standing Orders to take account of the decisions relating to the new governance arrangements.

N. Post Implementation Review

N1. Subject to the Court approving these new arrangements, a post-implementation review be undertaken after 12 months of their operation, with the membership of the working party being agreed by the Court, in order to take stock of the new governance arrangements and how they are working. This would include the operation of the Policy and Resources Committee. The Court subsequently approved the membership of the Post-implementation Review of the Governance Working Party on 8 September 2011.

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TO: **MARKETS COMMITTEE**

Wednesday 4 July 2012

FROM: **ENERGY AND SUSTAINABILITY
SUB COMMITTEE**

Tuesday 22 May 2012

6. THE SUSTAINABLE FISH CITY CAMPAIGN

The Sub Committee discussed a report of the Town Clerk informing Members of the 'Sustainable Fish City Campaign', a programme promoted by the Marine Stewardship Council (MSC), the Worshipful Company of Fishmongers and Sustain.

The Sub Committee was assured that the Markets Department had been informed of the report and that they would be encouraging the traders to take advantage of the new market opportunity. Some traders were already trading under MSC accreditation.

Concern was raised over whether the market traders were aware and content with the scheme. The Sub Committee could not commit the Market traders to comply with the scheme. They wanted to refer the scheme to the Markets Committee for them to consider with the tenants.

Members were informed that MSC accreditation could be a costly and bureaucratic process, with two different certifications, one for fisheries and another for suppliers, which may discourage small companies from seeking accreditation.

However, the Sub Committee was keen to agree the pledge on behalf of the City Corporation and its own use and promotion of sustainable fish.

RESOLVED: That:

- a) it be agreed that the City of London Corporation sign up to the Sustainable Fish City Pledge; and
- b) the report be submitted to the Markets Committee to consider any future implications on the Billingsgate Market traders, with the Committee to report back in six months.

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Committee(s):	Date(s):	
Energy and Sustainability Sub-Committee	22 May 2012	
Markets	4 July 2012	
Subject: The Sustainable Fish City Campaign	Public	
Report of: Town Clerk	For Information	
<p><u>Summary</u></p> <p>This report informs members of the “Sustainable Fish City Campaign”, a programme promoted by the Marine Stewardship Council, the Worshipful Company of Fishmongers and Sustain.</p> <p>The campaign aims to raise awareness of the issue of unsustainable fishing, and encourage consumers and organisations to choose fish which come from sustainably managed stocks.</p> <p>Businesses and Local Authorities are encouraged to take the “sustainable fish pledge”, which asks signatories to commit to a five step pledge. A significant number of London Boroughs, public sector organisations and businesses have signed up to this initiative.</p> <p>Given the City of London’s connection to fishing, through Billingsgate Market, our Port Health activities and the involvement of the Fish Mongers Company, members are requested to consider committing the City of London Corporation to the Sustainable Fish City pledge.</p> <p>Recommendations</p> <p>It is recommended that the City of London Corporation become a signatory to the Sustainable Fish City pledge</p>		

Main Report

Background

1. In recent years rising demand for fish, particularly from South East Asia has led to a rise in unsustainable fishing practices. The result has been the near collapse of a number of key fisheries and several commercial species being pushed to the brink of extinction.
2. This situation has been well publicised over the last couple of years through media campaigns and the involvement of a number of well know chefs.

Public awareness has increased and fish accredited as coming from sustainable sources has greatly increased its market share (in stark contrast to the poor performance of the organic market in the current recession).

3. The Sustainable Fish City Campaign aims for London to become a “sustainable fish city”, where shops, caterers and businesses buy and serve sustainable fish. The campaign is on target to achieve significant progress in time for the Olympics.
4. The campaign is run by a group of leading fish conservation organisations including the Marine Stewardship Council, the Worshipful Company of Fishmongers, the Marine Conservation Society and Sustain.
5. The pledge has already been adopted by the London 2012 Olympic and Paralympic Games, government departments, the Greater London Authority, Whitehall, London Metropolitan Police, TfL, the London Fire Brigade and City Hall, as well as 15 London universities, the National Trust, Sealife London Aquarium, major employers and caterers.

The Pledge

6. The Sustainable Fish City Pledge is in five parts, table 1 (below) explains each level and details the City of London’s current performance.

