



Markets Committee

Date: TUESDAY, 25 SEPTEMBER 2012

Time: 11.30 am

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

| | |
|-------------------------------------|-----------------------------|
| Hugh Morris (Chairman) | Michael Henderson-Begg |
| Michael Hudson (Deputy Chairman) | Deputy 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 |

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Lunch will be served in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**

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

3. **MINUTES**

To agree the public minutes and summary of the meeting held on 4 July 2012 (copy attached).

For Decision
(Pages 1 - 6)

4. **CHIEF OFFICER APPOINTMENT**

Report of the Town Clerk (copy attached).

For Information
(Pages 7 - 8)

5. **MARKETS BUSINESS PLAN UPDATE - PERIOD 1 2012/12 (APRIL - JULY)**

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

For Information
(Pages 9 - 38)

6. **BILLINGSGATE MODERNISATION PROJECTS**

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

For Information
(Pages 39 - 44)

7. **CHRISTMAS 2012 - SMITHFIELD MARKET TRADING HOURS AND TRAFFIC MANAGEMENT PLAN**

Report of the Superintendent, Smithfield Market (copy attached).

For Decision
(Pages 45 - 46)

- 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 of the Local Government Act 1972, the public be excluded from the meeting for the following items of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

| Item Nos. | Exempt Paragraphs |
|------------------|--------------------------|
| 11 - 15 | 3 |

Part 2 - Non-Public Agenda

11. **NON-PUBLIC MINUTES**

To agree the non-public minutes and summary of the meeting held on 4 July 2012 (copy attached).

For Decision
(Pages 47 - 50)

12. **CENTRAL MARKETS - CONDENSER WATER COOLING SYSTEM - LIABILITY OF CITY FOR SYSTEM PERFORMANCE**

Joint report of the Comptroller & City Solicitor and the City Surveyor (copy attached).

For Information
(Pages 51 - 54)

13. **SMITHFIELD MARKET CONDENSER WATER COOLING SYSTEM**

Report of the City Surveyor (To Follow).

For Decision

14. **CONCESSIONARY PARKING AT SMITHFIELD MARKET DURING THE CHRISTMAS PERIOD 2012**

Report of the Superintendent, Smithfield Market (copy attached).

For Decision
(Pages 55 - 56)

15. **SMITHFIELD LEASES**

An oral statement by the Director of Markets and Consumer Protection relating to the High Court Judgement.

For Information

16. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

MARKETS COMMITTEE

Wednesday, 4 July 2012

Minutes of the meeting of the Markets Committee held at the Guildhall EC2 at 11.30am

Present

Members:

| | |
|----------------------------------|-------------------------|
| Hugh Morris (Chairman) | Deputy Pauline Halliday |
| Michael Hudson (Deputy Chairman) | Brian Harris |
| Alex Bain-Stewart | Deputy Alastair King |
| Deputy John Bennett | Deputy Keith Knowles |
| John Brewster | Anthony Llewelyn-Davies |
| Nigel Challis | Robert Merrett |
| John Chapman | Deputy Joyce Nash |
| Deputy Stella Currie | Chris Punter |
| Alex Deane | Elizabeth Rogula |
| Peter Dunphy | Deputy Robin Sherlock |
| Deputy Robin Eve | John Spanner |
| Deputy Bill Fraser | James Tumbridge |
| Deputy Stanley Ginsburg | |

Officers:

| | |
|-------------------|---|
| Julie Mayer | - Town Clerk's Department |
| Peter Lisley | - Town Clerk's Department |
| Mathew Lawrence | - Town Clerk's Department |
| Andrew Buckingham | - Public Relation's Office |
| Debbie Howard | - Chamberlain's Department |
| Julie Smith | - Chamberlain's Department |
| Paul Hickson | - Comptroller & City Solicitor's Department |
| Andrew Crafter | - City Surveyor's Department |
| Andrew Wild | - City Surveyor's Department |
| David Smith | - Director of Markets and Consumer Protection |
| Jon Averbs | - Markets and Consumer Protection Department |
| Malcolm Macleod | - Markets and Consumer Protection Department |
| Nigel Shepherd | - Markets and Consumer Protection Department |
| Robert Wilson | - Markets and Consumer Protection Department |

1. APOLOGIES

Apologies were received from Mark Boleat; Michael Henderson-Begg; Henry Jones; Michael Page; Alderman Sir Michael Savory; Deputy Robin Sherlock; Deputy Dr Giles Shilson and Alderman Sir John Stuttard.

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

There were no declarations.

3. **PUBLIC MINUTES**

The public minutes and summary of the meeting held on 2 May 2012 were approved as a correct record.

Matters Arising

West Poultry Avenue

The Chairman had requested more up to date information on the modifications to the tunnels under the road. Members noted that the Markets Committee and Property Investment Board have several common Members and the Chairman welcomed their support. The Chairman agreed to pursue this matter with the Chairman of the Property Investment Board and Members agreed this approach.

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

The Court of Common Council has agreed that a Working Party be established to undertake a post-implementation review of the revised governance arrangements, after twelve months of their operation, to take stock of the new arrangements and how they are working.

The report before Members, prepared on behalf of the Working Party, sought comments, if any, on the governance arrangements introduced in March 2011 and the impact they may have had on the operation of the Markets Committee.

RESOLVED, that:

The report be noted with no further comment.

5. **THE SUSTAINABLE FISH CAMPAIGN**

Members received a resolution from the Energy and Sustainability Sub Committee (ESSC) in respect of the Sustainable Fish City Campaign. In respect of Resolution (b) in the report, the Chairman felt that this was not within the remit of the Markets Committee. There was a general agreement that the Billingsgate fish merchants should be encouraged to support the campaign but could not be forced to do so; it was very much a commercial decision for each merchant to take. Members were interested in receiving more information on sustainable fish and the Sustainable Development Officer agreed to provide this.

Members noted that the European Union was currently reviewing its Common Fisheries Policy and was keen to ban discards. Members agreed that the matter should be referred to the Policy and Resources Committee.

RESOLVED, that:

The Markets Committee note that the ESSC had committed the City to supporting the Sustainable Fish City initiative and, while not being in a position to force the Billingsgate fish merchants to support the pledge, would encourage them to do so. The Committee did not see any need to report back to the ESSC.

[Post meeting note: The Director of Markets & Consumer protection has written to the Chairman of the London Fish Merchants Association to reflect the Committee's views.]

6. REVENUE OUTTURN 2011/12

This report compared the 2011/12 Revenue Outturn for the services overseen by the Committee, with the final agreed budget for the year. Members were pleased that the information in Annex B1 had been presented in a conventional accounting style. In responding to questions, the Director of Markets and Consumer Protection advised that, since October 2011, he had been reporting to three Committees and the Markets charge was an apportionment of this. Members also noted that the information set out in Annex B1 referred to the individual market operating costs and that the Markets Directorate and other overhead costs were not included.

Members also noted that rent at Smithfield had been frozen since December 2009, pending resolution of the on-going lease negotiations. Once they had been concluded or determined by the Court, the City would be seeking an Interim Rent for the intervening period. Members asked for more clarity on Annex B1 in future reports to make it clear that it showed only operating costs.

RESOLVED: That the Revenue Outturn Report for 2011/12 and the budgets proposed for carry forward to 2012/13 be noted.

7. ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET

This report advised Members of the Enforcement Activity carried out during the four month period from 1 February 2012 to 31 May 2012.

As mentioned in previous reports, problems had been identified in 2010 with the supply of condensed water to some meat traders' stalls. Members noted that the repair and improvement works to the refrigeration equipment had been completed to the satisfaction of the City Surveyor, who had supervised the project.

The Principal Mechanical Engineer provided the following update:

- There had recently been a number of fridge trips; nearly all as a result of blockages in strainers and valves restricting the water flow. However, a reduction had been seen in June and a regular strainer clean is being carried out every 3 weeks.

- The two hot weather spells on 24-25 May and 27-28 June may have caused a couple of extra fridge trips, although the vast majority (94%) of fridges had been unaffected by hot conditions.
- Around 3 or 4 fridges appeared to be particularly sensitive. Two of these had been rated 'red' in the independent Refrigeration Expert's Report; i.e. potentially undersized for the cooling load. Therefore, they need to work harder than others and a reduced water flow, caused by strainer blockage, and would have had a more rapid effect. Members noted that fridge selection/sizing was the responsibility of the tenants.
- Further measures would include; installing fine mesh on the cooling tower air inlets to trap as much airborne contamination as possible; changing certain valves to reduce their susceptibility to blockage; transposing 2 connections to help one problem freezer on the NW deck and adjusting flows to benefit those fridges which appear to need more water. Members noted that this work would probably take 3 weeks.
- Further works were planned to permanently address the contamination problem. This would be presented in the next report to the Committee, along with a cost summary of the works to date.

Members were pleased to note the considerable reduction in enforcement activity and felt that the report was very helpful. It was suggested that future reports be presented as bullet points, with detail kept to the appendix. There was a further request for the next report to cover the City's legal position in the event of a breach of lease conditions resulting from refrigeration failure.

RESOLVED: That the contents of the report be noted.

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

Members asked the following questions:

'Following the less than flattering documentary shown on BBC2 TV entitled, 'The Meat Market: Inside Smithfield', with one former employee describing the Butchers as 'Neanderthal' and the newspaper reviews summed up by 'Butchers past their sell-by date'; will the Chairman be seeking a response from the Smithfield Markets Tenants' Association as to what action the Tenants are taking to adjust to the laws and customs of the modern working world?'

The Director of Markets and Consumer Protection advised that the decision to go ahead with filming had been taken, by himself, the Director of PR and the Head of News in October 2011 after consultation with the three Tenants' Associations. The Committee had been notified in periodic reports.

The Tenants' Associations had worked with the production team and received a fee, as had the City of London Corporation. However, Members noted that the BBC had refused to relinquish editorial control.

