



## Markets Committee

**Date:** WEDNESDAY, 8 MAY 2013

**Time:** 11.30 am

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

**Members:**

Alex Bain-Stewart	Hugh Morris
Deputy John Chapman	Deputy Joyce Nash
Karina Dostalova	Graham Packham
Deputy Robin Eve	Chris Punter
Ibthayhaj Gani	Alderman Philip Remnant
Deputy Stanley Ginsburg	Elizabeth Rogula
Brian Harris	Ian Seaton
Christopher Hayward	Deputy Dr Giles Shilson
Tom Hoffman	Angela Starling
Michael Hudson	Patrick Streeter
Deputy Alastair King	James Tumbridge
Deputy Keith Knowles	Deputy Michael Welbank
Deputy Edward Lord	Mark Wheatley
Professor John Lumley	Vacancies x3
Deputy Wendy Mead	Alderman for the Ward of Lime Street
Robert Merrett	

**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. **ORDER OF THE COURT OF COMMON COUNCIL**

To receive the Order of the Court of Common Council, 25 April 2013, appointing the Committee and approving its Terms of Reference (copy attached).

**For Information**  
(Pages 1 - 2)

4. **ELECTION OF CHAIRMAN**

To elect a Chairman in accordance with Standing Order No. 29.

**For Decision**

5. **ELECTION OF DEPUTY CHAIRMAN**

To elect a Deputy Chairman in accordance with Standing Order No. 30.

**For Decision**

6. **APPOINTMENT OF THE REFERENCE SUB COMMITTEE**

To appoint the Reference Sub Committee for the ensuing year.

**For Decision**

7. **PUBLIC MINUTES**

To agree the public minutes and summary of the meeting held on 28 February 2013 (copy attached).

**For Decision**  
(Pages 3 - 6)

8. **MARKETS BUSINESS PLAN UPDATE - PERIOD 3 2012/13 (DECEMBER - MARCH)**

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

**For Information**  
(Pages 7 - 26)

9. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2013 - 2016**

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

**For Decision**  
(Pages 27 - 68)

10. **MARKET BYELAWS WORKING PARTY**

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

**For Decision**  
(Pages 69 - 82)

11. **CROSSRAIL WORKS - ROAD CLOSURES**

Verbal update by the Superintendent, Smithfield Market.

**For Information**

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

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

14. **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.

**Part 2 - Non-Public Agenda**

15. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 28 February 2013 (copy attached).

**For Decision**  
(Pages 83 - 86)

16. **BILLINGSGATE MARKET ROOF RENEWAL**

Joint report of the City Surveyor & the Director of Markets and Consumer Protection (copy attached).

**For Decision**  
(Pages 87 - 102)

17. **SMITHFIELD MARKET - LEASE RENEWALS - COMPLETION OF NEW LEASES**  
Report of the Director of Markets and Consumer Protection (copy attached).  
**For Decision**  
(Pages 103 - 128)
  
18. **CITY OF LONDON PARKING SERVICE CONTRACTS**  
Report of the Director of the Built Environment (copy attached).  
**For Decision**  
(Pages 129 - 136)
  
19. **DEBT ARREARS MARKETS - PERIOD ENDING 31 MARCH 2013**  
Report of the Director of Markets and Consumer Protection (copy attached).  
**For Information**  
(Pages 137 - 150)
  
20. **TENANCIES AT WILL GRANTED**  
Report of the Director of Markets and Consumer Protection (copy attached).  
**For Information**  
(Pages 151 - 152)
  
21. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
  
22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

# Agenda Item 3

GIFFORD, Mayor	<b>RESOLVED:</b> That the Court of Common Council holden in the Guildhall of the City of London on Thursday 25th April 2013, doth hereby appoint the following Committee until the first meeting of the Court in April, 2014.
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## MARKETS COMMITTEE

1. **Constitution**  
A Ward Committee consisting of,
  - two Aldermen nominated by the Court of Aldermen
  - up to 31 Commoners representing each Ward or Side of Ward (two representatives for the Wards with six or more Members regardless of whether the Ward has sides).
2. **Quorum**  
The quorum consists of any nine Members.
3. **Membership 2013/14**

### ALDERMEN

- 1 The Hon. Philip John Remnant, C.B.E.  
Alderman for the Ward of Lime Street

### COMMONERS

11	Joyce Carruthers Nash, O.B.E., Deputy .....	Aldersgate
1	John Stuart Penton Lumley .....	Aldersgate
6	Hugh Fenton Morris.....	Aldgate
5	Robert Allan Merrett .....	Bassishaw
7	Michael Welbank, Deputy.....	Billingsgate
12	Stanley Ginsburg J.P., Deputy.....	Bishopsgate
1	Patrick Thomas Streeter.....	Bishopsgate
4	Dr Giles Robert Evelyn Shilson, Deputy .....	Bread Street
6	Brian Nicholas Harris.....	Bridge and Bridge Without
1	Christopher Michael Hayward.....	Broad Street
10	Stanley Keith Knowles, M.B.E., Deputy .....	Candlewick
7	Michael Hudson .....	Castle Baynard
1	Graham David Packham .....	Castle Baynard
12	Robin Anthony Eve, O.B.E., Deputy .....	Cheap
1	Ian Christopher Norman Seaton .....	Cornhill
3	Chris Punter .....	Cripplegate Within
1	Angela Starling.....	Cripplegate Without
1	Mark Raymond Peter Henry Delano Wheatley .....	Dowgate
9	Alex Bain-Stewart M.Sc., J.P.....	Farringdon Within
1	Karina Helen Dostalova.....	Farringdon Within
1	Wendy Mead, Deputy.....	Farringdon Without
1	Charles Edward Lord, O.B.E., J.P., Deputy .....	Farringdon Without
7	John Douglas Chapman, Deputy.....	Langbourn
6	Elizabeth Rogula .....	Lime Street
1	Ibthayhaj Shadique Gani .....	Portsoken
12	Alastair John Naisbitt King, M.Sc., Deputy.....	Queenhithe
5	James Richard Tumbridge .....	Tower
4	Tom Hoffman .....	Vintry

Together with three Members to be appointed at the May meeting of the Court in place of the three Wards (Coleman Street, Cordwainer and Walbrook) not making appointments on this occasion.

