



## Markets Committee

**Date:** TUESDAY, 20 NOVEMBER 2012

**Time:** 12.00 pm

**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

**Enquiries:** Rakesh Hira  
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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. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

3. **MINUTES**

To approve the public minutes and summary of the Markets Committee held on 25 September 2012

**For Decision**  
(Pages 1 - 6)

4. **REVENUE AND CAPITAL BUDGETS - 2012-13**

Report of the Chamberlain and the Director of Markets and Consumer Protection

**For Decision**

(Pages 7 - 20)

5. **ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET**

Report of the Director of Markets and Consumer Protection

**For information**

(Pages 21 - 32)

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

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

8. **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
9 - 11	3

## Part 2 - Non-Public Agenda

9. **NON-PUBLIC MINUTES**

To approve the non-public minutes of 25 September 2012

**For Decision**  
(Pages 33 - 38)

10. **PROGRESS REPORT - INFILL DEVELOPMENT CHISWICK GAP, NEW SPITALFIELDS MARKET**

Report of the City Surveyor

**For Decision**  
(Pages 39 - 48)

11. **TENANCIES AT WILL GRANTED AND ARREARS OUTSTANDING**

Report of the Director of Markets and Consumer Protection

**For information**  
(Pages 49 - 52)

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

13. **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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# Agenda Item 3

## MARKETS COMMITTEE

Tuesday, 25 September 2012

Minutes of the meeting of the Markets Committee held at Guildhall, EC2 on Tuesday, 25 September 2012 at 11.30am

### Present

#### Members:

Hugh Morris (Chairman)	Deputy Keith Knowles
Michael Hudson (Deputy Chairman)	Anthony Llewelyn-Davies
Deputy John Bennett	Robert Merrett
John Brewster	Deputy Joyce Nash
Nigel Challis	Michael Page
John Chapman	Chris Punter
Alex Deane	Deputy Robin Sherlock
Deputy Robin Eve	Deputy Dr Giles Shilson
Deputy Bill Fraser	John Spanner
Deputy Stanley Ginsburg	Alderman Sir John Stuttard
Deputy Henry Jones	James Tumbridge

#### Officers:

Rakesh Hira	- Town Clerk's Department
John Barradell	- Town Clerk and Chief Executive
Peter Lisley	- Town Clerk's Department
Mathew Lawrence	- Town Clerk's Department
Libby Grant	- Corporate HR
Andrew Buckingham	- Public Relations Office
Alan Bennetts	- Comptroller and City Solicitor's Department
Andrew Crafter	- City Surveyor's Department
Andrew Wild	- City Surveyor's Department
Debbie Howard	- Chamberlain's Department
Simon Owen	- Chamberlain's Department
David Smith	- Director of Markets & Consumer Protection
Malcolm Macleod	- Markets & Consumer Protection Department
Nigel Shepherd	- Markets & Consumer Protection Department
Donald Perry	- Markets & Consumer Protection Department
Karyn Ramsay	- Markets & Consumer Protection Department
Tom Edwards	- Markets & Consumer Protection Department
Anthony Phillips	- Field Fisher Waterhouse

1. **APOLOGIES**

Apologies were received from Alderman Sir Michael Savory, Mark Boleat, Deputy Stella Currie, Peter Dunphy, Deputy Pauline Halliday, Brian Harris and Michael Henderson-Begg.

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

There were no declarations.

3. **MINUTES**

The public minutes and summary of the meeting held on 4 July 2012 were approved as a correct record.

**Matters Arising**

West Poultry Avenue

It was noted that the Deputy Chairman had pursued this matter with the Chairman of the Property Investment Board. The Deputy Chairman pointed out that consideration was being given to the possibility of repairing the tunnels under the road but no decisions had yet been taken.

4. **CHIEF OFFICER APPOINTMENT**

A report of the Town Clerk which set out the wish to involve the Chairman of the Port Health and Environmental Services Committee in the appointment of the post of the Director of Markets and Consumer Protection and the Director of Open Spaces was considered.

**RECEIVED**

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

A report of the Director of Markets and Consumer Protection providing Members with an update on progress in achieving the objectives set out in the annual Business Plan for the 1<sup>st</sup> period in 2012/13 (April – July inclusive) was considered. The principal subjects covered in the report were:

- 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
- Spitalfields Rain Water Harvesting
- Billingsgate Satellite unit 1 update
- Finance update

A discussion took place on the Markets Byelaws Working Party which was reviewing whether there is a need for new byelaws for Billingsgate, Smithfield and New Spitalfields Markets. The Superintendent, Billingsgate Market, Chair of the Markets Byelaws Working Party, explained that the consultation process was underway and that confirmation was awaited from the Fishmongers

Company before the consultation exercise was complete. He pointed out that Members views were invited by the Working Group to consider whether new byelaws might assist with the effective management of the Markets.

In relation to Customer Parking which had been introduced at Billingsgate Market at the start of July 2012 the Superintendent, Billingsgate Market, explained that Penalty Notices were fixed by a third party company and any net receipts from penalty notices would offset the service charge. The Director pointed out that the parking charges had been introduced at the request of the tenants.

A Member complimented the Director on a very useful and informative Report.