Members were aware that there had been a mixed reaction to the programmes, which had attracted significant viewing figures. Reviews had ranged from fascinating and insightful to compelling but some Members felt that the programmes were poor and unhelpful to the City of London Corporation. Some Members alleged that, while the programmes may have been good entertainment, some positive aspects of life at the Markets had been underplayed and others, which were less so, had been distorted or exaggerated. In concluding, the Chairman suggested, and Members agreed, that it would not be helpful to pursue this further.

Has the Fishmongers' Company pulled out of the Billingsgate Market Inspection Regime?

Despite Tenants' refusal to make a contribution towards the Fishmongers Company's costs, inspections were continuing but the number of Inspectors had reduced from 3 to 2. Members noted that two of the Fishmongers Company Inspectors were based permanently at Billingsgate and that the statutory responsibility for Inspections at Billingsgate rested with the London Borough of Tower Hamlets.

Can Members please have an update on transport arrangements around Spitalfields during the Olympics?

TfL had granted a concession to allow 400 trucks per night before midnight to access Spitalfields from the A12 slip road, which had previously been prevented by the ORN restrictions. There was more police activity in the area to ensure that traffic flowed as smoothly as possible. Members noted that the traffic restrictions would be in force for 2 days either side of the Olympics and Paralympics and not the entire 9 week period. 'Scoot loops' would be fitted at the market entrance to enable the Traffic Authority to control the traffic lights to prevent a build-up of traffic congestion within the market.

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

The Director of Markets and Consumer Protection updated Members on the recent High Court Hearing into the two Preliminary Issues affecting the lease negotiations with the Smithfield tenants. The Hearing had been very thorough, with debate about the first Issue lasting one and a half days and the main point of principle, on whether or not there should be a separate rent and service charge, lasting four and a half days. Members noted that a result was expected by the end of July and they would be informed as soon as the result was known. The full legal costs (when available) would be disclosed in a private session at a future Markets Committee meeting. In response to a question Members noted that leave to Appeal might be requested by the losing party. The Chairman confirmed his commitment to reaching a mutually agreeable solution, if possible.

10. **EXCLUSION OF THE PUBLIC**

That, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for items 11 - 15, on the grounds that they involve

the likely disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.

11. NON-PUBLIC MINUTES

The non-public minutes and summary of the meeting held on 2 May 2012 were approved.

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

A report of the City Surveyor was considered and agreed.

13. NEW LETTING - BILLINGSGATE MARKET, Q SHOP 12

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

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

Questions were asked in relation to Billingsgate Market and the quantity of meat at the Constabulary office and the resulting audit enquiry.

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

There were no items of urgent business.

The meeting closed at 12.40pm

Chairman

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Agenda Item 4

| | |
|---|-------------------|
| Committee(s): | Date(s): |
| Port Health and Environmental Services | 4 July 2012 |
| Open Spaces, City Gardens & West Ham Park | 23 July 2012 |
| Markets | 25 September 2012 |
| Subject: Chief Officer Appointment | Public |
| Report of: Town Clerk | For Information |

Summary

The Terms of Reference approved by the Court (and approved by this Committee – Item 3, May 2012) did not reflect the dissolution of the Department of Environmental Services nor the wish to involve the Chairman of the Port Health and Environmental Services Committee in the appointment of the post of Director of Markets and Consumer Protection and the Director of Open Spaces. This report sets out how to resolve this satisfactorily.

Recommendations

It is recommended that:-

- The Corporate HR unit note the report and make the necessary preparations to give Port Health and Environmental Services Committee appropriate representation in the future appointments of the Director of Markets & Consumer Protection and Director of Open Spaces.
- The Terms of Reference of the Port Health and Environmental Services Committee be amended at the next appropriate opportunity to reflect the wishes of the Committee.

Main Report

1. Following the restructuring of the Built Environment, three Chief Officers now report to Port Health and Environmental Services Committee: the Directors of Markets and Consumer Protection, Open Spaces and the Built Environment.

2. However, the Terms of Reference in the White Paper approved in April 2012 for Port Health and Environmental Services Committee still reflect the previous responsibilities for the appointment of the Director of the Built Environment only (in consultation with the Planning & Transportation and Licensing Committees).

3. At the Port Health and Environmental Services Committee in May 2012, the Committee expressed a wish to involve the Chairman of the Port Health and Environmental Services Committee in the appointment of the post of Director of Markets and Consumer Protection and the Director of Open Spaces. This to reflect

the Committee's new responsibilities and the new Chief Officers that now report to the Committee.

4. The Corporation process for Chief Officer appointments is that the Chairman and Deputy Chairman of the employing committee and the Chairman of Establishment Committee be included on the panel (as well as the Town Clerk). If a Chief Officer reports to more than one Committee then each Committee should have representation on the appointment panel. The Chief Officer recruitment policy limits the panel to a maximum of seven panel members, so up to three Committees can potentially be accommodated.

5. Therefore it is recommended that the Port Health and Environmental Services Committee is consulted in any future appointment of the Director of Markets & Consumer Protection, with the Chairman and Deputy Chairman of Port Health and Environmental Services to sit on the appointment committee of the Director.

6. The Director of Open Spaces reports to the Committee on her oversight of the operation of the City of London Cemetery and Crematorium. The Committee has expertise and experience in a range of policy and operational issues relating to the management of the Cemetery operation, which do not arise in the Open Space Committees. It is therefore appropriate that the Port Health and Environmental Services Committee is represented on the appointment committee so that issues relating to the Cemetery are properly covered. It is recommended therefore that the Chairman of the Committee sits on the panel to represent the Committee.

7. The Town Clerk's department, Markets & Consumer Protection, Open Spaces and, Open Spaces and the Director of HR have been consulted on this report.

Conclusion

8. The changes recommended are implemented to resolve the discrepancy that emerged following the restructuring of the Built Environment.

Contact:

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Agenda Item 5

| | | |
|--|-------------------|--|
| Committee(s): | Date(s): | |
| Markets | 25 September 2012 | |
| Subject: Markets Business Plan Update – Period 1 2012/13 (April – July) | Public | |
| Report of: Director of Markets & Consumer Protection | For Information | |
| <u>Summary</u> | | |
| <p>This Report aims to bring Members up to date on progress in achieving the objectives set out in the annual Business Plan for the 1st period in 2012/13 (April – July inclusive).</p> <p>The principal subjects covered in this report are:</p> <ul style="list-style-type: none">• Daily Mail report on shoppers making savings buying fruit and vegetables from markets compared to supermarkets.• Love your Market and National Market Day.• Progress report on Markets Byelaws.• Olympic period.• Water Harvesting• Satellite unit 1 update• Finance update <p>Recommendations</p> <p>It is recommended that Members note the content of this Report.</p> | | |

Main Report

ISSUES AFFECTING THE MARKETS

Markets beat Supermarkets in price survey

1. NABMA recently responded to a request from the Daily Mail to test the price of fruit and vegetables in different parts of the country against supermarket prices. The results of the survey demonstrate that, overall, markets can offer savings of 32% or more.
2. The research found that the big four supermarket groups are failing to match street market prices across a range of popular fruit and vegetables. Even buying fresh fruit and vegetables that are on promotion or from supermarkets' value ranges, designed to help families make their money go further, can cost more than paying the unit price at a fruit and vegetable market.

3. Savings are particularly keen on local, seasonal produce in good supply. When the research was carried out, English asparagus cost from £6 per kilo at supermarkets compared to £2-£2.50 per kilo from markets. Some tropically grown produce, where the supply is year round, is also cheaper bought at market stalls. A pair of large mangoes selling for around £1 from markets, or 60p each, compared to between £1 and £1.50 for a large mango at the big four supermarkets.
4. Alan Ottey, town centre manager at Nuneaton Market in Warwickshire, said “£1 bowls are very popular and all stalls now have them”. Bowls can be a selection of fruit and vegetables or a bulk buy of one item but whatever is in the bowl the cost is £1.
5. Figures collated by the Office for National Statistics show that the average price of vegetables has risen by 5 per cent in the past two years while the cost of fruit is up 4 per cent, with most of the increase coming in the past year, all this is adding to the squeeze on household budgets.
6. Value is right at the top of the customer’s list and, in these times of austerity, supermarkets are battling it out to serve them with a mass of prices and promotions that change frequently. There is the potential for retail and street markets to recover some of their lost trade, which would have benefits for the wholesale markets which supply them. It will also support the Mary Portas recommendations on re-vitalising High Streets.

Re:fresh 2012- Winners

7. The 2012 Re:fresh awards, the food industry’s Oscar night, was held on 17 May at the Intercontinental, Park Lane, London. The winner of Regional Foodservice Supplier of the Year went to Cook’s Delights, based at New Spitalfields Market. The judges said “Innovative sourcing practices, company expansion and a commitment to community care make Cook’s Delights a worthy winner. Cook’s Delights is not just a wholesaler or supplier – it sees itself as a part of the community and is determined to support those less well-off and facing challenges outside of their control. On the business side, the company has implemented a tailored computer system and advanced telesales module to improve efficiency and productivity.”
8. Sunnyfield Veg, also based at New Spitalfields Market, was a finalist in the Wholesaler of the Year category. The judges said “Sunnyfield Veg frequently shows that community spirit is at the heart of what the company is all about. With a “grow locally, source globally” mentality, the company has strong links across the world, and in 2012 the business has been growing, testament to which was the installation of a mezzanine floor

at its stand in New Spitalfields market. The company even supported the construction of a school in China in an earthquake-hit region.”

9. The Florette Lifetime Achievement Award was given to Tom Hilliard OBE of Premier Direct Marketing. With a long and successful career in the London markets, Hilliard opened businesses on New Spitalfields and Covent Garden markets, among others, before establishing Premier Direct Marketing. He was appointed as an OBE for his charity work in 1993.