4. **Terms of Reference**  
To be responsible for:-
  - (a) the management of all matters relating to Smithfield Market, Billingsgate Market and Spitalfields Market and the letting of all premises therein;
  - (b) the appointment of the Director of Markets and Consumer Protection (in consultation with the Port Health and Environmental Services and Licensing Committees).

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## MARKETS COMMITTEE

Thursday, 28 February 2013

Minutes of the meeting of the Markets Committee held at Guildhall, EC2 on  
Thursday, 28 February 2013 at 1.45pm

### Present

#### Members:

Hugh Morris (Chairman)	Deputy Robin Eve
Michael Hudson (Deputy Chairman)	Deputy Bill Fraser
Alex Bain-Stewart	Brian Harris
Deputy John Bennett	Anthony Llewelyn-Davies
Nigel Challis	Robert Merrett
Deputy Stella Currie	Chris Punter
Peter Dunphy	Elizabeth Rogula

#### Officers:

Rakesh Hira	- Town Clerk's Department
Peter Lisley	- Town Clerk's Department
Debbie Howard	- Chamberlain's Department
Julie Smith	- Chamberlain's Department
Paul Hickson	- Comptroller & City Solicitor's Department
Andrew Wild	- City Surveyor's Department
David Smith	- Director of Markets and Consumer Protection
Robert Wilson	- Markets and Consumer Protection Department
Malcolm Macleod	- Markets and Consumer Protection Department
Nigel Shepherd	- Markets and Consumer Protection Department
Jon Averbs	- Markets and Consumer Protection Department
Donald Perry	- Markets and Consumer Protection Department
Julie Gibbs	- Markets and Consumer Protection Department
Anthony Phillips	- Field Fisher Waterhouse
Malcolm Hull	- Deloitte LLP

#### 1. APOLOGIES

Apologies were received from Mark Boleat, John Chapman, Alex Deane, Deputy Stanley Ginsburg, Deputy Pauline Halliday, Deputy Keith Knowles, Deputy Joyce Nash, Michael Page, Alderman Sir Michael Savory, Deputy Dr Giles Shilson, John Spanner, Alderman Sir John Stuttard and James Tumbridge.

The Chairman thanked Alderman Sir Michael Savory, Anthony Llewelyn-Davies and John Brewster for their contributions to this Committee and wished them well for the future.

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

There were no declarations.

3. **PUBLIC MINUTES**

The public minutes of the meeting held on 30 January 2013 were approved.

4. **ENFORCEMENT ACTIVITY AT SMITHFIELD MARKET**

A report of the Director of Markets and Consumer Protection advising Members of enforcement activity carried out by the Enforcement Team and the Foods Standards Agency at Smithfield Market during the four month period from 1 October 2012 to 31 January 2013 was considered.

The report provided information on the Food Standard Agency's review of the delivery of official controls; a consultation being carried out by the Health & Safety Executive and the Department for Environment, Food and Rural Affairs, and the current horsemeat in beef situation.

**RECEIVED**

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

There were no questions.

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

There were no urgent items.

7. **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.

8. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 30 January 2013 were approved.

9. **SMITHFIELD LEASES**

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

10. **WRITE-OFF OF BAD DEBT - SEATEK (UK) LTD**

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

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

There were no questions.



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

There was one urgent item relating to free parking at Smithfield Market over the Easter 2013 period.

**The meeting ended at 2.20pm**

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Chairman

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# Agenda Item 8

<b>Committee(s):</b>	<b>Date(s):</b>
Markets	8 <sup>th</sup> May 2013
<b>Subject:</b> Markets Business Plan Up-date Period 3 2012/13 (December – March)	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b><u>Summary</u></b>	
<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 3rd period in 2012/13 (December – March inclusive).</p> <p>The principal subjects covered in this report are:</p> <ul style="list-style-type: none"><li>• Promotion of the Markets.</li><li>• Food Standard Agency.</li><li>• Crossrail</li><li>• Billingsgate Roof Renewal Project</li><li>• Renting vacant premises</li><li>• Spitalfields Health and Safety Plan</li><li>• Energy efficiencies</li><li>• Sickness update</li><li>• Finance update</li></ul> <p><b>Recommendation</b> - It is recommended that Members note the content of this Report.</p>	

## **Main Report**

### **ISSUES AFFECTING THE MARKETS**

#### **Channel 4's 'Dispatches'**

1. New Spitalfields Market was the location for filming the Channel 4 current affairs investigatory series, 'Dispatches'. The report aired on Monday 21 January as part of a programme entitled 'Secrets of Your Supermarket Shop'.
2. The programme examined the rising cost and variations in prices of fruit and vegetables across supermarkets, convenience stores and market stalls, the reasons behind this and the consequences of those increases as well as government initiatives to tackle the issue.
3. The film crew asked wholesalers for their views on whether the cost of fruit and vegetables really is rising and, if so, what they perceive as being the reasons

for this. The responses revealed that certain items have increased in cost, mainly because of the impact of bad weather. However, it was felt that on the whole fruit and vegetables are still cheap commodities and, if people were to shop according to the seasons from independent traders rather than just for convenience, they could buy fresh produce cheaply. The film crew also followed two independent greengrocers as they bought their stock for the day's trade at New Spitalfields.