## **RECEIVED**

### **6. BILLINGSGATE MODERNISATION PROJECTS**

A report of the Director of Markets and Consumer Protection providing an overview on two separate capital projects which would soon be brought forward for approval by Members and set out 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 were considered.

A Member commented that the roof at Billingsgate Market was in need of particular repair and that officers should take this work forward as speedily as possible.

## **RECEIVED**

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

A report of the Superintendent, Smithfield Market, seeking approval to the proposed Christmas trading and traffic arrangements for Smithfield Market was considered.

It was noted that the hours would be varied in order for the Market to open from 3:00am – 10:00am.

**RESOLVED** – That the Markets trading hours be varied over the following dates:

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.

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

**Markets Committee Visits**

In response to a question by a Member on the early start time of the Markets Committee visits, which made it difficult for Members to get to the coach-pick up point at Guildhall or at the Market for Members living outside London; the Chairman pointed out that overnight accommodation and ad-hoc travel arrangements could be considered.

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

There were no urgent items.

**10. EXCLUSION OF THE PUBLIC**

**RESOLVED:** 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.

<b>Item Nos.</b>	<b>Exempt Paragraphs</b>
11 - 15	3

**11. NON-PUBLIC MINUTES**

The non-public minutes and summary of the meeting held on 4 July 2012 were approved as a correct record.

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

A joint report of the Comptroller & City Solicitor and the City Surveyor was received.

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

A report of the City Surveyor was considered and agreed.

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

A report of the Superintendent, Smithfield Market, was considered and agreed.

**15. SMITHFIELD LEASES**

The Director of Markets and Consumer Protection provided an oral statement on the High Court Judgement.

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

There were no questions.



17. **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 ended at 12.46pm**

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Chairman

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**rakesh.hira@cityoflondon.gov.uk**

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# Agenda Item 4

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>	
Markets Committee	20 November 2012		
<b>Subject:</b> REVENUE AND CAPITAL BUDGETS - 2012/13 and 2013/14		<b>Public</b>	
<b>Report of:</b> The Chamberlain Director of Markets and Consumer Protection		<b>For Decision</b>	
<b><u>Summary</u></b>			
<p>This report is the annual submission of the revenue and capital budgets overseen by your Committee. In particular it seeks approval to the provisional revenue budget for 2013/14, for subsequent submission to the Finance Committee. Details of the Committee's draft capital budget are also provided. The budgets have been prepared within the resources allocated to the Director.</p> <p>Business priorities for the forthcoming year include maintaining the same high level of service or developing new services within a cash limited resource allocation; identifying new income streams; reducing energy costs and carbon footprint; supporting the procurement to pay initiative in order to deliver savings through improved procurement and to review our tenant's service charge accounts to ensure that we continue to deliver cost effective services. Two priority projects for 2013/14 at Billingsgate Market are the creation of additional fish handling facilities and the renewal of the roof, subject to future gateway reports.</p>			
Summary Of Table 1	Latest Approved Budget 2012/13 £'000	Original Budget 2013/14 £'000	Movement  £'000
Expenditure	14,059	13,282	(777)
Income	(14,317)	(14,558)	(241)
Support Services and Capital Charges	6,305	6,185	(120)
Total Net Expenditure	6,047	4,909	(1,138)

Overall, the 2013/14 provisional revenue budget totals £4.909m, a decrease of £1.138m compared with the latest approved budget for 2012/13 of £6.047m.

The main reasons for this reduction are:

- One off carry forwards from 2011/12 totalling £20,000 are included in the 2012/13 latest approved budget.
- Increase in planned works of £169,000 mainly at New Spitalfields Market
- Reduction in City Surveyor's repairs and maintenance costs of £108,000 and additional works programme of £101,000. A total reduction of £209,000
- Reduction in lease renewal fees of £722,000, which includes a carry forward of £142,000 from 2011-12 under-spend
- Reduction in support services and capital charges of £120,000
- An increase in income of £241,000, of which £103,000 is being used to partially offset the increase in planned works at New Spitalfields.

- **Recommendations**

The Committee is requested to:

- Review the provisional 2013/14 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee
- Review and approve the draft capital budget
- Authorise the Chamberlain to revise these budgets to allow for further implications arising from PP2P reviews, the implementation of the City of London Procurement Service, changes to the Additional Works Programme, implications arising from Carbon Trading Allowances and changes in respect of recharges.

## **Main Report**

### **Introduction**

1. The City of London Corporation is the largest provider of Wholesale Markets in the country. It owns and manages Billingsgate Market (fish) in Docklands, Smithfield Market (meat) in the City and Spitalfields

Market (fruit, vegetables and flowers) in Leyton. Smithfield and Billingsgate Markets are funded from City's Cash and Spitalfields Market is funded from City Fund.

2. This report sets out the proposed revenue budget and capital budgets for 2013/14. The revenue budget management arrangements are to:
  - Provide a clear distinction between local risk, central risk and recharge budgets
  - Place responsibility for budgetary control on departmental Chief Officers
  - Apply a cash limit policy to Chief Officers' budgets
3. The provisional budget for 2013/14 has been analysed by the service expenditure and compared with the latest approved budget for 2012/13 (see Table 1).
4. The report also compares the current year's latest approved budget with the forecast outturn.