Table 1

STEP	COL’ S LEVEL OF Performance
<p>Step 1 - State our commitment: Tell our customers and the public that we are developing and implementing a policy on seafood sustainability in our business</p>	<p>The 2011-12 Sustainable City Awards, which are run by the City of London Corporation, featured a sustainable fish category, as a result the Awards were promoted by Raymond Blanc.</p> <p>Should members agree to support the Sustainable Fish City Pledge a page will be added to our website detailing our position.</p>
<p>Step 2 - Gather information: Assess and monitor the environmental sustainability of the seafood we serve.</p>	<p>The Remembrancer’s Office currently ensures that Caterers provide sustainable fish in accordance with the requirements of the Guildhall Accredited Caterers Agreement.</p>
<p>Step 3 - Source sustainably: Make sustainable seafood choices. This will include:</p> <ul style="list-style-type: none"> - Telling our supplier(s) or caterer we 	<ul style="list-style-type: none"> - Guildhall - The Guildhall Accredited Caterers Agreement states that “we will be mandating the use of sustainably sourced fish by caterers

<p>want to serve only sustainable fish</p> <ul style="list-style-type: none"> - Telling our supplier(s) or caterer to remove endangered species from menus - Serving sustainably managed fish – MSC-certified fish, and those rated as ‘fish to eat’ by the Marine Conservation Society: http://www.fishonline.org/fish-advice 	<p><i>serving functions at the Guildhall”.</i></p> <ul style="list-style-type: none"> - Mansion House – CHandCo is the in house caterer; they have set their own commitment to using fish supplies that are well managed, responsibly caught fish and seafood. - The Gild – ISS Facility Services is currently in the process of attaining MSC certification.
<p>Step 4 - Communicate clearly: Spread the message with our customers, supplier(s), caterer, employees and other key stakeholders about seafood sustainability. Consider investing in Marine Stewardship Council (MSC) Chain of Custody certification to enable us to communicate the sustainability of MSC-certified seafood to our customers.</p>	<p>Action to raise awareness among employees regarding seafood sustainability is relatively straight forward and can be carried out through communications via the intranet, green teams’ activities and engaging with The Gild to place adverts in the canteen area.</p> <p>Preliminary discussions with the London Fish Merchants Association (LFMA) and fish merchants at Billingsgate Market indicate that involvement with this campaign could potentially be good marketing for the Market and individual fish merchants.</p>
<p>Step 5 - Influence wider progress: Support positive change for fish, fisheries and marine resources; using our influence to encourage others to join our seafood sustainability journey and the Sustainable Fish City campaign.</p>	<p>The City promotes and influences others to support sustainable fish through the Sustainable Food Category of the Sustainable City Awards which has wide impact at national level.</p> <p>Further activities could be discussed with the Worshipful Company of Fishmongers..</p>

Options

7. As can be seen from table 1, the City of London already meets the requirements of the pledge, and with little effort could deliver a significant contribution to the Sustainable Fish City campaign. It is therefore proposed that the City of London becomes a signatory.

Corporate & Strategic Implications

8. The key risk associated with this proposal concerns engaging Billingsgate Market. However, both the Billingsgate Business Development Manager

and the Director of the Seafood School are committed to promote sustainable fish to the traders and the public.

9. Recent initiatives have included:

- “A Celebration of sustainable seafood”: a yearly conference focussed on the industry and traders
- Working with traders to help them to obtain MSC certification (MSC is costly for small companies; and to date just two of the traders have the certification)
- Cooking and fish identification workshops, with focus on sustainability, for schools and public

10. Obviously any significant progress must involve the Traders, whose main driver is economic return. To this end any effort to engage them must focus on economic sustainability and the business opportunities arising from a shift in the consumers demand toward sustainably sourced seafood. The most effective way to communicate with traders is directly talking with them.

11. The Head of Sustainable Development will liaise closely with the Markets Department, the Billingsgate Business Development Manager and the Seafood School on any plans to promote sustainable fish at Billingsgate.

Conclusion

12. Given the considerable progress that the City of London Corporation has made in this field, and the involvement of a senior City Livery in the Sustainable Fish City programme, it is recommended that the City of London Corporation support this initiative.

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Agenda Item 6

Committee(s):	Date(s):	
Markets	4 July 2012	
Subject: Revenue Outturn 2011/12		Public
Report of: The Chamberlain and The Director of Markets and Consumer Protection		For Information

Summary

This report compares the 2011/12 revenue outturn for the services overseen by your Committee with the final agreed budget for the year. Overall total net expenditure during the year was £5.631m, whereas the total agreed budget was £6.153m, representing an underspend of £522, 000, as summarised below.