#### **Wholesale Changes – Article in the Fresh produce Journal**

4. An article in the Fresh produce journal looks at Britain's busy wholesale markets and journalist Kathy Hammond visited Glasgow, New Covent Garden and New Spitalfields Market to find out the latest news. The following paragraphs about New Spitalfields are taken from this article:-
  - With the Olympic Games on the doorstep of New Spitalfields Market, concerns abounded as to access to and from the market and how trade would be affected. The hoped for boost in the hotel trade and scores of Games-goers eating out around the capital did not seem to materialise as London emptied out. However, there were many that stayed and while most wholesalers and their customers at New Spitalfields don't shout about it, those involved with the suburban rather than central London trade were quietly happy. Jan Hutchinson of Spitalfields Market Tenants Association says "The preparations the market made were definitely worth all the hard work. Looking back all our planning really paid off. It gave the market confidence and traders felt that we had done all we could to prepare."
  - New Spitalfields market has been at its east London site for 22 years next month and is still finding that its geographical position assures its 100 per cent occupancy. Traders, the customers' base and suppliers are all generally "very confident" looking to the future, according to Jan Hutchinson of Spitalfields Market Tenants Association. "We have a very diverse range at New Spitalfields and demand that grows all the time." Jan says "You get the impression that here In London we are in something of an economic bubble as the downturn has not hit as hard as it has in other parts of the UK".

#### **Love Your Market campaign**

5. Members may recall from the last Business Plan Up-date that Love Your Local Market campaign will run from 15<sup>th</sup> May to 29<sup>th</sup> May 2013 and though principally aimed at retail markets, as retail markets are important customers, there could be a boost to trade at wholesale markets.
6. At the NABMA Seminar in January the Markets industry was taken by surprise when Communities Minister The Rt Hon Don Foster MP outlined the Government's further support for the 2013 Love Your Local Market scheme with significant financial support.

7. The Minister acknowledged that the last few years had been a challenging time for markets and his department is keen to support the market trader. The Minister acknowledged that over the last two years help had been provided but in the absence of finance. The Minister paid tribute to NABMA for its endeavors in Love your Local Market campaign, and presented the NABMA President, Council Mrs. Geraldine Carter with a cheque for £25,000. The aim is for NABMA to help turn the passing interest of a prospective trader into a fulfilling career. Members will be kept informed of the campaign.

## **CUSTOMER AND STAKEHOLDER FOCUS**

### **Billingsgate**

#### **Progress report on Market Byelaws**

8. As part of the Review being conducted to ascertain whether new Market Byelaws are needed, the Working Party consulted widely, including with the three Tenants' Associations. Members will be updated with a separate report concluding the Market Byelaws Working Party review.

### **Smithfield**

9. **Food Standards Agency (FSA) Approval Compliance.** The City of London FSA approval for the common parts of the Market was audited in February 2013. The advice from the previous audit was that improvements were required in certain areas of control and management processes. This was mainly in the areas of control in the East and West Market service corridors, control of personnel wearing the correct personal protective equipment (PPE) and control of prohibited activities of smoking, eating and drinking in the common parts of the Market buildings. There were also some cleaning and maintenance processes which were being carried out on a regular basis but were not documented on the cleaning and maintenance schedules.
10. There has been a marked improvement in enforcement. The best example of this is in the enforcement of no smoking in the common parts. A sustained campaign has taken place, which has included an education campaign run by the Market Constabulary and the City of London Smithfield Enforcement Team. This has included erecting banners in Grand Avenue, the distribution of mini-bins (portable ashtrays), face-to-face communication and recording of incidents. Those who have not complied have been issued with a Fixed Penalty Notice. The message is getting across and the feedback from the FSA has been positive, and a clear sign that we are heading in the right direction.
11. There are now six-weekly liaison meetings attended by the market management, Eville and Jones and the City of London Smithfield Enforcement Team. This collaborative approach to managing the FSA issues at the Market is working well and the next periodic report will summarise what has been achieved in the first year of the new contract.
12. It is also important to note that the way the FSA charge for their audit and inspection services changed on 1 April 2013. Instead of one invoice for the

whole Market being issued upon and paid for by the City, each individual meat trader (as a separately approved Food Business Operator) will be invoiced directly. The City will only receive an invoice for the common part areas for which it is directly responsible. This offers a real financial incentive to each individual food business to improve practices which could reduce the number of their audits required each year. It also takes the onus away from the City as the overarching landlord to monitor spending in areas not under our direct control, and frees up time to concentrate on the common parts of the market which are under our direct control.

13. **Lease Negotiations.** A separate report will be presented to update Members on the successful completion of the 51 meat traders' leases and to explain measures being taken to ensure both parties comply with their obligations entered into under the terms of the new leases.
  
14. **Crossrail.** Crossrail activity has intensified over the last few months in preparation for the tunnel boring machines (TBM's) meeting at Farringdon in a few months' time. Grouting shafts surround the Market buildings in preparation for grouting to be pumped under the ground to minimise the risk of subsidence. Monitoring equipment has already been fixed to the three buildings and the underground car park to measure any movement. In addition to this, twenty-four hour working has started on the Eastern Ticket Hall to the east side of Lindsey Street which means that vehicle movements will be carried out when the Market is in operation. The Thames Water pipes running through Grand Avenue and up St John Street also need to be checked to ensure that they will withstand any settlement caused by the TBMs. This will mean partial road closures on St John Street and restricted access to Grand Avenue, as a compound will need to be built on its junction with Charterhouse Street. Finally, Crossrail are also creating a larger temporary unloading and storage space on the lower level of the car park under the East Market building which will occupy approximately 30 spaces in the Rotunda from mid-April to mid-June 2013. Crossrail have fully consulted about all of the above works with the Smithfield Market Tenants' Association (SMTA) and the Market's Operations and Administration Manager prior to any works being implemented. The works are disruptive but, with careful management, the Market has been operating normally and without interruption.