#### **Business Planning Priorities**

5. The business planning priorities for 2012/13 include managing lease renewals at Smithfield. This work is on-going throughout 2012/13 and the outcome of the court review in September 2012, which has previously been briefed by the Director of Markets and Consumer Protection at your last Committee meeting, was that a service charge will be implemented. Negotiations are underway with the Smithfield Market Tenants Association (SMTA) to agree an exclusive charge for rent and operational costs of running Smithfield Market and new leases.
6. The budget for legal costs for the lease renewal process at Smithfield Market in 2012/13 was £722,000 made up from carrying forward £142,000 from 2011/12 departmental under-spends and £580,000 from Finance Committee's contingency fund. The project is forecast to be concluded by March 2013 as, if a negotiated settlement cannot be reached and it is necessary to return to the High Court, the full court hearing should be complete before the next financial year. Therefore no budget is currently proposed in 2013/14.
7. A further business priority in 2012/13 was the renewed working practices agreement at Billingsgate Market. This agreement was completed successfully during the early part of 2012/13 with the result that there is a net increase in the City's income streams for rent and car parking, after accounting for increased rates expenditure at the car park.

8. Business priorities in 2013/14 include maintaining the same high level of service or developing new services within a cash limited resource allocation.; identifying new income streams; reducing energy and costs and carbon footprint; supporting the Procure to Pay (PP2P) initiative in order to deliver savings through improved procurement and to review our tenants service charge accounts to ensure that we are delivering cost effective services and value for money.
9. At Billingsgate there are two priority projects for 2013/14. They are to implement works for renewing the roof and the creation of additional fish handling building facilities. It is anticipated that there will be no impact on revenue as the project is expected to be funded from grants and the reserves in the “sinking fund”. Future ‘gateway’ reports will be prepared to keep your Committee updated on the latest developments.

### **Proposed Revenue Budget for 2013/14**

10. The proposed Revenue Budget for 2013/14 is shown in Table 1 below analysed between:
  - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer’s control
  - Central Risk budgets – these are budgets comprising specific items where a Chief Officer manages the underlying service, but where the eventual financial outturn can be strongly influenced by external factors outside of his/her control or are budgets of a corporate nature (e.g. interest on balances and rent incomes from investment properties)
  - Support Services and Capital Charges – these cover budgets for services provided by one activity to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk
11. The provisional 2013/14 budgets, being presented to your Committee, and under the control of the Director of Markets and Consumer Protection have been prepared in accordance with guidelines agreed by the Policy & Resources and Finance Committees. These include the first 1% of the total 2% efficiency savings required by 2014/15 as well as the policy of transfers of non-staffing budget to staffing budgets. The remaining 1% efficiency savings will be applied to the 2014/15 budgets. The budget has been prepared within the resources allocated to the Director.

TABLE 1 MARKETS COMMITTEE SUMMARY – ALL FUNDS						
Analysis of Service Expenditure	Local or Central Risk	Actual 2011-12 £'000	Latest Approved Budget 2012-13 £'000	Original Budget 2013-14 £'000	Movement 2012-13 to 2013-14 £'000	Paragraph Reference
<b>EXPENDITURE</b>						
Employees	L	4,725	5,077	5,061	(16)	
Premises Related Expenses (see note i)	L	4,064	4,125	4,294	169	15&16
Premises Related Expenses (see note ii)	C	0	107	107	0	
City Surveyor – Repairs & Maintenance	L	937	1,237	1,028	(209)	17 to 20
Transport Related Expenses	L	39	47	39	(8)	
Supplies & Services (see note iii)	L	1,286	862	823	(39)	
Supplies & Services (see note iv)	C	140	872	150	(722)	21
Waste & Cleaning Contract at New Spitalfields Market	L	1,648	1,732	1,780	48	22
Capital Charges	L	0	0	0	0	
Transfer to Reserve	L	252	0	0	0	
<b>Total Expenditure</b>		<b>13,091</b>	<b>14,059</b>	<b>13,282</b>	<b>(777)</b>	
<b>INCOME</b>						
Other Grants, Reimbursements and Contribution	L	(450)	(250)	(275)	(25)	
Customer, Client Receipts (see note v)	L	(7,894)	(8,167)	(8,235)	(68)	
Customer, Client Receipts (mainly Rent)	C	(5,182)	(5,777)	(5,819)	(42)	
Investment Income	L	(26)	(22)	(20)	2	
Transfer from Reserves	L	(0)	(84)	(187)	(103)	
Transfer from Reserve	C	(40)	(17)	(22)	(5)	
<b>Total Income</b>		<b>(13,592)</b>	<b>(14,317)</b>	<b>(14,558)</b>	<b>(241)</b>	22
TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES AND CAPITAL CHARGES		<b>(501)</b>	<b>(258)</b>	<b>(1,276)</b>	<b>(1,018)</b>	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>						
Central Support Services and Capital Charges		6,406	6,597	6,472	(125)	Appendix 2
Recharges within Committees		0	0	0	0	
Recharges within Fund		(29)	(36)	(31)	5	
Recharges Across Funds		(222)	(256)	(256)	0	
<b>Total Support Services and Capital Charges</b>		<b>6,155</b>	<b>6,305</b>	<b>6,185</b>	<b>(120)</b>	
<b>TOTAL NET EXPENDITURE/(INCOME)</b>		<b>5,654</b>	<b>6,047</b>	<b>4,909</b>	<b>(1,138)</b>	