Summary Comparison of 2011/12 Revenue Outturn with Final Agreed Budget			
	Final Agreed Budget £000	Revenue Outturn £000	Variations Increase/(Decrease) £000
Local and Central Risk			
Director of Markets and Consumer Protection	(1,221)	(1,440)	(219)
City Surveyor	393	491	98
City Surveyor – Additional Works Programme	912	446	(466)
Total Direct Net Expenditure	84	(503)	(587)
Capital and Support Services	6,069	6,134	65
Overall Totals	6,153	5,631	(522)

The Director of Markets and Consumer Protection’s underspend of £219,000 mainly relates to operational savings at Smithfield Market. In accordance with the budgetary arrangements for local risk resources, the Director of Markets and Consumer Protection is proposing to carry forward £162,000 of his underspend on City Cash expenditure. These proposals will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee and, if agreed, will be added to the Director’s budgets for 2012/13.

The City Surveyor’s net underspend of £368,000 mainly relates to the rephrasing of the Additional Works Programme over its three year cycle. It is anticipated that this will be spent over the life of the programme.

Recommendations

It is recommended that this revenue outturn report for 2011/12 and the budgets proposed to be carried forward to 2012/13 are noted.

Main Report

Budget Position for 2011/12

1. The 2011/12 final agreed budget for the services overseen by your Committee was £6.153m. This was the budget received by your Committee in November 2011 and endorsed by the Court of Common Council in March 2012.

Revenue Outturn for 2011/12

2. Actual net expenditure for the services overseen by your Committee during 2011/12 totalled £5.631m, an underspend of £522,000 compared to the final approved of £6.153m. A summary comparison with the final agreed budget for the year is tabulated below. In the various tables, figures in brackets indicate income or in hand balances, increases in income or decreases in expenditure.

Summary Comparison of 2011/12 Revenue Outturn with Final Agreed Budget				
	Final Agreed Budget %000	Revenue Outturn £000	Variations Increase/(Decrease) £000	Variation Increase/(Decrease) £000
Local Risk				
Director of Markets and Consumer Protection	3,865	3,644	(221)	(5.7%)
City Surveyor	393	491	98	24.9%
City Surveyor – Additional Works Programme	912	446	(466)	(51.0%)
City Surveyor Sub Total	----- 1,305	----- 937	----- (368)	----- (28.1%)
Central Risk				
Director of Markets and Consumer Protection	(5,086)	(5,084)	2	0.0%
Capital and Support Services	6,069	6,134	65	1.0%
Overall Totals	6,153	6,134	(522)	(8.5%)

3. The main variations were in respect of the following:

- the underspend of £221,000 is principally due to the following variations at Smithfield Market
 - Lower expenditure on employees due to vacancies and reduced training and recruitment costs - £79,000
 - Lower expenditure on repairs and maintenance and other minor projects - £60,000
 - Lower expenditure on various premises related expenditure items - £47,000
 - Additional Income generated mainly on reimbursable works and filming - £35,000
- a net underspend of £368,000 on the City Surveyors repairs and maintenance budgets relates mainly to the re-phasing of works over a three year cycle on the ring-fenced Additional Works Programme (£466,000). It is anticipated these sums will be spent over the life of the programme. This was partly offset by higher expenditure incurred by the City Surveyor on the water condenser water system, Poultry Market roof water ingress and asbestos management. (£124,000).

4. Annex A provides a more detailed comparison of the outturn against the final agreed budget, including explanations of significant variations.

Financial Performance of the Markets

5. Members have, in the past, requested a breakdown of financial performance of individual Wholesale Markets (i.e. excluding the car park and outside properties at Smithfield). This is set out in Annex B1 which shows that the three Wholesale Markets produced a combined operating surplus of £1.882m in 2011/12. Surpluses of £1.772m and £0.520m at Spitalfields and Billingsgate respectively have been partly offset by a deficit of £0.410m at Smithfield.
6. When capital charges and other central costs of £4.8m and £2.7m respectively are added, the overall cost to the City of London Corporation of operating the markets was £5.719m in 2011/12.