### **New Spitalfields**

15. In January New Spitalfields Market was awarded the Best Wholesale Market of the Year Award 2013 by NABMA. The citation from NABMA reads:

"This is one of the most hotly contested categories in Market of the Year and one where the judges would have been delighted to make an award to each of the entries. Ultimately, the judging panel made the award to one of our iconic wholesale markets, which is the largest in the UK and continues to offer local employment, a vibrant culture, and has seen great improvements in waste management performance. The Market has coped wonderfully well with the impact of the Olympics and continues to serve London and the rest of the country. The Best Wholesale Market 2013 is New Spitalfields, London."

16. It is pleasing to note that the Fresh Produce Consortium (UK's fresh produce trade association) has chosen Spitalfields Market for a second consecutive year as the location for their meeting. The meeting will give members of the Consortium an opportunity to tour the market and for the Superintendent to develop a stronger relationship with them.
17. The Market has received acknowledgement through a new tenant, Jenny Dawson, Founder and CEO of Rubies in the Rubble. Jenny Dawson works from a small portacabin at New Spitalfields Market and provides an alternative home for tonnes of fresh produce that would otherwise be discarded. Rubies in the Rubble has set out to do something about waste produce, turning surplus fruit and vegetables into a range of handmade chutneys and jams to provide work opportunities for long-term unemployed people. The kitchen was established on site just before the neighbouring Olympics began last summer. It was a move supported by the Market Superintendent, in an attempt to support social enterprises and charities which can contribute to reducing waste. A few of the traders that Rubies in the Rubble works with deal with supermarket rejects and know the company is there as a last resort before they make the decision to dump the produce. As there is a charge proportionate to the weight for it going to landfill, Rubies in the Rubble provides an attractive alternative. As well as safety-margin surplus, there is also lot of waste due to size specification. It is still early days for Rubies in the Rubble, but with the amount of bad press about the excessive waste in the food industry, it is evidently one solution that WRAP (Working together for a world without waste) would approve of. Rubies in the Rubble have received interest from the media (CNN, BBC News, Evening Standard, The Guardian, The Times, The Independent and The Observer) and have won contracts and trials with Fortnum & Masons and Waitrose.

## **OPERATIONS AND FINANCE**

### **Billingsgate**

18. The two key upgrade projects at Billingsgate are roof renewal and the creation of additional fish handling facilities. Given the food hygiene compliance concerns, the roof renewal project is the more important of the two. Members will be updated with a separate report on the roof renewal. The financing of both projects is being funded in part by the Sinking Fund. As the Sinking Fund is no longer receiving contributions and likely to have a fund balance of £nil as a result of the financial demands of these projects, the roof renewal project will have first call on this funding. Specific additional facilities options will be proposed when the available funding has been confirmed.
19. The Fish Academy Ltd tenant has gone into liquidation. At the end of March 2013 their accounts with the City were up to date. If the 1<sup>st</sup> April quarter bills are not paid by 21<sup>st</sup> April the City can take lease forfeiture action or it may be that the liquidator disclaims the lease ahead of 21<sup>st</sup> April. In addition to on-going charges there will be the remaining 4+ years of the porters loan (remaining capital sum approx £11,700) outstanding. The City holds a rent deposit for £9,205.00. The City have a new tenant available to take occupancy

of the premises on similar terms at a moment's notice. It is disappointing when any business with a Billingsgate address collapses as it is highly likely that there will be many debts outstanding with little chance of being recovered, giving Billingsgate adverse publicity.

20. **Billingsgate Satellite Unit (ex. John Koch).** An arbitrator has been appointed to fix the compensation amount that the City needs to pay the previous tenant. A timetable has been set by the Arbitrator which will lead to a decision soon after 14<sup>th</sup> June 2013, should the two parties not reach agreement with each other ahead of that date.
21. Regarding the letting of the satellite unit to a new tenant, draft lease terms are being agreed and there is every chance that the new letting will be completed ahead of the compensation issues above being agreed.

## **Smithfield**

22. **Cupola Renovation.** The final cupola works to the north west corner of the West Market building is mid-way through the project and, although the cold weather has delayed operations by approximately two weeks, it has not been a major disruption to the Market operations. The Cupola Renovation Project has been a good example of a well-managed project. Lidia Blaszczynska, the Project Manager from the City Surveyor's Department, and PAYE, the contractor carrying out the repairs, have provided excellent communication with the Market's management team as well as the SMTA, which has minimised the impact on the meat traders as far as possible and kept us all fully informed of progress.
23. **Renting Vacant Premises.** The Superintendent, in conjunction with the City Surveyor, has prepared an action plan to identify current vacant space in the Poultry Market which may be offered for letting to meat traders as soon as possible. The next stage is to review the space which is at present either sealed off or used for Market operations and prepare a plan detailing how this space could be made available for letting again. This will ensure the lettable space within the entire Poultry Market is fully utilised and maximum income is generated for the City of London.
24. **Working Manual Review.** Under the terms of the new leases both parties are committed to start a review of the Working Manual by the end of June 2013 and to complete the first review by the end of August 2013. Thereafter both parties are committed to reviewing the Working Manual annually.