Notes - Examples of types of service expenditure:-

- (i) Premises Related Expenses, Local Risk (L) – includes repairs & maintenance, energy costs, rates, water services, cleaning and domestic supplies
- (ii) Premises Related Expenses, Central Risk (C) – estimated car park rates liability at Billingsgate Market
- (ii) Supplies and Services, Local Risk (L) – Equipment, furniture, materials, uniforms, printing, stationary, professional fees, grants & subscriptions
- (iv) Supplies and Services, Central Risk (C) – estimated legal fees at Smithfield Market
- (v) Customer, Client Receipts Local risk (L) – service charge and car parking income and reimbursements for electricity and water

12. Income and favourable variances are presented in brackets. Only significant variances (generally those greater than £100,000) have been commented on in the following paragraphs.
13. An analysis of revenue expenditure by Service Managed is provided in Appendix 1.
14. There is a reduction of £1.138m in the overall budget between the 2012/13 latest approved budget and the 2013/14 original budget. This movement is explained by the variances outlined below.
15. Increase in local risk premises related expenditure of £169,000 which is mainly a result of increases in New Spitalfields Markets local planned works programme which is payable from the Repainting and Repair Fund reserves.
16. However, the movement in premises related expenditure between 2012/13 and 2013/14 budgets of £169,000 will be reduced by £121,000 to £48,000 as the adjustment was too late to be included in the detailed financial recharges affecting this report. The revised total for expenditure and income for New Spitalfields Market will be reflected in the budget book for 2013/14 to be published in March 2013.
17. The total decrease of £209,000 in the budget for the City Surveyor's repairs and maintenance programme reflects changes in the composition and phasing of the works as outlined in Table 2 below.



TABLE 2 - CITY SURVEYOR LOCAL RISK		Latest Approved Budget 2012/13 £'000	Original Budget 2013/14 £'000	Movement
Repairs and Maintenance				
Additional Works Programme		784	683	(101)
Planned, Re-active & Cyclical Works				
	Billingsgate	93	77	(16)
	Smithfield	307	205	(102)
	Spitalfields	53	63	10
Total City Surveyor		1,237	1028	(209)

18. Budgets have provisionally been included for the 2013/14 additional works programme based on bids considered by the Corporate Asset Sub Committee in June 2012. However, a decision on funding of the programme is not due to be made by the Resource Allocation Sub Committee until December. It may therefore be necessary to adjust budgets to reflect the Resource Allocation Sub Committee's decision.
19. The main elements for the decrease in the additional works programme is that the value of work identified in the City Surveyor's 20 year programme for 2013/14 has reduced in comparison with the combined value of various programmes in 2012/13.
20. Following the implementation of the MITIE and APEX contracts in July 2012, budgets have been re-aligned to reflect the tendered cost of the new contracts. The 2012/13 latest approved budget and the 2013/14 original budgets, therefore reflect these changes.
21. The decrease in the central risk budget for supplies and services between 2012/13 and 2013/14 of £722,000 is due to the anticipated completion of the lease renewal at Smithfield Market in the current year. The court hearing is set for March 2013, and it is anticipated that all costs should be expended in 2012/13 as outlined in paragraph 6. However, an application will be made to Finance Committee to carry forward any unspent funds to 2013/14 should this be required.
22. The increased income of £241,000 is mainly due to additional service charge income for New Spitalfields and Billingsgate Markets to fund increases in the service charge expenditure, such as the £48,000 expected

increase for the waste contract and additional budget required as a contribution from reserves to fund the increase in works at New Spitalfields Market.

23. Analysis of the movement in manpower and related staff costs are shown in Table 3 below.

Table 3 - Manpower statement	Latest Approved Budget 2012/13		Original Budget 2013/14	
	Manpower Full-time equivalent	Estimated cost £000	Manpower Full-time equivalent	Estimated cost £000
Directorate	5.6	386	5.4	377
Spitalfields Market	29.0	1,283	29.0	1,283
Smithfield Market	49.0	1,785	49.0	1,797
Billingsgate Market	41.0	1,623	41.0	1,604
<b>TOTAL MARKETS</b>	<b>124.6</b>	<b>5,077</b>	<b>124.4</b>	<b>5,061</b>

1. The full time equivalent total for the Directorate will be increased by one post to 6.4 by a transfer of an existing post from within the Markets and Consumer Protection. A budget transfer of £36,000 will be made in the budget book when it is published in March 2013. This is an agreed transfer from the departmental restructure that took place in 2011.

### **Potential Further Budget Developments**

24. The provisional nature of the 2013/14 revenue budget recognises that further revisions may be required, including in relation to:

- budget reductions to capture savings arising from the on-going PP2P reviews
- budget adjustments relating to the implementation of the City of London Procurement Service
- decisions on funding of the Additional Work Programme by the Resource Allocation Committee

### **Revenue Budget 2012/13**

25. The forecast outturn for the current year is £6.047m, which is in line with the latest approved budget. It is anticipated that the Director of Markets and Consumer Protection will remain within his resource allocation.