Love Your Local Market and National Market Day

10. Eric Pickles, Secretary of State for Communities and Local Government, and Andrew Stunell, CLG Minister, gave a resounding endorsement of markets when they launched ‘Love Your Local Market’ and ‘National Market Day’ at Old Spitalfields Market in London on 21 June.
11. Welcomed by Lord Lee of Wellington Markets, who hosted the event, the Secretary of State spoke of the role of markets in encouraging entrepreneurship and enabling traders to start new businesses. He referred to his own family’s background in the retail industry and the way in which some of today’s retail giants, like Morrisons, had started in the local market. The event at Old Spitalfields was an opportunity for young traders to demonstrate their skills at market trading. The Secretary of State visited the range of stalls and was impressed with the variety and quality of what was on offer. At the conclusion of his visit he presented various awards to young traders for their efforts.

CUSTOMER AND STAKEHOLDER FOCUS

Progress report on Market Byelaws

12. This synopsis provides Members with an interim update on the progress of the Markets Byelaws Working Party.
13. Members will recall that in 2010 there was a consultation on the proposal to revoke the byelaws for Billingsgate, Smithfield and New Spitalfields Markets after the Superintendents carried out a review of the byelaws relating to their respective markets. It was concluded that the provisions of the byelaws as they existed were either redundant, could be dealt with under the terms of the leases, or are now governed by health & safety, food hygiene, employment law or environmental protection legislation. The existing Market byelaws were subsequently revoked by the Department for Communities and Local Government (DCLG) on 12 January 2012 and it was agreed at the time that the City would set up a working party to consider the formulation of new byelaws.

14. The Markets Byelaws Working Party, comprising the three Superintendents and two Comptroller and City Solicitor Officers, and chaired by the Superintendent of Billingsgate Market, had its inaugural meeting on 15 June 2012 and has produced its first interim report, which this note summarises.
15. The Working Party reviewed the DCLG Model Byelaws Set Number Ten “Byelaws for Markets” (Appendix 1). While it was agreed that a number of these model byelaws do address management issues experienced at each of the Markets, those that do are either covered by tenant lease terms or are not materially different to the previous, now revoked, sets of byelaws.
16. The Working Party identified areas where new byelaws might assist with the effective management of the market and compiled a provisional list of management issues that, to varying degrees, affect all three markets. (Appendix 2). However, many of these issues are covered by legislation or lease terms and the task of identifying those issues that are not covered is still underway.
17. It was agreed that all interested parties be consulted at a very early stage to seek their views and, if they consider that new byelaws would be useful, to invite them to propose aspects which should be covered and why. The Working Party contacted the same parties that were consulted during the revocation process, with the exception of Unite at Billingsgate. The parties now being consulted are the tenants associations at each of the Markets, Unite at Smithfield and New Spitalfields, and the Fishmongers Company in respect of Billingsgate. Line Management at each of the Markets is also being consulted. Trade Union (Unite) recognition at Billingsgate ended with the conclusion of the porters’ buyout.
18. At Billingsgate, the tenants association have written to confirm that they do not see the need for any byelaws and this opinion is favoured by the Billingsgate Management Team. The Fishmongers Company believe that there are Billingsgate retail shopper and visitor issues that need managing, and although their final views are not confirmed, they appear satisfied that the Market Constabulary can manage these issues without the need of byelaws.
19. Except for final confirmation from the Fishmongers Company, the consultation exercise at Billingsgate is complete. The consultation process at Smithfield and New Spitalfields is not yet complete although, subsequent to the interim report, the Smithfield Market Tenants Association has written with a list of byelaws that they would like introduced at Smithfield. These byelaw proposals are a combination of the model byelaws and many of the previous byelaws. The Spitalfields Market

Tenants Association has indicated that they will give a view in the relatively near future.

20. The final report of the Working Party will go to the Markets Committee for approval, but Members are invited to pass on any thoughts they have on the interim update and future direction to Malcolm Macleod, the Working Party Chairman.

Billingsgate

21. **Olympic period.** Similar to other businesses in London, Billingsgate merchants suffered a severe downturn in trade during the early Olympic period. The pre-games publicity regarding travel difficulties deterred many people from coming into London and key wholesale customers, such as catering companies who supply the restaurant trade, were adversely affected. Incoming fresh fish tonnages during the Olympic period indicate a 30% reduction in business. At the end of the Olympic period, Billingsgate decided to revert to the normal 4am trading start; it had previously been proposed to retain the earlier 2am start until after the Paralympics. Early indications from the Paralympics are that, unlike the Olympics, it is business as normal.
22. With so many people avoiding travelling during the Olympics there were no transport difficulties, irrespective of time of day, and journeys into and out of the site were much easier than normal.
23. The Olympic Delivery Authority (ODA) made little use of the up-to-200 cars park and ride facility for disabled spectators that they had paid for at Billingsgate.

Smithfield

24. **Olympic period.** The Olympic and Paralympic games passed without major incident or impact on the market. In preparation for the Games, planning meetings were held with the Smithfield Market Tenants Association (SMTA) and a transport consultant working for Transport for London (TfL) to ensure that traders and their customers had as much information and support as possible.
25. This support included communication material being published and a TfL consultant working with the SMTA in the build-up to the Games. At the request of the SMTA, the operating hours were changed to accommodate early deliveries and sales before the Olympic Route Network came into force each day, and two periods of free parking in the Rotunda Car Park

were granted. In response to this, the Superintendent's team worked flexible hours to ensure that all services were delivered to the market traders.

26. Crossrail and Thameslink. These two major transportation projects continue to run side by side with the market's operations. The regular communication between the market management, the SMTA and the project representatives from Crossrail or Thameslink, has meant that the impact of these projects on operations has been kept to a minimum and problems have been solved to ensure we can all work together. The continuation of this relationship is vitally important as the work to the western ticket hall on Farringdon Road intensifies, with heavier work traffic expected and more frequent road restrictions being put in place.

27. Complaint. A letter of complaint from the SMTA was received by the Director of Markets and Consumer Protection about inconsistencies in the work carried out by the Market Constabulary. It was felt that, on the one hand, they are being overzealous and, on the other, are not being zealous enough. The incidents, concerning out of hours access to a trader's shop, were fully investigated and it was found that the work of the Constabulary could have been improved on both occasions. The Director has replied to the Chairman of the SMTA and the outcome has been to reaffirm standards across the Market Constabulary team, and the Superintendent will reaffirm the arrangements for access with the market traders.

New Spitalfields

28. Promote New Spitalfields Market. In order to promote the market, various activities have taken place which include:

- Trade shows – Fruit Focus. Held on 25 July, was attended by the Superintendent and the Spitalfields Market Tenants Association (SpMTA) to represent and remain connected to the fresh fruit produce sector, mainly from a supply focus.
- FPC (Fresh Produce Consortium) & Tours. Through the FPC connection we have hosted several visits/tours of trade delegations and embassy trade officials.
- Improve signage/visual image. The focus at Games time was more about portraying the site as a trading market area, to prevent car parks being used inappropriately, rather than actively promoting the market. Careful choice of wording was used in bright signage in addition to landscaping a garden area to the site frontage which depicted "Good Luck Team GB" in flowers, and other planters filled with colour on the entrance road to the Market. The material used was freely donated by our flower/plant trading tenant and staff time used as part of grounds keeping duty.

- 29.**Improve communication between markets.** During the last period New Spitalfields Market hosted a visit for Covent Garden Market Authority (CGMA) staff to discuss our excellent Health and Safety record and the development of management regimes to assist them in the redeveloping project of CGMA.
- 30.New Spitalfields Management team met with both CGMA and Western International Market (WIM) in a joint meeting to discuss management issues for which byelaws might be appropriate. The exercise proved enlightening and invaluable.
- 31.**Olympic Games.** Much time and effort from CoL staff, the SpMTA and individual tenants was spent in the first period of 2012/13 to negotiate concessions with TfL and LOCOG and flesh out plans into more detail for effective implementation.
- 32.This included receiving and securely distributing permits for transit of 40 tonne heavy good vehicles destined for New Spitalfields to pass through Olympic Games check points. All plans have been very well executed with no noticeable impact to market operations. Further to this, the SpMTA have recognised the work of both the Security and Maintenance staff on site via their written submission to the NABMA competition (Market Officer/Market Team of the Year Competition 2012) shown at Appendix 9.
- 33.New Spitalfields Market Staff Recognition by SpMTA. Good performance of Customer and Stakeholder Focus is best illustrated by customers themselves in the form of positive feedback, praise and awards. In addition to the above example in the NAMBA competition submission, the Pest Control Officer at New Spitalfields Market was further recognised and distinguished during the Lord Mayor's visit to the Market in June 2012. At this time, the Chairman of the SpMTA, Chris Hutchinson, in his speech to the Lord Mayor, praised the Officer's work and dedication to a vital role in the market for the benefit of all tenants.

OPERATIONS AND FINANCE

Billingsgate

- 34.**Satellite Unit 1 (John Koch).** Members may recall from the last periodical report that BNP Paribas Real Estate (BNPP) was appointed by the City, and is negotiating on our behalf against the Administrator's appointee Jones Lang LaSalle (JLL). The City provided the land and the tenant, John Koch Limited, constructed a cold store 10 years ago under the

terms of a 35 year lease (25 Dec 2002 - 24 Dec 2037) which contained a mutual break clause in year 10, principally to allow the City to take back the unit should the City wish to redevelop the site.