## **New Spitalfields**

25. **Health & Safety** – Members may recall from the last Business Plan Up-date that the final elements of the phased implementation of the changes to the Fork Lift Truck (FLT) H&S policies/plan and pedestrian safety came into force 1st January 2013.
26. Since then, not a single incident involving unloading produce from trucks with people standing on the forks of trucks has been observed. The good work by tenants and FLT operators in keeping the pedestrian walkways clear of pallets and produce was built upon by running a pedestrian walkway awareness campaign, to ensure that the walkways are promoted to help prevent pedestrians straying into road ways. Since the 1st January 2013 implementation of the single FLT speed throughout the entire market site (previously the speed limit within the market hall was 5mph and 10mph in the surrounding roads/car park) 3,463 speed checks have been undertaken and just 4 drivers apprehended speeding with penalty points issued as a result.
27. A review of accidents in a routine Health & Safety meeting showed that an unloading area needed to be created in the Catering Supply Building (CSB) area of the market. CSB tenants were consulted on the issue including an outline design, various parking regimes were adjusted and the final design of the unloading area/traffic management plan described. The lining out on the ground is all that remains to be implemented within 2013/14, waiting for better weather for the works to be completed cost effectively.
28. Members may recall from the last Business Plan up-date that the Maintenance team were managing at staffing levels of 9, rather than 11, with the proviso that this be reviewed at the end of the fiscal year 2012/13. It has been decided to continue to trial at this staffing level for 2013/14. The impact on costs of the use of the new Building Repairs and Maintenance (BRM) contractor, changes to the operations of the City Surveyors Dept as a result, and other organisational changes, mean that it is possible that there could be an impact to our maintenance programme in the future.

## **SUSTAINABILITY**

### **Smithfield**

29. Removing broken pallets from the incinerated waste stream started in February 2013. This has further reduced incinerated waste tonnage by approximately 10 tonnes each month. The broken pallets are collected and taken away at a reduced rate where a saving of £40 per tonne is achieved.
30. There are also opportunities for income to be generated from recycling cardboard, but space to put a large compactor needs to be found before we can proceed with this initiative. As the Market has limited circulating space available this needs to be considered very carefully. Office waste is currently being collected and recycled which all reduces incinerated waste charges.
31. Within the new leases meat traders have signed up to a commitment to recycle waste and deposit waste in the correct bins. This will help with the waste

project immensely, not only achieving more savings but ultimately allowing us to segregate more types of waste including shrink-wrap and plastics.

32. **Power Factor.** The Head of Maintenance has run a programme to ensure that the power factor<sup>1</sup> of the electricity supplies to the Market buildings is as efficient as possible. Alterations to all four sides of the East and West Market buildings have been completed and the levy which was previously paid has been reduced to under £2 a month from just under £200 per month previously. This is not only a significant financial saving but makes the East and West Market buildings more energy efficient by reducing the electricity which is wasted. The next stage is to carry out this work in the Poultry Market.

## **New Spitalfields**

33. The latest data available that has been analysed runs up until the end of February 2013 for the fiscal year 12/13. As at this date, total electricity used at New Spitalfields Market is down by 0.19% (i.e. static), tenants use is up by 1.33% and common parts use down by 6.56%.
34. By actively working with tenants and encouraging them to utilise the lower energy lighting technology used in common parts in the market hall, one tenant has signed up to the same lighting on their three stands. Covering approximately 5,300 sq.ft (i.e. a larger tenant) comparing 11/12 electricity consumption to 12/13 (to end February 2013), this showed a 19% reduction. Others will be encouraged to follow this lead using the data as a case study in future communications.
35. **Reduce landfill waste and increase recycling / value for money.** The cleaning and waste service at New Spitalfields Market contracted out to Countrystyle completed another phase of development. Active recycling has led to consistent 70% + levels over the past year or so. Effort was spent during the last six months on diversion of the remaining 25-30% or so landfill waste to other routes. Refuse derived fuel (RDF) was considered a potential cost effective option, meaning waste burnt in an incinerator as fuel. A trial was initially shaky at one location, but we can now transport waste to the Edmonton incinerator cost effectively. Adding recycling and landfill diversion (RDF) together, in the first two months of 2013 we have achieved levels of 95 and 96%.

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<sup>1</sup> (Power Factor is a measure of how efficiently electrical power is consumed. Ideally, Power Factor would be unity (or 1). Unfortunately in the real world, Power Factor is reduced by highly inductive loads to 0.7 or less. This induction is caused by equipment such as lightly loaded electric motors, luminaire transformers and fluorescent lighting ballasts and welding. When the power factor falls below a set figure, it is considered wasteful, and the electricity supply companies charge a premium on the power being consumed)

## **PEOPLE MANAGEMENT**

### **Sickness**

36. At the end of the year the department's overall sickness record is 62% above the target figure. This is illustrated in appendix 1 and 2.
37. This higher than expected end of year sickness performance is due to a spike in sickness absence during the periods July to September and December to March, which is due to a relatively small number of long-term cases across all three of the markets. Each of these cases has been actively managed in accordance with the City's Sickness Absence Management Policy and, in all but one case, the individuals are now back at work.