### **Members Format**

26. Members have, in the past, expressed interest in the financial performance of individual Wholesale Markets (i.e. excluding the car park and outside properties at Smithfield). This is set out in Appendix 3, which has not been prepared in accordance with conventional City of London format but where expenditure and adverse variances are presented in brackets.

27. On this basis, the overall cost to the City of London Corporation of operating the Markets is £6.136m in 2012/13 and £4.992m in 2013/14. The costs are higher than the overall Committee total as the excluded items produce a small net income. The costs of the Markets include capital charges for 2013/14 totalling £4.883m, primarily relating to Smithfield refurbishment.
28. The operating statement has been reviewed and some changes have been made to the allocation of costs. Notes are included on the operating statement to explain significant differences.

### **Draft Capital Budget**

29. No new bids were submitted recently by the Committee to the Policy and Resources Committee for resources to evaluate new capital or supplementary revenue projects.
30. The Committee's draft capital and supplementary revenue project budgets are summarised in the Tables below. Estimated expenditure is analysed as follows:
- Committed – Projects which are contractually committed
  - Uncommitted – Projects which have been the subject of an evaluation report but are not yet contractually committed
  - Pre-evaluation costs – the costs of evaluating all other schemes approved to proceed to that stage

TABLE 4 – City's Cash Draft Capital Budget								
	Exp. Pre 01/04/ 2012 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	Later Years £'000	Total £'000
<u>Evaluated Schemes</u>								
- Committed								
Billingsgate Porters		2,500						2,500
- Uncommitted								
<u>Unevaluated Schemes</u>								
Billingsgate Market - Venting and Cooling Ph. 2	81			332	191			604
<b>TOTAL</b>	<b>81</b>	<b>2,500</b>	<b>0</b>	<b>332</b>	<b>191</b>	<b>0</b>	<b>0</b>	<b>3,104</b>
TABLE 5 – City's Cash Draft Supplementary Revenue Budget								

	Exp. Pre 01/04/20 12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	2016/17 £'000	Later Years £'000	Total £'000
<u>Unevaluated schemes</u> Billingsgate Market – Fish-Handling Facilities, options appraisal costs	16	2						18
<b>TOTAL</b>	<b>16</b>	<b>2</b>						<b>18</b>

	Exp. Pre 01/04/2011 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000	2015/16 £'000	Later Years £'000	Total £'000
<u>Evaluated Schemes</u> - Uncommitted Rainwater Harvest	2	60	65					127
<b>TOTAL</b>	<b>2</b>	<b>60</b>	<b>65</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>127</b>

31. The latest updated information on the capital project budgets is being submitted in a progress monitoring report to the Finance Committee on 11 December 2012. Summaries of these budgets will subsequently be used to determine overall financing, with the full capital and supplementary revenue project budgets being presented to the Court of Common Council for approval in March 2013.
32. The £2.5m for the Billingsgate porters buyout, is as previously reported to your committee funded by various methods. £900,000 is being repaid by the tenants, of which some traders have elected to pay the loan in full and avoid interest payments and others are repaying the loan and interest each month. The balance of the capital sum will be repaid from projected additional income generated by commercial car park trade and advertising hoardings.

Contact:

Debbie Howard - Senior Finance Officer,  
Chamberlain's Department  
debbie.howard@cityoflondon.gov.uk  
Tel: 020 7332 3574

**APPENDIX 1**

Analysis by Service Managed	Actual 2011-12 £'000	Latest Approved Budget 2012-13 £'000	Original Budget 2013-14 £'000	Movement 2012-13 to 2013-14 £'000	Paragraph Reference
<b>CITY FUND</b>					
Spitalfields Market					
- Service Charge Account	15	25	25	0	
- City Account	(732)	(792)	(797)	(5)	
- Repairing and Repairs Fund	0	0	0	0	
<b>Total Spitalfields Market</b>	<b>(717)</b>	<b>(767)</b>	<b>(772)</b>	<b>(5)</b>	
<b>TOTAL CITY FUND</b>	<b>(717)</b>	<b>(767)</b>	<b>(772)</b>	<b>(5)</b>	
<b>CITY'S CASH</b>					
Smithfield Market					
- Wholesale Market	6,397	7,180	6105	(1,075)	16 & 20
- Other Services	(88)	(89)	(83)	6	
<b>Total Smithfield Market</b>	<b>6,309</b>	<b>7,091</b>	<b>6,022</b>	<b>(1,069)</b>	
Billingsgate Market					
- Service Charge Account	0	0	0	0	
- Non-Service Charge Account	61	(277)	(341)	(64)	
- Repairing and Special Works Account	0	0	0	0	
<b>Total Billingsgate Market</b>	<b>62</b>	<b>(277)</b>	<b>(341)</b>	<b>(64)</b>	
Markets Directorate	0	0	0	0	
<b>TOTAL CITY'S CASH</b>	<b>6,371</b>	<b>6,814</b>	<b>5,681</b>	<b>(1,133)</b>	
<b>TOTAL</b>	<b>5,654</b>	<b>6,047</b>	<b>4918</b>	<b>(1,138)</b>	