7. Local Risk Carry Forward to 2012/13

- The Director of Markets and Consumer Protection had a local risk underspend of £221,000 on the activities overseen by your Committee. The Director also had local risk under spending totalling £793,000 on activities overseen by other Committees.
- The Director has requested that £500,000 of his overall underspend is carry forward, of which £162,000 relates to activities overseen by this Committee. The carry forward of this underspend was requested for the following purposes:

Smithfield Market

- £142,000 for support for legal fees in relation to new leases; and
- £20,000 for the cost of replacing non return and isolation valves on the low temperature hot water pumps in the East market.

8. These requests will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub-Committee. If agreed, these proposals will be added to the Director's budgets for 2012/13.

Chris Bilsland
Chamberlain

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Director of Markets

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Markets Committee - Comparison of 2011/12 Revenue Outturn

	Final Agreed Budget £000	Revenue Outturn £000	Variation increase/(Decrease) £000	Variation %	Reasons
LOCAL RISK					
Director of Markets					
City Fund					
Spitalfields Market Service Charge	25	15	(10)	(40.0%)	
Spitalfields Market Corporation	23	11	(12)	(52.1%)	
	-----	-----	-----	-----	
Total City Fund	48	26	(22)	(45.8%)	
City's Cash					
Smithfield Market Wholesale Market	3,277	3,047	(230)	7.0%	1
Smithfield Market Other Services	(100)	(90)	10	(10.0%)	
Billingsgate Market Non Service Charge	191	212	21	10.9%	
Markets Directorate	449	449	0	0.0%	
	-----	-----	-----	-----	
Total City's Cash	3,817	3,618	(199)	5.2%	
Total Director of Markets	3,865	3,644	(221)	5.7%	
City Surveyor					
City Fund					
Spitalfields Market Service Charge	19	20	1	5.2%	
Spitalfields Market Corporation	5	4	(1)	20.0%	
	-----	-----	-----	-----	
Total City Fund	24	24	0	0.0%	
City's Cash					
Smithfield Market Wholesale Market					
General repairs and maintenance	285	409	124	43.5%	2
Additional programme of works	912	446	(466)	(51.0%)	3
Billingsgate Market Service Charge	73	52	(21)	(28.7%)	
Billingsgate Market Non Service Charge	11	6	(5)	(45.4%)	
	-----	-----	-----	-----	
Total City's Cash	1,281	913	(368)	(28.7%)	
Total City Surveyor	1,305	937	(368)	(28.2%)	
TOTAL LOCAL RISK	5,170	4581	(589)	(11.3%)	

Reasons for Significant Local Risk Variations

1. The favourable variance of £230,000 is mainly due to the following savings and additional income:
 - Four cleaning posts were vacant for several months of the year, an electrician post was vacant for six months of the year, an administration post was vacant for 3 months and a constable post was vacant for four months of the year. Savings were also made on overtime and recruitment costs. (£79,000).
 - A favourable variance for repairs and maintenance, mainly due to the delay of repair/replacement of the non- return and isolation valves for the low temperature hot water pumps in the East Market (£20,000) and less than anticipated work required for unexpected breakdowns and repairs. (£40,000)
 - Small variable variances on several premises related items are mainly due to efficiencies made throughout the year. (£47,000)
 - Additional Income generated mainly through filming, reimbursable works and other minor charges. (£44,000)
2. The adverse variance of £124,000 is mainly due to the condenser water repair, Poultry Market roof water ingress and asbestos management that the City Surveyor has undertaken at Smithfield Market.
3. The Additional Works Programme has been approved by the Policy and Resources Committee to enable the highest priority schemes and precautionary surveys from the City Surveyor's 20 year plan to proceed as soon as possible. The progress of schemes is monitored quarterly by the Corporate Asset Sub Committee. Budget transfers are permitted between schemes and also between years in order to allow for the rephrasing and completion of works. £466,000 of the additional works programme will be carried forward to 2012-13.