35. The Administrator instigated the December 2012 mutual break, which entitles the tenant to compensation covering the construction costs (on a depreciated basis), and the value of the tenant's remaining leasehold interest.
36. BNPP have reviewed the compensation claim and are negotiating to substantially reduce the claim. Marketing has started to ensure the unit is let as early as possible in the New Year at full open market rental value. The marketing exercise will also help define the value of the remaining tenant's leasehold interest (effectively the value of the remaining 25 year lease at 50% of the full rental value). A full report will be submitted once terms have been agreed.
37. **Customer Parking.** At the start of July, parking charges were introduced for all customers, wholesale and retail. Charges are collected through pay and display machines with annual and quarterly permit options in place for wholesale customers. Enforcement is by a Fixed Penalty fine.
38. Until the end of March 2012, the Billingsgate wholesale customers parking area was, and had been for generations previously, managed by self-employed cartminders; the cartminders were either former fish porters or were people appointed by the fish porters. Wholesale customers made payments for unknown amounts directly to the cartminders. There were many unsatisfactory aspects to these arrangements, one of which was that neither the City nor the fish merchant tenants received any income benefit.
39. At the end of March the cartminder system was terminated and replaced with directly employed City staff. The resulting net income/profit being credited to the service charge and therefore benefiting the tenants. Parking charges commenced in July 2012 following an agreed three month free parking period while the new system bedded down.
40. The retail customers' parking area is separate from the wholesale customer parking area. Retail customers have not previously paid for parking and, although it is early days, Olympic downside apart, the introduction of parking charges does not appear to have caused any reduction in retail customer numbers.
41. **Food Hygiene – Internal Audit.** The Billingsgate Market Code of Practice (COP) manual was written and put in place at the start of May 2012. The COP, which will be subject to ongoing review, seeks to address operational standards in the Market, both tenants and City. The COP has

the support of Tower Hamlets EHO, the Fishmongers Company, the Tenants Association and the City. The terms of the tenants' leases specifically require tenants to comply with the COP.

42. The initial COP is focused on driving up food hygiene standards throughout the Market and, to that end, the Fishmongers Company are carrying out hygiene audits on the City and all fish merchant tenants. The City audit (common areas) was the first to complete and the Fishmongers detailed audit produced an extensive list of points that needed to be addressed.
43. Tower Hamlets are, and will continue to be, the enforcement authority at Billingsgate Market. The Superintendent has provided their Environmental Health Officers with a copy of the Fishmongers Company audit report.

Smithfield

44. **FSA.** The appointed contractor for the Food Standards Agency (FSA), Eville and Jones, have now established themselves in the market. Following a recent inspection by a Food Standards Agency (FSA) Approvals Inspector, the City has retained its fully approved status as a Food Business Operator for the common part areas of the Market. The Market management are focussing future enforcement on the no smoking, eating or drinking rules and to the wearing of personal protective equipment in the service corridor areas, which was an area of improvement identified by the inspector.
45. **Cupolas Refurbishment Project.** The refurbishment of the two East Market Cupolas and the South West Market cupola is now complete. Repairs to the timber, stonework, lightening protection and internal decoration have all taken place as part of the successful project which has, so far, been on-budget and well managed by the City Surveyor Project Manager and the contractor.
46. Liaison with the commercial tenants has been effective with a weekly update bulletin on progress being issued to all interested parties. Unfortunately, the footprint of the scaffolding had to occupy a loading bay used for market traffic for the duration of the works. The scaffolding was designed to have the minimum possible impact on ground space taken up and, although there was some extra congestion caused, this was largely achieved.
47. The refurbishment works on the North West cupola have been delayed until January 2013, to reduce the impact they will have on the market and the risk of the project running into the Christmas Trading period.

New Spitalfields

- 48. Olympic Games Preparedness.** Additional security was achieved at the market using maintenance staff, under the direction of the Head of Security, to maintain a higher than usual profile at the market entrance to act as a deterrent. This proved effective in preventing people using New Spitalfields as a car park for the Games and also other unsuitable activities such as street trading/vending trade.
- 49. Maintenance Manpower Review.** Members may recall from the last periodic report that a review of staffing levels within the Constabulary was being undertaken. The conclusion was the team remaining one person under the full complement, so 16 in place of 17, providing a saving to tenants on the service charge. Within the first period of 2012/13 a review of the maintenance section has been completed. The establishment level of staff in maintenance was set at 11 staff (Head of Maintenance, Deputy Head of Maintenance, Electrician, Pest Control Officer, 4 General Maintenance Operatives (GMO), 3 painters), however, as an initial saving measure in 2009, the team was reduced to 10.
50. When considering options, a number of factors have been taken into account that will impact on our ability to carry out an effective maintenance function into the future. One major change has been the introduction of a new Building Repairs and Maintenance contract (BRM) with Mitie. As most of the New Spitalfields costs are funded through the service charge, any savings made would help reduce the service charge. It is our intention to use this contract to provide a backup to the in-house team.
51. With the recent retirement of a member of staff, the possibility of creating an apprentice position was explored, but this would be difficult to manage with such small numbers of skilled staff and the tight working programmes that exist at present.
52. On balance, management opted to make a further saving (so staffing levels now drop from 11 to 9) with the proviso that this be reviewed in 12 months (now timed as the end of financial year 12/13) to ensure that the material state of the Market is not deteriorating and that we are continuing to provide an efficient service. The impact on costs of the use of the BRM contractor will also be reviewed at that time as the true impact on the duties of local staff regarding this corporate programme is not yet clear.

SUSTAINABILITY

Smithfield

53. There is a continued effort to segregate waste and reduce spending on incineration whilst ensuring that the market operations are as green as possible. The clean cardboard recycling has been a successful scheme and, after consulting the tenants, management are looking to further this by recycling waste from the non-trading areas of the market. Removing wooden pallets from the incinerated waste stream completely is also planned and a scheme will be in place by December 2012 to do this.
54. The new Animal By-product Facility is fully operational, and the team has moved from Charterhouse Street into their new accommodation in the Poultry Market. The fire alarm in the ABP facility will be upgraded to an aspirated system to match the alarm in the wet areas of the East and West Markets.

New Spitalfields

55. New Spitalfields staff proactively managed the power consumed in the common parts under our direct control by changing lighting regimes (timings of lights on and off etc.) and by replacing older light fittings with newer, more efficient, systems in the latter half of 2011. This measure will now see the first full fiscal year savings during 2012/13 which are predicted to be in the region of 15%.
56. Members may recall from the last periodic report that the Rainwater Harvesting project was tendered to three firms. Due to the engineering works that will be required to construct a firm foundation pad on which to rest the water tanks (275,000 litres), only one firm tendered a bid, which was significantly above what was expected.
57. We believe that this is an indication that the contract was too complex for a single firm and the higher than expected price reflected this risk being priced as part of the bid. On the advice of City Surveyors, the project will now be split into two sections and tendered as such as an alternative procurement approach: the construction of the engineered foundation pad to ground work specialists and the rainwater harvesting system construction to the appropriate specialist firms (original three). This is hoped to achieve three competitive bids and hence best price to revalidate the payback assumptions of this recycling green option prior to making the decision to buy or not.

58. **Improve/maintain the material state of the market.** The 20 Year Plan database, the City Surveyors Department (CSD) device to look at the long

term financial needs of the market with regard to buildings maintenance, continues to be reviewed regularly and decisions made on what works are required.

59. Proactive management of this database and review of the assets has resulted in savings to tenants on this potentially large expenditure item which is fully funded by tenants. As examples, a £5k survey of flood light towers, which have a life expectancy of 20 years (the market being 21 years old in 2012), saved us spending a total of £90k in replacement costs and put back works for a further 10 years. A survey of the fire alarm/detection system resulted in savings as we currently need only to spend £13k in 2012/13 instead of £200k and also delays full replacement for another 10 years.

PEOPLE MANAGEMENT

Smithfield

60. Management are focussing on training opportunities for all staff at the market. For example, a member of maintenance staff has just started the ILM Line Management Course, and several General Duties Cleaners have been on the English Spoken as an Other Language (ESOL) course to further their skills and chance for future progression within the City of London. Improvement in training is not purely focussed on courses; a number of crib sheets have been made to refresh staff awareness about safe use of equipment and a series of 'tool box talks' about standards and performance are being prepared to be delivered in-house to the teams.

New Spitalfields

61. A recruitment campaign last year to replace staff after the recruitment freeze was lifted resulted in a high calibre of candidates, three of whom were eventually recruited. Due to a vacancy at Sergeant-level becoming available as Smithfield, one of our newer and very able Constables applied and was successful. We are currently in the early stages of the recruitment process to replace this Constable and can report we have had a good level of interest in the vacant post.

62. **Security at Games time.** Under the general heading of innovation, we trialled a new method of security at the site prior to Games time. We felt there was a risk that the site car park could be targeted by members of the public for parking cars due to our proximity to the Olympic Park. We

relocated staff parking to create additional stop and search lanes for cars only to act as deterrent and used a flexible staffing approach by seconding maintenance staff into Security to keep costs low for tenants.

FINANCIAL AND RISK IMPLICATIONS

63.The 1 April – 31 July 2012 monitoring position for the Department of Markets & Consumer Protection services covered by Markets Committee is provided at Appendix 3. This reveals a net underspend to date for the Department of £75k (8%) against the overall local risk budget to date of £909k.

64.Overall, the Director of Markets & Consumer Protection is currently forecasting an underspend position of £34k (1%) for his City Fund and City Cash services under his control, the majority of which relates to cleaning staff vacancy savings at Smithfield Wholesale Market. He will be continuing to closely monitor all his budgets in order to ensure he remains within his overall resource base. The table below details the summary position by Fund.

| Local Risk Summary by Fund | Latest Approved Budget £'000 | Forecast Outturn £'000 | Variance from Budget +Deficit/(Surplus) | |
|---|---------------------------------|------------------------------|--|-------------|
| | | | £'000 | % |
| City Fund | 48 | 48 | 0 | 0% |
| City Cash | 3,321 | 3,287 | (34) | (1%) |
| Total Markets Committee Local Risk | 3,369 | 3,335 | (34) | (1%) |

65.The reasons for the significant budget variations are detailed in Appendix 3, which sets out a financial analysis of each individual Market within the Department of Markets & Consumer Protection.

66.There is currently a better than budget position of £75k at the end of the period 1 April – 31 July 2012 for Markets Committee, the majority of which relates to additional funds provided at New Spitalfields Market for extra security staff during the Olympic and Paralympic periods not being fully required and two staff vacancies, this will, however, be offset by a reduction in the service charge income account at year end.

67.Overall the Director is currently forecasting a year end better than budget position of £34k, which is largely due to cleaning staff vacancy savings at Smithfield Wholesale Market.