**APPENDIX 2**

Support Service and Capital Charges from/to Markets Committee	Actual 2011/12 £000	Latest Approved Budget 2012/13 £000	Original Budget 2013/14 £000
<b>Support Service and Capital Charges</b>			
Administrative Buildings	30	39	40
City Surveyor's Employee Recharge	151	173	189
Insurance	495	489	490
IS Recharges - Chamberlain	83	171	170
Capital Charges	4845	4992	4883
Support Services -			
Chamberlain	194	156	140
Comptroller and City Solicitor	109	94	90
Town Clerk	269	227	215
City Surveyor	153	162	162
Liability Insurance	77	94	93
<b>Total Support Services and Capital Charges</b>	<b>6,406</b>	<b>6,597</b>	<b>6472</b>
<b>Recharges Within Funds</b>			
Corporate and Democratic Core – Finance Committee	(77)	(77)	(77)
Unfit meat disposal charges – Port Health and Environmental Services Committee	48	57	62
Directorate Recharge – Port Health and Environmental Services Committee	0	(16)	(16)
<b>Recharges Across Funds</b>			
Directorate Recharge - Markets – City Fund	0	0	0
Directorate Recharge – Licensing Committee	(13)	(14)	(14)
Directorate Recharge – Port Health and Environmental Services Committee	(209)	(242)	(242)
<b>TOTAL SUPPORT SERVICE AND CAPITAL CHARGES</b>	<b>6,155</b>	<b>6,305</b>	<b>6,185</b>

The Capital Charges within this Committee total £4.883m in 2013/14. These relate to depreciation charges at Spitalfields Market (£0.562m) based on the estimated value as at 1 April 2012 divided by anticipated lives of assets; principal and interest payments on loans for major works at Smithfield Market and the Car Park (£3.940m); and principal and interest payments on loans for improvements and essential works at Billingsgate Market (£0.381m).

## Wholesale Markets Operating Summary

APPENDIX 3

	Spitalfields				Billingsgate				Smithfield				Notes	Total			
	Actual	Original Budget	Latest Approved Budget	Original Budget	Actual	Original Budget	Latest Approved Budget	Original Budget	Actual	Original Budget	Latest Approved Budget	Original Budget		Actual	Original Budget	Latest Approved Budget	Original Budget
	2011/12	2012/13	2012/13	2013/14	2011/12	2012/13	2012/13	2013/14	2011/12	2012/13	2012/13	2013/14		2011/12	2012/13	2012/13	2013/14
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000		£'000	£'000	£'000	£'000
<b>Operating Expenditure</b>																	
<b>Expenditure</b>																	
Employees	(1,155)	(1,335)	(1,283)	(1,283)	(1,427)	(1,489)	(1,623)	(1,604)	(1,809)	(1,814)	(1,785)	(1,797)	1	(4,391)	(4,638)	(4,691)	(4,684)
Premises	(958)	(923)	(966)	(992)	(981)	(919)	(1,107)	(1,081)	(1,836)	(2,865)	(2,519)	(2,455)	2	(3,775)	(4,707)	(4,592)	(4,528)
Transport	(3)	(10)	(10)	(6)	(28)	(25)	(27)	(26)	(7)	(10)	(10)	(7)		(38)	(45)	(47)	(39)
Supplies and Services	(152)	(138)	(151)	(148)	(152)	(125)	(127)	(119)	(612)	(579)	(463)	(422)		(916)	(842)	(741)	(689)
Third Party Payments	(1,648)	(1,734)	(1,732)	(1,780)	0	0	0	0	0	0	0	0		(1,648)	(1,734)	(1,732)	(1,780)
Unidentified Savings	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0
<b>Total operating expenditure</b>	<b>(3,916)</b>	<b>(4,140)</b>	<b>(4,142)</b>	<b>(4,209)</b>	<b>(2,588)</b>	<b>(2,558)</b>	<b>(2,884)</b>	<b>(2,830)</b>	<b>(4,264)</b>	<b>(5,268)</b>	<b>(4,777)</b>	<b>(4,681)</b>		<b>(10,768)</b>	<b>(11,966)</b>	<b>(11,803)</b>	<b>(11,720)</b>
<b>Income</b>																	
Rent Income	1,182	1,359	1,359	1,359	762	790	906	906	2,637	2,707	2,635	2,635		4,581	4,856	4,900	4,900
Charges for Services	4,506	4,426	4,418	4,481	2,346	2,450	3,034	2,990	1,217	1,882	1,215	1,262		8,069	8,758	8,667	8,733
<b>Total Operating Income</b>	<b>5,688</b>	<b>5,785</b>	<b>5,777</b>	<b>5,840</b>	<b>3,108</b>	<b>3,240</b>	<b>3,940</b>	<b>3,896</b>	<b>3,854</b>	<b>4,589</b>	<b>3,850</b>	<b>3,897</b>		<b>12,650</b>	<b>13,614</b>	<b>13,567</b>	<b>13,633</b>
<b>Net Operating Surplus/(Deficit)</b>	<b>1,772</b>	<b>1,645</b>	<b>1,635</b>	<b>1,631</b>	<b>520</b>	<b>682</b>	<b>1,056</b>	<b>1,066</b>	<b>(410)</b>	<b>(679)</b>	<b>(927)</b>	<b>(784)</b>	3	<b>1,882</b>	<b>1,648</b>	<b>1,764</b>	<b>1,913</b>
<b>Central Costs</b>																	
Capital Charges	(458)	(468)	(557)	(562)	(375)	(375)	(380)	(381)	(4,012)	(3,997)	(4,055)	(3,940)		(4,845)	(4,840)	(4,992)	(4,883)
Other Central Costs*	(597)	(265)	(311)	(297)	(207)	273	(399)	(344)	(1,975)	(1,095)	(2,198)	(1,381)		(2,779)	(1,088)	(2,908)	(2,022)
<b>Total Market (Expenditure)/Income</b>	<b>717</b>	<b>912</b>	<b>767</b>	<b>772</b>	<b>(62)</b>	<b>580</b>	<b>277</b>	<b>341</b>	<b>(6,397)</b>	<b>(5,771)</b>	<b>(7,180)</b>	<b>(6,105)</b>		<b>(5,742)</b>	<b>(4,280)</b>	<b>(6,136)</b>	<b>(4,992)</b>