**Markets Committee - Comparison of 2011/12 Revenue Outturn
with Final Agreed Budget**

	Final Agreed Budget £000	Revenue Outturn £000	Variation Increase/ (Decrease) £000	Variations %	Reasons
CENTRAL RISK					
Director of Markets					
City Fund					
Spitalfields Market Service Charge A/C	(349)	(348)	1	0.2%	
Spitalfields Market City Account	(1,173)	(1,199)	(26)	(2.2%)	
Spitalfields Market Tenants Repairs A/C	(23)	(15)	8	34.7%	4
Total City Fund	(1,545)	(1,562)	(17)	(1.1%)	
City's Cash					
Smithfield Market Wholesale Market	(2,473)	(2,498)	(25)	(1.0%)	
Smithfield Market Other Services	(46)	(64)	(18)	(39.1%)	5
Billingsgate Market Service Charge A/C	(180)	(173)	7	3.8%	
Billingsgate Market Non Service Charge	(815)	(768)	47	5.7%	
Billingsgate Market Special Works A/C	(27)	(19)	8	29.6%	6
Total City's Cash	(3,541)	(3,522)	19	0.5%	
TOTAL CENTRAL RISK	(5,086)	(5,084)	2	0.0%	

Reasons for Significant Central Risk Variations

4. An adverse variance has occurred due to less time required from the City Surveyor, so less funds were transferred from the Repainting and Repair reserves (£8,000)
5. The favourable variance is due mainly to higher than anticipated income from the Rotunda car park - (£12,000) and higher than anticipated rental income from other properties (£6,000)
6. An adverse variance has occurred due to less work being undertaken from the Repainting and Special Works fund, less time was required from the City Surveyor, therefore less funds were transferred from reserves (£8,000)

Markets Committee - Comparison of 2011/12 Revenue Outturn
With Final Agreed Budget

	Final Agreed Budget £000	Revenue Outturn £000	Variation Increase/ (Decrease) £000	Variations %	Reasons
RECHARGES					
City Fund					
IS Recharges	8	11	3	37.5%	
Insurance	80	78	(2)	(2.5%)	
Support Services	170	185	15	8.8%	
City Surveyor Recharges	38	28	(10)	(26.3)	
Capital Charges	457	458	1	0.2%	
Recharges within fund	(28)	(28)	0	-	
Recharges across funds	63	63	0	-	
Total City Fund	788	795	7	0.8%	
City's Cash					
Administrative Buildings	37	30	(7)	(18.9%)	
IS Recharges	49	71	22	44.8%	
Insurance	429	418	(11)	(2.5%)	
Support Services	541	601	60	11.0%	
City Surveyor Recharges	135	123	(12)	(8.8%)	
Capital Charges	4,387	4,387	0	-	
Film Liaison Staff Costs	0	16	16	100%	
Recharges within fund – income	(11)	(23)	(12)	109%	
Recharges across funds	(286)	(284)	2	0.7%	
Total City's Cash	5,281	5,339	58	1.0%	
TOTAL RECHARGES	6,069	6,134	65	1.0%	

WHOLESALE MARKETS

	Spitalfields		Billingsgate		Smithfield		Total	
	Final	Actual	Final	Actual	Final	Actual	Final	Actual
	Agreed Budget	2011/12	Agreed Budget	2011/12	Agreed Budget	2011/12	Agreed Budget	2011/12
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Operating Expenditure								
Expenditure								
Employees	(1,257)	(1,155)	(1,485)	(1,427)	(1,888)	(1,809)	(4,630)	(4,391)
Premises	(677)	(958)	(925)	(981)	(2,023)	(1,836)	(3,625)	(3,775)
Transport	(10)	(3)	(25)	(28)	(10)	(7)	(45)	(38)
Supplies and Services	(136)	(152)	(153)	(152)	(594)	(612)	(883)	(916)
Third Party Payments	(1,686)	(1,648)					(1,686)	(1,648)
Income								
Rent Income	1,156	1,182	815	762	2,686	2,637	4,657	4,581
Charges for Services	4,148	4,506	2,336	2,346	1,157	1,217	7,641	8,069
Net Operating Surplus/(Deficit)	1,538	1,772	563	520	(672)	(410)	1,429	1,882
Central Costs								
Capital Charges	(457)	(458)	(375)	(375)	(4,012)	(4,012)	(4,844)	(4,845)
Other Central Costs	(396)	(597)	(173)	(207)	(2,242)	(1,952) *	(2,811)	(2,756)
Total Market (Expenditure)/Income	685	717	15	(62)	(6,926)	(6,374)	(6,226)	(5,719)

N.B. This table has not been prepared in accordance with conventional City of London Corporation format. In the table above () = Expenditure / Deficit

Excludes the car park and outside properties at Smithfield

* Includes monies allocated from Policy and Resources Committee for additional repairs and maintenance (budget £912,000, actual £446,000)