MATTERS OF GENERAL INTEREST TO THE COMMITTEE

BILLINGSGATE MARKET

Use of the Market for Broadcasts, Filming, Photography and Charity Collections:

June

Tuesday 12 - Photographer Corin Brown- still photography for publication 'The London Seafood Story'. No Fee

Thursday 14 - BBC production company filming with Fishmongers Company for 'Rip off Food' – Gloria Hunniford consumer show. Fee £150 + VAT

Tuesday 26 - Journalist Barbara Klimke from German broadsheet 'Berliner Zeitung'. Interviewing the Superintendent for article about sites of interest close to the Thames. No Fee

10 visits for Student/ Non Commercial Photography also took place in the month of June

July

10 visits for Student/ non-commercial photography took place in the month of July

August

Friday 10 – Objective Productions filming for 'Mindblower' in Billingsgate car park – Fee £2,500 + VAT

6 visits for student/non-commercial photography also took place in the month of August

Visitors

June

Tuesday 19 - Lord Mayor's annual visit to Billingsgate

Friday 29 - staff tour, CoL staff from Markets and Consumer Protection Department

July

Tuesday 17 - Billingsgate Ward Club annual visit and breakfast

Wed 25 - party of five South Korean architects working on Noryangjin Fish Market in Seoul - Tour of the Market

August

No visits

SMITHFIELD MARKET

Visitors

April

Tuesday 17 – Gail Atkinson, student project

May

Thursday 3 – Suzie Anthony, A level assignment

Thursday 3 – Nico Virides, A level photography for Art

Thursday 3 – Milo Johnson, A level photography for Art

Friday 11 – Amy O'Brien, photography

June

Markets Committee

August

Friday 24 – Rebecca Batchelor, student photography

NEW SPITALFIELDS MARKET

Visitors

April

Friday 20 - Minister Dr Raanan Cohen, the Chairman of the Board of “Dan Metropolitan Wholesale Market Ltd”, on a fact finding tour arranged by the office of Trade & Economic Affairs, Embassy of Israel in London

May

Tuesday 8 - Donna Fendick who works in the Remembrancer’s Office for Guildhall Private Events arranged for a group of Eligible Caterers to have a tour of the market

Thursday 24 - Japanese students from the Gifu International Academy of Horticulture

Thursday 31 - group of students headed by C.J. Jackson from the Billingsgate Fish School

June

Thursday 14 - group on a Trade Mission arranged by the Trade Promotion Agency of Andalusia

Thursday 28 - group from the Newham Chamber of Commerce

July

Thursday 12 - The Lord Mayor and Lady Mayoress together with the Sheriffs on their annual visit to the market

August

Friday 3 - The Fresh Produce Consortium hosted a visit to the market by a small group from the Kenyan Ministry of Agriculture

Appendices

Appendix 1 - Model Byelaws for Markets

Appendix 2 - Provisional list of management issues

Appendix 3 - Local Risk Revenue Budget 2012/13 – July (Period 4)

Appendix 4 - Markets Key Risks

Appendix 5 – Billingsgate tonnage

Appendix 6 – Smithfield tonnage

Appendix 7 – Sickness statistics

Appendix 8 – Sickness chart

Appendix 9 - Market Officer of the year / Market Security at New Spitalfields during the Olympics

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Appendix 1

MODEL BYELAWS SET NUMBER TEN

Insert name of Council

BYELAWS FOR MARKETS

Byelaws for markets made by *name of Council* under section 60 of the Food Act 1984 with respect to *name, location and description of markets to which the byelaws are to apply*

INTERPRETATION

1. In these byelaws:

“the council” means *name of Council*;

“goods” means anything brought into the market place for the purpose of sale;

“market” means the market maintained by the council and known as _____/ any market maintained by the council and listed in the Schedule to these byelaws;

“market hours” means the hours on a market day appointed by the council for the holding of a market;

“market day” means a day appointed by the council for the holding of a market;

“market officer” means the person or persons appointed by the council to exercise general management, supervision and control of a market;

“sell” and “sale” include exposing and exposure for sale;

“stall” includes any place or space used or intended to be used for the sale of goods;

“vehicle” means a mechanically propelled vehicle [whether or not] intended or adapted for use on roads but does not include an invalid carriage.

MARKET DAYS AND HOURS

2. No person shall sell in a market place any goods other than during market hours.

PREVENTION OF OBSTRUCTION

3. No person shall bring a vehicle [*insert if required* or a cycle] into the market place during market hours without reasonable excuse.

4. No person in charge of a vehicle shall, during market hours allow it be halted in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods.

5. No person shall bring any goods into the market place more than one hour before the

market hours begin or allow them to remain there more than one hour after the market hours end.

AUTHORITY TO USE SPACE

6. No person shall occupy any stall or deposit any goods on any stall without the permission of the market officer.
7. No person shall set up or attempt to set up a stall in the market place without the permission of the market officer.
8. Where the council:
 - a. designate any part of the market place for the sale of particular goods or any class of goods, or for sales by auction, and
 - b. display in a conspicuous place a public notice to that effect,

no person shall sell goods, or hold sales by auction, except in accordance with the terms of that designation.

FOR MAINTAINING CLEANLINESS

9. Every tenant or occupier of a stall shall:
 - a. ensure that the stall is properly cleansed before and after market hours and as often as may be necessary during those hours;
 - b. ensure that all refuse accumulated in connection with the stall is placed in a receptacle provided or approved by the council for that purpose;
 - c. as often as is necessary, ensure that the contents of the receptacle are removed to an area designated by the council for that purpose.

FOR PREVENTION OF SPREAD OF FIRE

10. No person shall smoke in [*describe enclosed area*].
11. No person shall light a fire in any part of the market place.
12. No person shall keep or sell any explosive or highly flammable substance in the market place

FOR PRESERVATION OF ORDER

13. No person shall ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person.
14. No persons shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place except with the permission of

the market officer.

15. No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter except with the permission of the market officer.

USE OF WATER TAPS

16. Any person who uses a water tap in the market place shall ensure that it is turned off immediately after use.

ANIMALS

17. No person shall bring into or allow to remain in the market any dog or other animal belonging to him or in his charge unless it is attached to a lead, or otherwise kept sufficiently secured, and kept at all times under his control .
18. (a) No tenant or occupier of a stall shall keep any dog or other animal at his stall.
(b) Nothing in paragraph (a) above shall prevent a blind, partially sighted or deaf person from keeping with him any guide dog or hearing dog belonging to him or in his charge.

LIVESTOCK MARKETS

19. Any person who brings into the market place any of the animals listed in the first column below and places them in a pen shall ensure that the pen gives each animal a space measuring not less than the product of the corresponding measurements in the second column below:

| | |
|--|-----------------------|
| ➤ a horse, ox or cow | 2.5 metres by 1 metre |
| ➤ a calf, mule or ass | 1.5 metres by 60 cm |
| ➤ a ram, ewe, wether lamb, goat, kid or pig | 1.2 metres by 40 cm |

20. No person shall enter or remain in any sale ring during the time that it is being used for the sale of any animal otherwise than for the purpose of controlling the animal
21. Every person who brings any animal into any pen in the market place shall ensure that the pen is properly cleansed no more than one hour after the end of the market hours.
22. No person shall without lawful excuse slaughter any animal in the market place or in its immediate approaches.

PENALTIES

23. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

REVOCATION

24. The byelaws for markets made by insert name of Council that made previous byelaws on insert day, month and year and confirmed on insert day, month and year are hereby revoked.

Market Issues (for which powers or Byelaws might be useful/desirable)

| No. | Issue | Applies to these markets | | | Applies to these market users | | Model Byelaw Number |
|-----|--|--------------------------|---------|--------|-------------------------------|----------|---------------------|
| | | Bill'gate | Smith'd | Spit'd | Tenants | Visitors | |
| 1 | Parking (in wrong place, poorly, inconsiderately, causing obstructions or traffic mgt problems, parking on site too long – i.e. lorries parking up for three nights, power to have FPN?) | Y | Y | Y | Y | Y | 4 |
| 2 | Waste (dumping, not addressing, making things worse, power to have FPN?) | Y | Y | Y | Y | Y | 9 |
| 3 | Smoking (in buildings, power to have FPN?) | Y | Y | Y | Y | Y | 10 |
| 4 | Over trading (produce in wrong places, buyers produce spread across the market inconsiderately, in wrong place, causing obstruction) | Y | Y | Y | Y | Y | |
| 5 | Storage of product (perhaps this is a duplication of the above, as tenants create problems and also buyers. Perhaps this is the better description for senders/buyers, rather than over trading – but can apply to tenants also) – to also include storing other than approved produce | Y | Y | Y | Y | Y | |
| 6 | Urinating (or perhaps better to use conduct and add a list of offences not needed – urinating, defecating, totters, power to have FPN?) | Y | Y | Y | Y | Y | |
| 7 | Selling of produce, other products and transshipping (power to have FPN? – our tenants selling what they shouldn't and other visitors selling when they shouldn't) | Y | Y | Y | | Y | |
| 8 | Not following instructions of Constabulary/CoL staff (traffic management, H&S, smoking, waste) | Y | Y | Y | Y | Y | |
| 9 | Trading hours (selling out of hours, picking up of goods outside of trading hours, power to have FPN?) | Y | Y | Y | Y | Y | 2 |
| 10 | Speed on site and not following signage rules (FLT's and cars/vehicles) | Y | | Y | Y | Y | |
| 11 | The taking of photographs and video images | | | Y | | Y | |
| 12 | Unauthorised entry to the site, when banned from the site | | | Y | Y | Y | |
| 13 | Driving a fork lift while suspended from the CoL FLT permit scheme | | | Y | Y | Y | |
| 14 | Subletting/Sharing stands | | | Y | Y | Y | 6,7 |

| No. | Issue | Applies to these markets | | | Applies to these market users | | Model Byelaw Number |
|-----|--|--------------------------|---------|--------|-------------------------------|----------|---------------------|
| | | Bill'gate | Smith'd | Spit'd | Tenants | Visitors | |
| 15 | Children in the market | | | Y | Y | Y | |
| 16 | Vehicle on site with an expired parking permit (more than 28 days) | | | Y | Y | Y | |
| 17 | Scavenging, totting, Collecting waste when not approved – i.e. cardboard, Unauthorised collection/removal of pallets | | | Y | Y | Y | |
| 18 | Interfering with CoL property – i.e. fire exits, signs, fire hoses, etc. | | | Y | Y | Y | |
| 19 | Driving contrary to road making/sign – i.e wrong way down one way system | | | Y | Y | Y | |
| 20 | Male using a female only toilet | | | Y | Y | Y | |

Notes:

Visitors are any other people coming to the market so includes buyers, senders, and one off people coming to the market other than tenants and their staff.