### **Smithfield**

38. The staff annual appraisals have highlighted that more employees would like basic computer training; however, some staff have not been confident to attend courses provided centrally until they have at least grasped the very basics. The Administration Officer is setting up training courses in-house to deliver this training at the Market. Toolbox talks have also been set up to refresh cleaners about health and safety – these will be delivered on a six-weekly basis and will cover manual handling, basic food hygiene, COSHH and risk assessing.
39. We continue to support learning to enhance career advancement, the Operations and Administration Manager is continuing with her MSc in Facilities and Environment Management which she will complete in September 2013. One of the Multi-skilled Maintenance Operatives has almost completed the ILM Certificate in First Line Management and the Administration Officer is completing an online Prince 2 Project course. All of which should be of credit to the department.

### **New Spitalfields**

40. A female constable has been recruited within the constabulary team; this will be the first female constable at the Market and to accommodate, a few adjustments were made in the gatehouse to ensure suitable changing facilities are available.

## **FINANCIAL AND RISK IMPLICATIONS**

41. The 1<sup>st</sup> April – 28<sup>th</sup> February 2013 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 £368k (13%) against the overall local risk budget to date of £2.8m for 2012/13.
42. Overall the Director of Markets & Consumer Protection is currently forecasting an underspend position of £134k (4%) for his City Fund and City Cash services under his control, the majority of which relates to lower than

anticipated costs for Citigen water supplies and waste collection & refuse contract charges at Smithfield Wholesale Market; and a rates refund at Billingsgate Market. He will be continuing to closely monitor all his budgets and will report further any major variances from within his overall resource base as part of the closing of accounts report in June. 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	46	(2)	(4%)
City Cash	3,310	3,178	(132)	(4%)
<b>Total Markets Committee Local Risk</b>	<b>3,358</b>	<b>3,224</b>	<b>(134)</b>	<b>(4%)</b>

The reasons for the significant budget variations are detailed in Appendix 1, which sets out a detailed financial analysis of each individual Market within the Department of Markets & Consumer Protection.

### Risk Implications

43. Key risks from the markets risk register are shown in Appendix 4.

### Annual assurance statement for data quality

By: David A H McG Smith CBE, Director of Markets and Consumer Protection

44. For the financial year 2012-2013 I give assurance to Members that my department complies with the corporate Data Quality Policy and Protocol in producing its service and performance data. I confirm that my department has effective systems and procedures in place that produce relevant and reliable information to support management decision-making and to manage performance.

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**Appendices**

Appendix 1 - Market Department Sickness statistics

Appendix 2 Market Department Sickness statistics chart

Appendix 3 – Local Risk Revenue Budget 1<sup>st</sup> April – 28<sup>th</sup> February 2013

Appendix 4 –Market Departments Risk Register

Appendix 5 – Smithfield tonnage

Appendix 6 – Billingsgate tonnage

## **MATTERS OF GENERAL INTEREST TO THE COMMITTEE**

### **BILLINGSGATE MARKET**

#### **Filming/photography**

##### January

Friday 25 – The One Show- filming interviews with tenants for a show featuring comedian Micky Flanagan. Fee £100 + VAT

9 visits for student/non-commercial photography also took place in the month of January

##### February

Tuesday 19 - Kent and Essex Inshore Fisheries and Conservation Authority- photography for fish identification website – no fee

10 visits for student/non-commercial photography took place in the month of February

##### March

Throughout March – Caters News Agency photographer, photographing seal at Billingsgate – no fee

Friday 15 – Spanish TV Channel- ‘Cuatro’ filming for programme ‘Conixion Samata’ with merchant Thomas Wicker – no fee

Thursday 28 –Savoy Hotel – filming with Merchant Chamberlain & Thelwell – no fee

Friday 29 – BBC Breakfast – filming item on Common Fisheries Policy – no fee

8 visits for student/ non-commercial photography also took place in the month of March

### **NEW SPITALFIELDS MARKET**

#### **Visitors**

##### February

Monday 11 - group from Costco USA and International Fresh Produce Suppliers as part of their global tour visited the market, this visit was arranged by one of the market tenants, Mr Peter Turone of Fresh Salad Box Ltd and Costco UK

##### March

Monday 4 - group of student and chaperones from North Carolina State University including Dr. Barbara Kirby, a Director from their Agricultural Institute

## April

Thursday 11 - group of growers from Pakistan on a European Fruit Market Tour

Friday 12 - group from New Covent Garden Market Authority which included Jan Lloyd the Chief Executive, Pam Alexander OBE, the new Chair and John Wilson a Member of the Board

## **SMITHFIELD MARKET**

### January

Wednesday 9 - student photography Petro Pravettoni

Thursday 17 - student photography Julian Hawkins

### February

Friday 1 - student photography Ian Ryder

Friday 15 - filming Stephen Douglas – Sky News (interview with Greg Lawrence)

Thursday 21 - student photography Rebekah East

### March

Wednesday 6 - photography Jonathan Cowley –Difforsguide.com

Wednesday 13 - photography Rick Foulsham – Kevil & Kevil website

Thursday 14 - photography Oli Scarff – Getty Images

Friday 15 - student photography Wing-Shun-Tang

### April

Thursday 4 - photography Christian Koch – Metropolitan Magazine (Eurostar)