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Agenda Item 7

Committee(s):		
Markets Committee	4 July 2012	
Subject: Enforcement Activity at Smithfield Market	Public	
Report of: Director of Markets & Consumer Protection	For Information	
<u>Summary</u>		
<p>This report advises your Committee of Enforcement Activity carried out by the Enforcement Team within my Department at Smithfield Market during the four month period from 1 February 2012 to 31 May 2012.</p> <p>During the period, standards were maintained at a reasonable level. In respect of food safety and hygiene a number of formal enforcement notices were served during the period in line with the hierarchy of enforcement. Since 2nd April Official Controls have been undertaken by the Food Standards Agency's new contractor, Eville and Jones.</p> <p>As mentioned in previous reports, problems were identified from 2010 with the supply of condenser water to some meat traders' stalls. The repair & improvement works to the refrigeration equipment have now been completed to the satisfaction of the City Surveyor, who supervised the project. The real test will come when there are some sustained high ambient temperatures in the City. Initial evidence suggests that the system may still struggle.</p> <p>In respect of enforcement under the Health & Safety at Work Etc Act 1974, it should be noted that during this period there has been a slight improvement in Health & Safety compliance with fewer incidents of non compliance being observed particularly in respect of the wearing of personal protective equipment by Market traders' personnel. There were no other discernable trends in respect of Health and Safety.</p> <p>Recommendations</p> <p>I recommend that your Committee notes the content of this report.</p>		

Main Report

Background

1. This is the twenty sixth such report submitted to your Committee. The attached table (Appendix 1) gives a more detailed breakdown of 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 enforcement activity over a sixteen month period.

Current Position

2. Most enforcement is the result of official Food Standards Agency (FSA) audit visits undertaken by the Official Veterinarians, which for most companies at Smithfield are in either a three or five month cycle.
3. The FSA has recently advised several tenants that they will require re-approval in 2012. A total of nine stalls require a new approval because the Food Business Operator has changed and the process started in January with an informal visit. The first formal visit took place during the week commencing 21st May 2012. The new Animal by Products (ABP) facility was commissioned on the 30th of April and the proper operation of the facility will be an integral part of the approval process.
4. Planned audits have continued with linked unannounced visits throughout the period paying particular attention to those companies on the FSA's national "Cause for concern list". This comprises those meat traders/plants that, upon audit, do not meet the required standards over two audits. Currently we have two companies in this category. The "Cause for concern list" is now published on the Food Standards Agency website along with copies of all approved premises' most recent audit.
5. Over the two month period during which the City was the contractor for the FSA, a number of issues have arisen which fall under the Food Hygiene or the Animal by Products Regulations. These are tabulated at Appendix 1. The physical layout of Smithfield (in particular its lack of a physical boundary) makes enforcement difficult.
6. Since the FSA's new contractor, Eville and Jones, took over from 2nd April we have liaised closely with them to ensure all areas are still covered by an effective enforcement regime. Arrangements are being made to try and obtain information from the FSA on the outcome of enforcement visits that can be presented to your Committee in future reports.

7. When the enforcement activity between periods is compared (Appendix 2) there are no obvious trends; different issues come to the fore at different times. A company may have little or no enforcement taken against it in one period but a range of enforcement actions undertaken during the next period; this does not necessarily mean that standards have deteriorated - it is possible that the company wasn't audited in the first period.
8. As mentioned in previous reports, problems were identified with the supply of condenser water to some meat traders' stalls. During this period refrigeration issues largely disappeared because of the cold ambient temperatures associated with winter. The City Surveyor's remedial works programme in the East and West Market commenced on 6 June 2011 and has now been completed. The real test will come once high ambient temperatures occur, although initial evidence suggests that the system may still struggle.
9. However, the City Surveyor and the City Corporation's consultant have both confirmed that the system is now operating satisfactorily. Some tenants have been advised that they may need to undertake work to their own equipment to ensure compliance with the legal temperature requirements within their demised premises, particularly during the summer.
10. Formal action could be taken by the FSA against the City Corporation and/or individual tenants should refrigeration failure problems recur in the warmer months. This would now be undertaken by the FSA's new contractor, Eville & Jones.

Formal Action

11. The following formal action has been taken against meat traders:
 - One company was given a formal written warning on hygiene issues. These included issues such as ineffective pest control.
 - One company was given two formal written warnings on ABP deficiencies which related to inadequate cleaning of ABP containers and inadequate information on ABP delivery notes.