Tenants – this is a catchall for all staff associated to a stand/business premises whether they be a principal/director or not and should include temporary staff/agency people working on behalf of a business tenant.

Appendix 3

Markets & Consumer Protection - Local Risk Revenue Budget 2012/13 - July (Period 4)

| | Latest Approved Budget 2012/13 £'000 | Budget to Date Net Expenditure £'000 | Actual to Date Net Expenditure £'000 | Variance to Date +Deficit / (Surplus) £'000 | Projected Outturn +Deficit / (Surplus) £'000 | Variance from Latest Approved Budget 2012/13 | | Note |
|---|---|---|---|--|---|--|------------|------|
| | | | | | | £'000 | % | |
| Markets (City Cash) | | | | | | | | |
| Directorate | 442 | 123 | 116 | (7) | 440 | (2) | 0% | |
| Billingsgate - Corporate Account | 163 | 11 | (11) | (22) | 155 | (8) | -5% | |
| Billingsgate - Service Charge | 0 | (138) | (160) | (22) | 0 | 0 | 0% | |
| Billingsgate - Repainting and Special Works | 0 | 81 | 80 | (1) | 0 | 0 | 0% | |
| Smithfield - Wholesale Market | 2,853 | 1,120 | 1,141 | 21 | 2,801 | (52) | -2% | 1 |
| Smithfield - Other (Including Car Park) | (137) | 93 | 109 | 16 | (109) | 28 | 20% | 2 |
| | 3,321 | 1,290 | 1,275 | (15) | 3,287 | (34) | -1% | |
| Markets (City Fund) | | | | | | | | |
| Spitalfields - Corporate Account | 23 | 14 | 13 | (1) | 23 | 0 | 0% | |
| Spitalfields - Service Charge | 25 | (395) | (454) | (59) | 25 | 0 | 0% | 3 |
| Spitalfields - Repair and Repainting | 0 | 0 | 0 | 0 | 0 | 0 | 0% | |
| | 48 | (381) | (441) | (60) | 48 | 0 | 0% | |
| TOTAL MARKETS COMMITTEE LOCAL RISK | 3,369 | 909 | 834 | (75) | 3,335 | (34) | -1% | |

Notes:

- 1. Smithfield Wholesale Market** - the projected year end underspend is mainly due to cleaner post vacancies that will be kept vacant until the Autumn.
- 2. Smithfield Other** - the projected overspend is mainly due to lower car park income than anticipated in the period, that will continue for the year.
- 3. Spitalfields Service Charge** - the variance to date is due mainly to additional funds provided for extra security staff during the Olympic and Para-Olympic periods not being fully required, plus there are two staff vacancies adding to the underspend. This will be offset by reductions in the service charge income account.

Appendix 4

Markets Key Risks

The table below shows a selection of our key risks which form part of our Departmental Risk Register. We will be reporting these to committee as part of the periodic update report from now on.

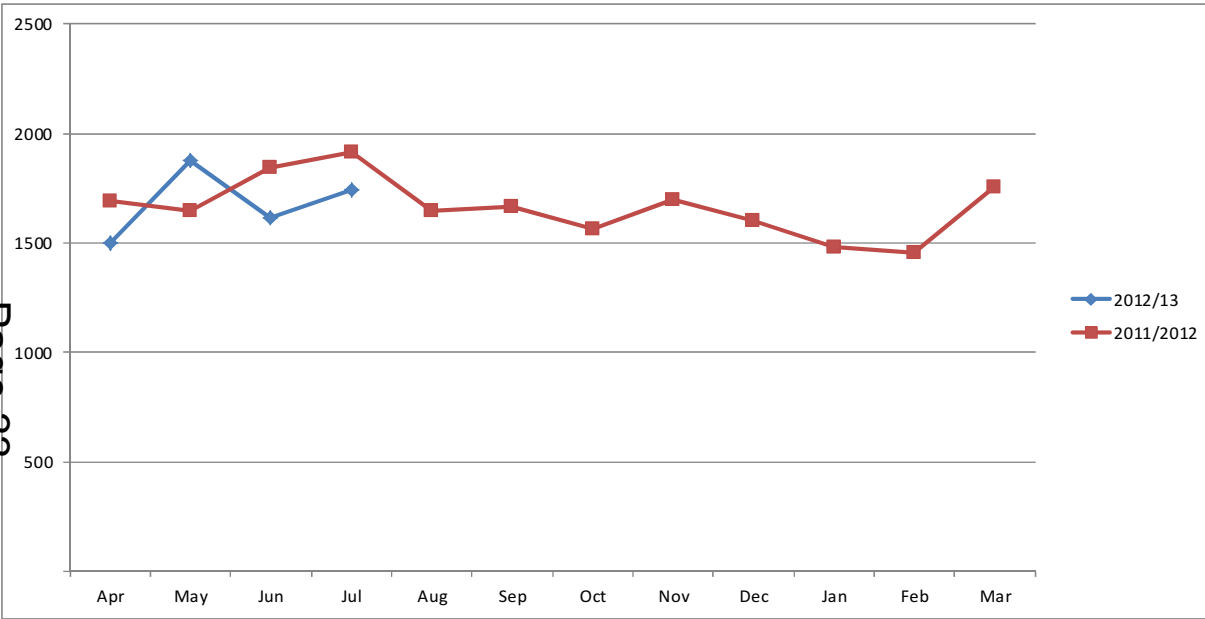
Our top risks for the Markets are:

| Risk No. | Risk Direction | Risk Details | Risk Owner/ Lead Officer | Existing Controls | Likelihood | Impact | Status | Further Action |
|----------|----------------|---|---|---|------------|--------|--------|-------------------------------|
| MKT5 | ↔ | Loss of tenants, and hence income, making markets unsustainable. | Director of Markets and Superintendents | Realising some external factors are beyond our management, we continue to raise the profile of all the markets via attending food fairs, trade shows and using promotional materials. | Possible | Major | A | No further action at present. |
| MKT8 | ↔ | Cost of Regulation becoming too great for tenants to bear. | Director of Markets | Department of M&CP implementing cost saving measures to reduce tenants' costs, including energy & water efficiency, water harvesting and recycling waste. Continue to develop income generation activities and to raise the profile of the Markets. | Possible | Major | A | No further action at present. |
| MKT9 | ↔ | Crossrail activities impact upon market activities at Billingsgate or Smithfield such that Markets are unable to trade. | Market Superintendents | Maintain contacts with Crossrail team and City Engineer to ensure that potential adverse effects of Crossrail project are anticipated and mitigated as it proceeds. | Unlikely | Major | A | No further action at present. |
| MKT11 | ↔ | Terrorist incident resulting in lock-down of areas adjacent to markets. | Director of Markets and Superintendents | Maintain close links with the Metropolitan Police, ODA, Local Authorities and other stakeholders. Ensure good communication is maintained with tenants and suppliers. | Possible | Major | A | No further action at present. |

Operational Information - 2012/2013

Billingsgate - Tonnage of Throughput

| | QTR 1 | | | QTR 2 | | | QTR 3 | | | QTR 4 | | | Year to Date |
|---------|-------|------|------|-------|-----|-----|-------|-----|-----|-------|-----|-----|--------------|
| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | |
| 2012/13 | 1503 | 1877 | 1612 | 1743 | | | | | | | | | 6735 |