Monday 8 - student photography Jerome Timothy

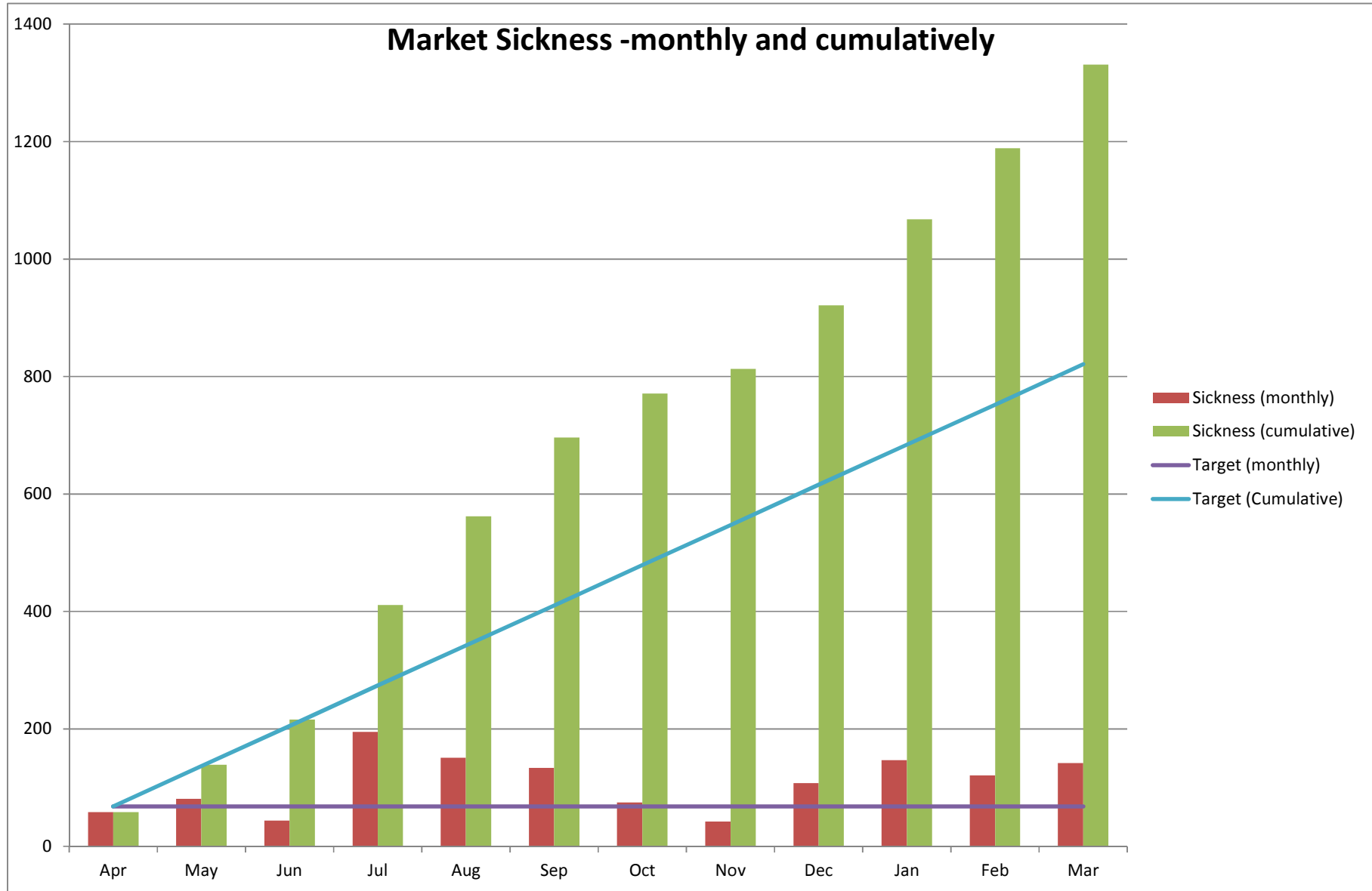
Tuesday 9 - student photography Mel Hussein

Appendix 1

## MARKET SICKNESS 2012/13

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Staff Strength	117	117	117	117	117	117	117	117	117	117	117	117
Total Sickness	58	81	44	195	151	134	75	42	108	147	121	142
No of persons that make up sickness	13	19	18	22	25	25	18	19	17	29	25	15
Over 20 days	0	1	1	3	2	0	0	0	1	1	0	2
Sickness (monthly)	58	81	44	195	151	134	75	42	108	147	121	142
Sickness (cumulative)	58	139	216	411	562	696	771	813	921	1068	1189	1331
Target (monthly)	68	68	68	68	68	68	68	68	68	68	68	68
Target (Cumulative)	68	137	205	274	342	410	479	547	616	684	752	821





# Appendix 3


Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 28th February 2013								
(income and favourable variances are shown in brackets)								
	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	%	
<b>Markets (City Cash)</b>								
Directorate	417	382	371	(11)	407	(10)	-2%	
Billingsgate - Corporate Account	164	150	58	(92)	80	(84)	-51%	1
Billingsgate - Service Charge	0	(130)	(106)	24	0	0	0%	
Billingsgate - Repainting and Special Works	0	96	99	3	0	0	0%	
Smithfield - Wholesale Market	2,835	2,613	2,430	(183)	2,720	(115)	-4%	2
Smithfield - Other (Including Car Park)	(106)	(92)	(9)	83	(29)	77	73%	3
	<b>3,310</b>	<b>3,019</b>	<b>2,843</b>	<b>(176)</b>	<b>3,178</b>	<b>(132)</b>	<b>-4%</b>	
<b>Markets (City Fund)</b>								
Spitalfields - Corporate Account	23	21	18	(3)	21	(2)	-9%	
Spitalfields - Service Charge	25	(271)	(460)	(189)	25	0	0%	4
Spitalfields - Repair and Repainting	0	48	48	0	0	0	0%	
	<b>48</b>	<b>(202)</b>	<b>(394)</b>	<b>(192)</b>	<b>46</b>	<b>(2)</b>	<b>-4%</b>	
<b>TOTAL MARKETS COMMITTEE LOCAL RISK</b>	<b>3,358</b>	<b>2,817</b>	<b>2,449</b>	<b>(368)</b>	<b>3,224</b>	<b>(134)</b>	<b>-4%</b>	
<b>Notes:</b>								
1. <b>Billingsgate Corporate Account</b> - the favourable variance to date and projected year end underspend is mainly due to a rates refund.								
2. <b>Smithfield Wholesale Market</b> - the favourable variance to date and projected year end underspend is mainly due to lower than anticipated costs for Citigen Water Supplies and the waste collection & refuse contract charges, due mainly to reduced pricing.								
3. <b>Smithfield Other</b> - the projected year end overspend is mainly due to lower than anticipated car park income and additional energy costs for the market.								
4. <b>Spitalfields Service Charge</b> - the favourable variance to date is mainly due to underspends on salary costs due to vacancies in the Constabulary and Maintenance sections and additional energy costs recovered from Traders. These underspends will be offset at year end by a reduction in the required service charge required from Traders.								