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 at Smithfield (see annex F1)

### Note 1

Billingsgate increased compliment of staff to include car parking attendants

Spitalfields decreased compliment of staff by not fulfilling vacancies

Smithfield decreased staff costs as part of the efficiency measures

### Note 2

A review of allocation of costs has been completed and insurance had incorrectly been input below the line in the previous year for all markets

### Note 3

A review resulted in discovering that the car park costs and income had been included in Smithfield Market Actual 2011-12 column and the Original Budget 2012-13 column.

This has now been rectified and the car park costs and income have been excluded in the Lastest Approved Budget column 2011-12 and the Original budget column for 2012-13.

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# Agenda Item 5

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Markets Committee	20 November 2012	
<b>Subject:</b> Enforcement Activity at Smithfield Market	<b>Public</b>	
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Information</b>	
<p><b><u>Summary</u></b></p> <p>This report advises your Committee of Enforcement Activity carried out by the Enforcement Team within my Department and the Food Standards Agency at Smithfield Market during the four month period from 1<sup>st</sup> June 2012 to 30 September 2012.</p> <p>The Lead Veterinarian for the Food Standards Agency (FSA) has reported that there are currently no stalls on the FSA's Cause for Concern list. Nine companies on Smithfield Market required re-approval; currently six stalls have been granted full approval. Official Veterinarian attendance during the Olympic Games was increased and that resulted in a large number of "Detention of Food Notices" being served.</p> <p>In respect of enforcement under the Health &amp; Safety at Work etc Act 1974, standards have remained acceptable. It should be noted that there has been a slight improvement in compliance with fewer infringements being observed, particularly in respect of the wearing of personal protective equipment by Market traders' personnel.</p> <p>It should be further noted that, as a consequence of recent guidance published by the Health &amp; Safety Executive to Local Authorities, the level of interventions by my officers will be reduced and reflected in future reports to this Committee.</p> <p><b>Recommendations</b></p> <p>I recommend that your Committee notes the content of this report.</p>		

## Main Report

### **Background**

1. This is the twenty seventh 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 twelve month period.

### **Current Position**

2. As a result of FSA enforcement (Appendix 3), the FSA's Lead Veterinarian has reported the following:
  - Currently there are no stalls on the Cause for Concern list. Previously it was reported that there were four but following audits one was removed in June and the other three in August.
  - The re-approval process started in May 2012 for nine stalls. During the second visit at the end of September, six were granted full approval.
3. The FSA took a trader to court in respect of obstruction of a City Corporation Official Veterinarian acting on behalf of the FSA. On 30 October and 2 November 2011, a Director and a senior manager of Reeve & Co, a trader at Smithfield Market, abused one of the City's Official Veterinarians who was attempting to undertake a planned audit of their business on behalf of the Food Standards Agency.
4. After an investigation by the Food Standards Agency (FSA), three charges were laid by the FSA against the Company, the Director, and the senior manager relating to the obstruction of an official veterinarian as he sought to undertake an audit, and their failure to provide the assistance and information the vet needed to undertake an audit.
5. The case was heard at Westminster Magistrates Court on 16/17 October 2012 with sworn evidence being given by four City of London staff. After the two-day trial, the District Judge found all the charges were proven, and fines and costs were imposed:

- Keith Graves, the Director of the company, was fined £700 and ordered to pay prosecution costs of £3,250;
  - Michael Brown, an employee, was fined £350 and ordered to pay prosecution costs of £1,000;
  - Reeve and Company was fined £100 and ordered to pay prosecution costs of £3,250.
  - Each defendant was also ordered to pay £15 victim surcharges.
  - The total fines and costs of the case were £8,650.
6. It is understood that Reeves and Co Ltd are to appeal and a hearing at the High Court is likely to take place early next year. This is the first prosecution of its kind at Smithfield and, we believe, it may be the first in the UK.
7. Over the four month period from 1 June 2012 to 30 September 2012 enforcement has continued under the Health and Safety at Work etc Act 1974. Planned audits continued with particular emphasis on improving the wearing of personal protective equipment by Market personnel and Market users where necessary. This is detailed in paragraph 9.