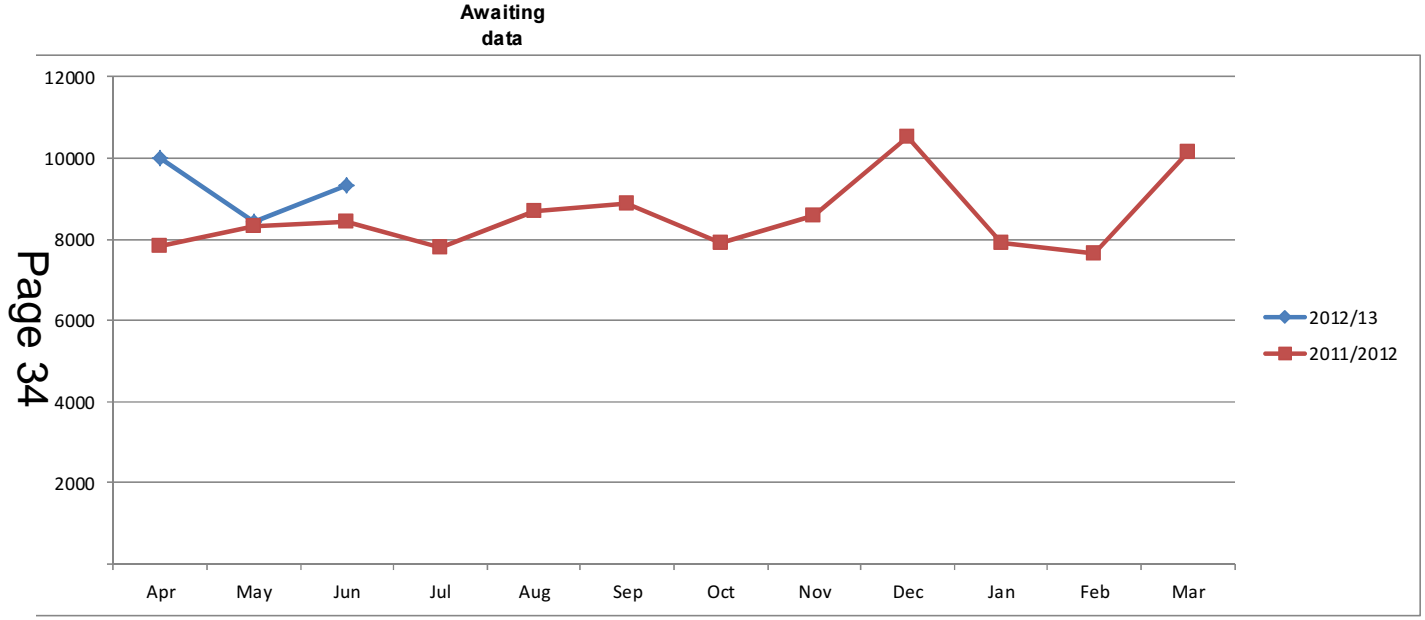
| | | | | | | | | | | | | | |
|-----------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| 2011/2012 | 1694 | 1645 | 1843 | 1916 | 1646 | 1667 | 1561 | 1701 | 1605 | 1480 | 1458 | 1755 | 19971 |
| 2010/011 | 1756 | 1663 | 1715 | 1942 | 1528 | 1914 | 1695 | 1715 | 1510 | 1397 | 1498 | 1649 | 19982 |
| 2009/2010 | 1620 | 1625 | 1889 | 2033 | 1838 | 1932 | 2104 | 1694 | 1967 | 1480 | 1617 | 1995 | 21794 |
| 2008/2009 | 1869 | 1865 | 1701 | 1911 | 1710 | 1795 | 1869 | 1759 | 1882 | 1314 | 1404 | 1487 | 20566 |
| 2007/2008 | 1570 | 1773 | 1953 | 1911 | 1620 | 1796 | 1806 | 1829 | 1731 | 1747 | 1813 | 1701 | 21250 |
| 2006/2007 | 1594 | 1688 | 1730 | 1741 | 1718 | 1847 | 1722 | 1780 | 1646 | 1520 | 1481 | 1616 | 20083 |
| 2005/2006 | 1708 | 1525 | 1915 | 1783 | 1749 | 1852 | 1698 | 1753 | 1828 | 1470 | 1413 | 1856 | 20550 |

Appendix 6

Operational Information - 2012/2013

Smithfield - Tonnage of Throughput

| | QTR 1 | | | QTR 2 | | | QTR 3 | | | QTR 4 | | | Year to Date |
|---------|-------|------|------|---------------|-----|-----|-------|-----|-----|-------|-----|-----|--------------|
| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | |
| 2012/13 | 9985 | 8446 | 9339 | Awaiting data | | | | | | | | | 27770 |



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| | | | | | | | | | | | | | |
|-----------|-------|-------|------|-------|------|------|-------|-------|-------|------|------|-------|--------|
| 2011/2012 | 7836 | 8321 | 8432 | 7800 | 8677 | 8886 | 7895 | 8588 | 10526 | 7897 | 7659 | 10137 | 102654 |
| 2010/2011 | 5463 | 5675 | 7846 | 9229 | 7488 | 8745 | 8189 | 7193 | 7256 | 7571 | 7765 | 10316 | 92736 |
| 2009/2010 | 7442 | 6547 | 6731 | 7840 | 7670 | 9640 | 8202 | 7060 | 6798 | 6102 | 7358 | 9018 | 90408 |
| 2008/2009 | 9137 | 10479 | 8255 | 10193 | 8082 | 8991 | 11074 | 7375 | 6742 | 7300 | 7836 | 5582 | 101046 |
| 2007/2008 | 10237 | 10869 | 9938 | 10198 | 9827 | 9484 | 9746 | 11923 | 10102 | 9915 | 9893 | 8607 | 120739 |
| 2006/2007 | 7465 | 8194 | 8169 | 8614 | 7692 | 9237 | 8923 | 11094 | 9358 | 9876 | 9032 | 9135 | 106789 |

Appendix 7

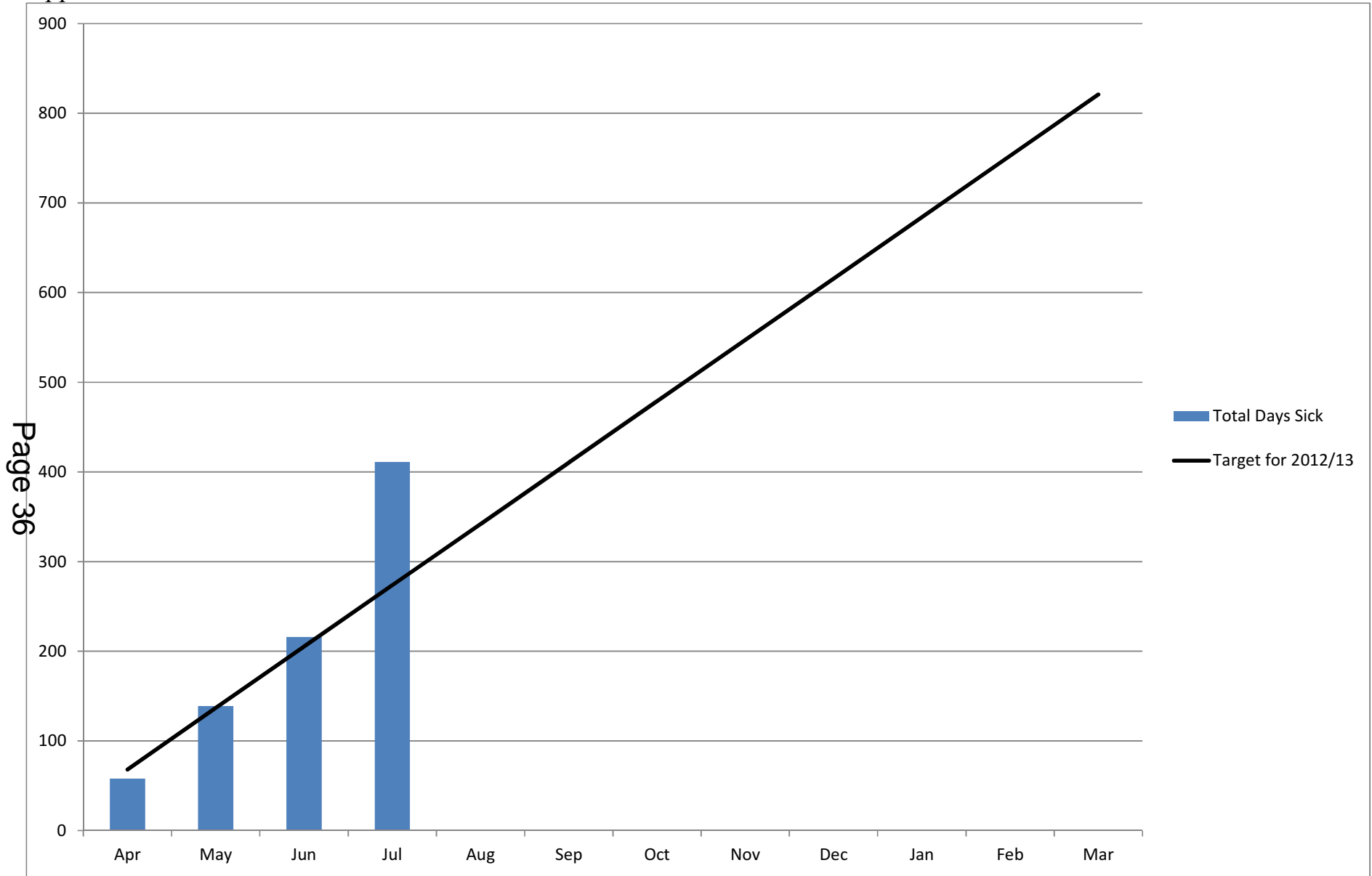
Markets Sickness 2012/13

Attendance Management - 2012/2013

| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Year To Date | End of Year Target |
|--|-----------|------------|------------|------------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|--------------------|
| Total Staff Strength | 117 | 117 | 117 | 117 | 117 | 117 | 117 | 117 | 117 | 117 | 117 | 117 | | 821 |
| Total Self Certificated days | 28 | 29 | 26 | 41 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 124 | |
| No of persons that make up self certificated | 10 | 15 | 13 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Total Certificated days | 30 | 52 | 51 | 154 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 287 | |
| No of persons that make up certificated | 3 | 4 | 5 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Over 20 days | 0 | 1 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Total Days Sick | 58 | 139 | 216 | 411 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Target for 2012/13 | 68 | 137 | 205 | 274 | 342 | 410 | 479 | 547 | 616 | 684 | 752 | 821 | | |

CS 9025

Appendix 8



Market Officer of the year / Market Security at New Spitalfields during the Olympics

NSM/SMTA written NABMA Market Team/Officer of the Year competition entry form

Dear NABMA

We would like to submit the following for Markets Officer and Market Team of the Year awards for 2012 from New Spitalfields Market.

The Senior Management Team of New Spitalfields Market felt it would be a little presumptuous of us to write something blowing our own trumpets about our teams of staff or a particular individual. So, acting as Superintendent, I felt that asking our customers, the traders and tenants of the market, ably represented by the Spitalfields Market Tenants Association (SMTA), in their own words, would be more representative and a better balanced submission for this award.

Please find below our submissions for Markets Officer and Market Team for 2012.

PEST CONTROL OFFICER

1. The Pest Control Officer is an employee of the Corporation of London's maintenance staff based at New Spitalfields Market. He took on the responsibility of becoming our chief vermin officer recently, and with an immediate and remarkable success rate. As with any market environment where food is readily available, one of the downsides is the interest from the animal kingdom as a regular source of food for them. The officer has quite literally, and single handed, worked non-stop to eliminate this problem in the market, which has been welcomed by all the tenants on site. His commitment to this task has been recently recognised when the market hosted its annual visit by the Lord Mayor of the City of London, where the officer's hard work was recognised by the Tenants Association at this event. His no nonsense, but humane approach was recognised by both the Tenants Association and the Lord Mayor and his good work in this field will continue to benefit the market in its constant battle with this inevitable problem.