Overall, meat traders have maintained a reasonable standard but have not demonstrated any real improvement. Eating and drinking in and around the market has become commonplace again. To achieve a reduction in this behaviour will require a co-ordinated effort by the FSA Contractors, the

City's Smithfield Enforcement Team and also the tenants, who are responsible for their own employees.

12. In regard to Health & Safety enforcement under the Health and Safety at Work Etc Act 1974 it should be noted that during this period there has been a decrease in number of verbal warnings issued in respect of the wearing of personal protective equipment (e.g. safety hats, shoes, chain mail gloves, etc.) by Market traders' personnel.
 - Verbal advice was given on 73 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.
 - One company received a written warning for Health & Safety infringements, e.g. not wearing personal protective equipment.
13. 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

14. There are no current trends that can be identified in terms of non-compliance, but enforcement action continues to be taken to try to ensure that market traders meet statutory requirements.

Background Papers:

Appendix 1 - Table showing breakdown of enforcement activity during the four month period of 1 February 2012 to 31 May 2012 (inclusive).

Appendix 2 - Comparison table showing enforcement activity summary for the period 1 June 2011 to 31 May 2012.

Contact:

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ENFORCEMENT ACTIVITY SUMMARY FOR LONDON CENTRAL MARKETS - 1 February 2012 to 31 May 2012

1. Hygiene relates to breaches of: The Food Hygiene (England) Regulations 2006 and EC Regulations 852/2004, 853/2004
2. ABP relates to breaches of: Animal By Products (Identification) Regulations 614/1995 & other ABP Regs
3. Obstruction relates to breaches of: The Food Hygiene (England) Regulations 2006
4. Health & Safety Management System relates to breaches of: The Management of Health & Safety at Work Regulations 1999
5. Defective work equipment relates to breaches of: The Provision and Use of Work Equipment Regulations 1998
6. 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
10		1			Hygiene
44		2			ABP
45		1			Health & Safety
Combination of Market tenants and customers	73				Health & Safety

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.

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Stall	June to Sept 09				Oct to Dec 08				Jan to Mar 09				Apr to Jun 09				July to Sept 09				Oct to Dec 09				Jan to March 10				TOTALS TO DATE
	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	
1	1																											0	
2	1	1			1																							1	
3			1																									0	
4	3																											13	
5		1				1																						4	
6											1	1																15	
7						1							2			4	2											6	
8																1	1											2	
9																												0	
10	11																											7	
11	1						2																					3	
12				1																								1	
13	4	1			1											1	1											10	
14	1																											1	
15	1																											2	
16	2	1																										4	
17	1																											3	
18																												2	
19						1	2																					1	
20																												2	
21	1																											2	
22	1																											4	
23																												2	
24	1																											2	
25						5																						2	
26																												0	
27	2					2	1																					4	
28	6	1																										14	
29																												0	
30																												5	
31			1																									3	
32	1	1																										3	
33	1	1																										1	
34	2	1				2	1																					1	
35																												1	
36																												0	
37	2	1																										2	
38						1	2																					1	
39																												1	
40			5			1																						21	
41			1																									0	
42																												0	
43																												1	
44																												0	
																													147
																													147

ENFORCEMENT ACTIVITY SUMMARY - SMITHFIELD MEAT MARKET - 1 FEBRUARY 2012 - 31 MAY 2012

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	June 11 to Sept 11				Oct 11 to Jan 12				Feb 12 to May 12				TOTAL
	A	B	C	D	A	B	C	D	A	B	C	D	
1						2							2
2						1							1
3													0
4					2	2							4
5	2				2	1							5
6													0
7	1					1							2
8		1											1
9													0
10	4	3			1					1			9
11	1	1	2		2		1						7
12	1				2								3
13													0
14		1											1
15													0
16	1	1			1								3
17		2											2
18													0
19													0
20		1											1
21						1							1
22		1											1
23													0
24	1	1			1								3
25	1					1							2
26	1												1
27						1							1
28					1	1							2
29													0
30	6												6
31													0
32						1							1
33													0
34		2											2
35													0
36													0
37	1												1
38	3				1								4
39													0
40						1							1
41		2											2
42					1								1
43													0
44		2								2			4
45										1			1
46													0
TOTAL	23	18	2	0	14	13	1	0	0	4	0	0	75

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