### **Formal Action**

8. The Lead Veterinarian for the FSA has advised that the following actions have been taken against traders:
- Increased OV attendance during the Olympic Games resulted in a large number of “Detention of Food Notices” being served due mainly to over-temperature.
  - Common parts have been audited for the first time.
  - The use of hairnets/hats and coats is still an issue.
  - The FSA have concentrated on the temperature control of meat left in service corridors and on pavements.
  - During the past three months, in the main, verbal advice was given. However as the hierarchy of enforcement is required to be followed,

more written advice and formal notices are expected in the next 3 months.

- In the next reporting period, the FSA will concentrate on enforcing the control of unattended meat and the Official Veterinarians will start liaising with the Smithfield Enforcement Team to verify the amount of Animal by Product (ABP) being disposed of during the traders' audit period.

9. My officers in the Smithfield Enforcement Team have taken the following action against traders:

- Six companies received written advice in respect of failure to implement Health & Safety management systems.
- One company received written advice in respect of a late accident notification.
- Verbal advice was given on 61 occasions for Health & Safety infringements, e.g. not wearing personal protective equipment.

Overall the traders have maintained an acceptable standard demonstrating an improvement in the wearing of personal protective equipment, eg safety hats, shoes, chain mail gloves, etc.

10. 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.

### **Future Position**

11. The Health and Safety Executive has recently published guidance to local authorities regarding the reform of health and safety enforcement in Britain. Under the reforms, protecting people in the workplace and society as a whole remains a key priority. However, the focus of the health and safety regime will move to a lighter touch approach, concentrating on higher risk industries and on tackling serious breaches of health and safety rules.

The Government's reforms require local authorities to reduce the number of inspections they carry out and to increase information provision to small businesses relevant to their needs. To reflect the requirements of the guidance, my officers will reduce the number of inspections carried out at Smithfield and increase the provision of information to businesses.

Officers will continue to investigate notifiable accidents and issues of concern and complaints that are raised. They will also respond to customer requests for information and advice and monitor health and safety awareness and best practice.

## **Conclusion**

12. There are no current trends that can be identified, but interventions will continue to ensure that Market traders meet statutory requirements.

## **Background Papers:**

**Please note:** The numbering system used for the stalls in Appendices 1 and 2 now differs from Appendix 3. The Food Standards Agency has now imposed its own autonomous numbering system (Appendix 3) which is different from that used by the City's enforcement team for Health and Safety enforcement activity.

Appendix 1: Table showing breakdown of Health & Safety enforcement activity during the four month period of 1 June 2012 to 30 September 2012 (inclusive).

Appendix 2: Comparison table showing Health & Safety enforcement activity summary for the period 1 October 2011 to 30 September 2012. Please note that the comparison table includes Food Hygiene data from 1 October 2011 to 31 March 2012. The period from 1 April 2012 to 30 September 2012 is Health & Safety data only.

Appendix 3: Table showing breakdown of Food Hygiene enforcement activity during the period 1 June 2012 to 30 September 2012 (inclusive).

## **Contact:**

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## HEALTH & SAFETY ENFORCEMENT ACTIVITY SUMMARY FOR LONDON CENTRAL MARKETS 1 June 2012 to 30 September 2012

1. Health & Safety Management System relates to breaches of: The Management of Health & Safety at Work Regulations 1999
2. Defective work equipment relates to breaches of: The Provision and Use of Work Equipment Regulations 1998
3. 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
16		2			Health & Safety
18		1			Health & Safety
21		1			Health & Safety
33		1			Health & Safety
35		1			Health & Safety
41		1			Health & Safety
Combination of Market tenants and customers	61				Health & Safety

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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				Jt	
	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D		A
1	1																	
2	1	1			1													
3		1								2								
4	3												10					1
5		1					1											
6											1	1				2		4
7							1				1					2		
8																		1
9																		
10	11									1				1	2			
11	1							2						1				
12				1														
13	4	1			1					2								1
14	1																	
15	1																	
16	2	1													2	1		
17	1														1	1		
18												1						
19						1	2			1								1
20																		2
21	1										1							
22	1													3				
23															1			
24	1										1							1
25						5										1		
26																		
27	2					2	1			1				1	1			
28	6	1												5				
29																		
30																		
31		1								2								
32	1	1																1
33		1								1	1							
34	2	1				2	1								1			
35															1			
36																		
37	2	1				1	2				1							
38						2										1		
39																		
40		5				1								8	4			2
41		1									1							
42																		
43																		

## HEALTH SAFETY ENFORCEMENT ACTIVITY SUMMARY SMITHFIELD MEAT MARKET - 1 JUNE 2012 to 30 SEPTEMBER 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. Please note that the figures for the period October 2011 to March 2012 includes Food Hygiene contraventions.

Key            A:    Verbal advice                    C:    Formal notices  
                  B:    Written advice                    D:    Recommended for prosecution

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

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



# Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 10

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# Agenda Item 11

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