MARKETS TEAM

2. Security through the Olympics
New Spitalfields market this year faced an unprecedented situation, with the Olympics quite literally on its doorstep. Work by both the City of London Corporation and the Tenants Association started over two years ago on this project, evaluating and predicting what the 32 acre site may face through this

unique situation. To this end all staff leave was put on hold to cover the games period, and effective plans were put into practice to ensure the site remained safe to operate efficiently, and did not pose a threat to the games themselves, positioned quite literally on the perimeter fence of the Olympic Park site. Through the negotiations of the Spitalfields Management team and Transport for London, LOCOG issued 400 permits daily for hauliers to use part of the games route to access the market, and the scheme had to be closely monitored. The Security team onsite, and with the back- up of staff drafted in from the Maintenance team, effectively deterred members of the public looking for a place to park, and also distributed permits to hauliers each night ready for the future deliveries to safely reach the market in time for the midnight opening. Both tasks have been carried out efficiently and with maximum benefit to the market's traders.

Janet Hutchinson
CEO, SMTA

Agenda Item 6

| | | |
|---|---------------------|--|
| Committee(s): | Date(s): | |
| Markets Committee | 25th September 2012 | |
| Subject: Billingsgate Modernisation Projects | Public | |
| Report of: Director of Markets & Consumer Protection | For Information | |
| <u>Summary</u> | | |
| <p>This report provides an overview on two separate capital projects which will soon come to Members for approval and gives an outline of other minor projects about to be undertaken or under consideration for the future as a means of improving and modernising the facilities at Billingsgate Market.</p> | | |
| <p>The roof of the Market is in a poor condition with many rainwater leak points and needs to be replaced in its entirety. A cost of £1.5million is estimated. In addition, the cost/benefit of installing solar panels will be evaluated as part of the roof project.</p> | | |
| <p>The second project is to create additional bulk handling facilities for tenants and to incorporate storage facilities within the new building. The overall project could cost up to £2million but tenants will also contribute financially.</p> | | |
| <p>Neither of these projects will require funding by the City. It will be intended that grants will be applied for through the European Fisheries Fund (EFF) for matched funding for both projects with the balance of funding, subject to the consent of Tower Hamlets, being provided by the Sinking Fund. Solar panels fall outside the scope of the EFF and are also likely to fall outside the scope of the Sinking Fund, so would have to be funded from the Markets existing Repainting and Special Works Fund if considered viable.</p> | | |
| Recommendations | | |
| <ul style="list-style-type: none">• That Members note the content of this report. | | |

Main Report

Background

1. This paper provides an overview of two important capital projects that will soon come to Members for approval. It is anticipated that the funds for these projects will be provided by the Billingsgate Sinking Fund with

matched grants from the European Fisheries Fund (EFF). Other ongoing Billingsgate modernisation works are discussed towards the end of this report and will mostly be funded by the Market's Repainting and Special Works Fund.

Roof Renewal

2. The roof of the Market is very aged and in a poor condition, with many rainwater leak points, including into the Market Hall where catchtray arrangements have had to be installed to the inside of the roof to prevent rainwater from falling into a food area. Tower Hamlets Environmental Health department, which enforces food hygiene regulations at Billingsgate, are unlikely to accept a continuation of the roof problems for much longer and work is needed urgently to avoid the risk of them imposing an Improvement Notice.
3. The Gateway One report seeking initial approval will be presented to the Corporate Projects Board on 28th September. There have been many roof patching repair works carried out over recent years with limited success. The advice from the City Surveyor is that the entire roof has to be either replaced or overlaid. It is proposed that the feasibility of providing a ceiling in the Market Hall is also evaluated as part of the overall project. The need for the Market to continue trading during any works will be a key consideration. It is also proposed that the cost/benefit of installing solar panels is included in the options to be evaluated. Improvements to the south facing balcony will be included within the project. Excluding the cost of solar panels, the anticipated capital costs are estimated to be £1.5 million.

Additional Facilities

4. This project seeks to create additional bulk fish handling capacity and permanent built storage facilities for the fish merchants. Although a capital bid for this project to be evaluated was approved in 2008, there was no business case for progressing further with such a capital investment ahead of completing the fish porters' buyout. The evaluation stage of the project is now being progressed and will complete within the next few months.

5. The temperature controlled bulk fish handling areas of the North Canopy and East Canopy buildings currently provide insufficient space and, as a result, some fish is handled in the open air. These bulk handling areas are used to house each day's fresh fish arrivals and tenants order pick their day's orders from there. At the end of each trading day these areas are cleared, with any unsold product being put into tenants' chilled storage units.
6. Many of the chilled storage units are of the temporary container variety, which give Billingsgate a "shanty town" unattractive appearance. Being a distance away from the bulk handling areas, they also do not provide the most efficient logistics. The project will seek to solve both these problems.
7. The capital sum for this overall project could be up to £2million. Proposals on individual tenant's financial contributions or repayments towards the cost of the project will be included within the evaluation report.

Funding

8. The above two projects are reliant on two sources of funding. The first source is the Sinking Fund, which although it is no longer receiving tenant (or any other) contributions, does have approximately £2million of funds balance. Any expenditure from the Sinking Fund has to be approved by Tower Hamlets as well as the City. The terms under which the Sinking Fund was created when the Market moved into its current location in 1982 makes it clear that the Fund is for replacement and rebuilding works. If there was a strict interpretation of this requirement it is not clear whether solar panels would qualify. The evaluation report will include the appropriate legal advice surrounding the use of the Sinking Fund.
9. The second source of funding are grants from the European Fisheries Fund (EFF). The English element of this fund is administered by the Marine Management Organisation (MMO) as part of DEFRA. Billingsgate has in recent years been successful in applying for grants from the predecessor fund to the EFF. Meetings have taken place with the MMO about these two proposed projects and there are very strong indications that, except for any roof solar panel element, matched grant

funding would be produced. However, there is no certainty and grants cannot be formally applied for until tenders are available.

Other Modernisation Works

10. The Repainting & Special Works Fund (RSWF) is a service charge fund for cyclical works such as painting, machinery re-provision, and for works of an irregular or non- recurring nature. It is always a challenge, when setting the annual service charge level with the tenants, that there has to be sufficient RSWF contribution within the overall service charge to fund all the anticipated upcoming expenditure requirements. At the start of the current financial year the RSWF had a fund balance of £289,000 with an inward service charge contribution for 2012/13 budgeted at £175,000.

11. Within the next 3 years it is envisaged that the RSWF will have to provide funds for a number of minor local projects, including:

- replacement of the site fire alarm system at an estimated cost of £150,000;
- replacement of the four site boilers also at an expected cost of £150,000;
- The solar panel element of the roof project may also have to be funded by the RSWF.

12. In addition, there will continue be an ongoing requirement for the RSWF to fund painting works and a variety of other small works. Over the years, improvement projects such as polystyrene recycling, streetwasher vehicle, pay as you go water token system, fish waste storage unit and numerous others have been funded from the RSWF.

13. Planned RSWF improvement projects for the current year include:

- an upgrade to toilet and changing room areas at an estimated cost of £38,000
- improved drainage to deal with water pooling problems, and the associated hygiene risk, at an estimated cost of £30,000.

- Subject to funding availability, CCTV upgrading and more suitable maintenance storage facilities are potential future improvement projects.

Matched funding from the EFF may be available for some of the anticipated RSWF projects in the same way that the predecessor fund to the EFF match funded the streetwasher vehicle and the polystyrene recycling projects.

Conclusion

14. Following the conclusion of the porter's buyout, the Market has full occupancy except for six office premises. The Market is now more readily able to respond to customer needs and for example, trading now commences at 4am instead of the previous 5am. Customers are also satisfied with the improved trade parking area which is now managed by employed City staff following the termination of the previous the self-employed cart-minder regime.

15. The highest priority for the City at Billingsgate is to ensure that it continues to be compliant with food hygiene regulations in the standard of its infrastructure and cleanliness. The roof renewal and additional facilities projects will assist in that regard. It is also the case that the Billingsgate building facilities have to keep pace with the recent improvements in customer service. The main fish catering suppliers serving the high class dining establishments of London purchase daily from Billingsgate and it is important that the Market has suitable premises and does not take their or any other customers ongoing business for granted.

Contact: Malcolm Macleod, Superintendent, Billingsgate Market

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Agenda Item 7

| | | |
|---|---------------------|--|
| Committee(s): | Date(s): | |
| Markets | 25 September 2012 | |
| Subject: Christmas 2012 – Smithfield Market Trading Hours and Traffic Management Plan | Public | |
| Report of: Superintendent of Smithfield Market | For Decision | |
| <u>Summary</u> | | |
| <p>This report is to seek members' approval to the proposed Christmas trading and traffic arrangements for Smithfield Market.</p> | | |
| <p>Recommendations:</p> | | |
| <p>a. That the Market's trading hours are varied as requested under paragraph 1</p> | | |

Main Report

Background

Christmas Trading Hours

1. An application has been received from the Smithfield Market Tenants' Association (SMTA) to vary the trading times over this period and details of these are set out below:

Saturday 15 December
Sunday 16 December
Saturday 22 December
Sunday 23 December
Monday 24 December
Monday 31 December

This would mean that the Market would be closed on

Tuesday 25 December
Wednesday 26 December
Tuesday 1 January

Traffic flow around the Market

2. Markets management are still in discussions with the City of London Police about the compliment of cover and support Smithfield will be getting to manage traffic flow around the market and the operational plan will be submitted to Committee when this has been confirmed.

Conclusion

3. It is, therefore, recommended that the Committee approve the proposed change to Market's trading hours as requested under paragraph 1 above.

Contact:

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Agenda Item 11

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of the Local Government Act 1972.

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Agenda Item 12

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Agenda Item 14

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