## Appendix 4

### Markets Key Risks

The table below shows a selection of our key risks which form part of our Departmental Risk Register.

Risk No.	Risk Direction	Risk Details	Risk Owner/ Lead Officer	Existing Controls	Likelihood	Impact	Status	Further Action
MKT1	↔	Closure of a Market as a result of not retaining approval under Food Hygiene Regulations.	Director of Markets/ Superintendents	Ensuring that standards are maintained for common parts and maintaining a dialogue with tenants such that each of the food services operators retain their approval.	Unlikely	Major	A	No further action at present.
MKT2	↔	Closure of building, or safety incident, at market due to underfunded maintenance.	Director of Markets/ Superintendents	Developing robust financial systems, improving property management and financial administration at each market. To identify and report the main areas of maintenance cost within each market, with proposals for achieving better value for money. Actively engage with Property Services Department in identifying areas where structural maintenance has been historically under-funded and seeking funding to effect repairs.	Unlikely	Major	A	No further action at present.
MKT3	↔	Risk of spread of infectious disease from cooling systems.	Director of Markets/ Superintendents	City Surveyors Department has completed a review of risk assessments and control measures and manages the contract for on-going monitoring of the cooling towers at Smithfield. Each market has arrangements in place to manage the risk from domestic hot and cold water systems	Unlikely	Major	A	No further action at present.

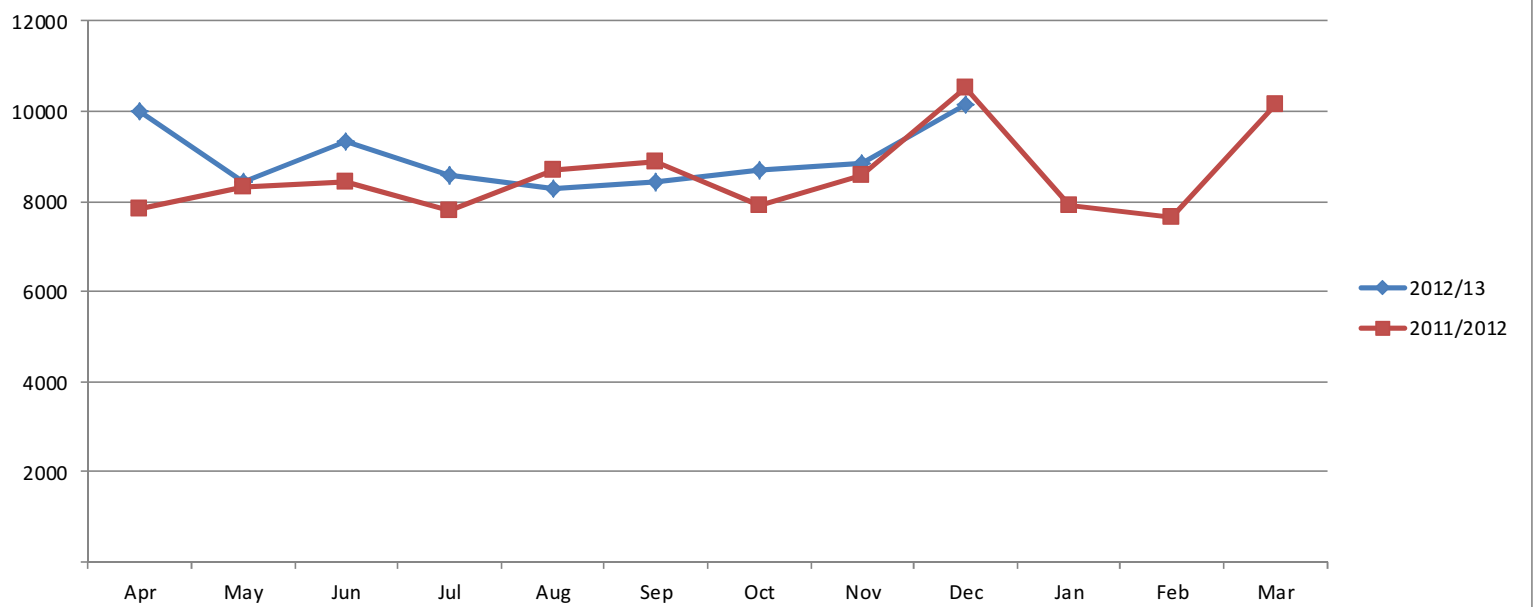
MKT6		Cost of Regulation becoming too great for tenants to bear.	Director of Markets/ Superintendents	Department of M&CP implementing cost saving measures to reduce tenants' costs, including energy & water efficiency, water harvesting and recycling waste. Continue to develop income generation activities and to raise the profile of the Markets.	Possible	Major	A	No further action at present.
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## 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	8562	8281	8450	8685	8832	10155				80735

AWAITING DATA

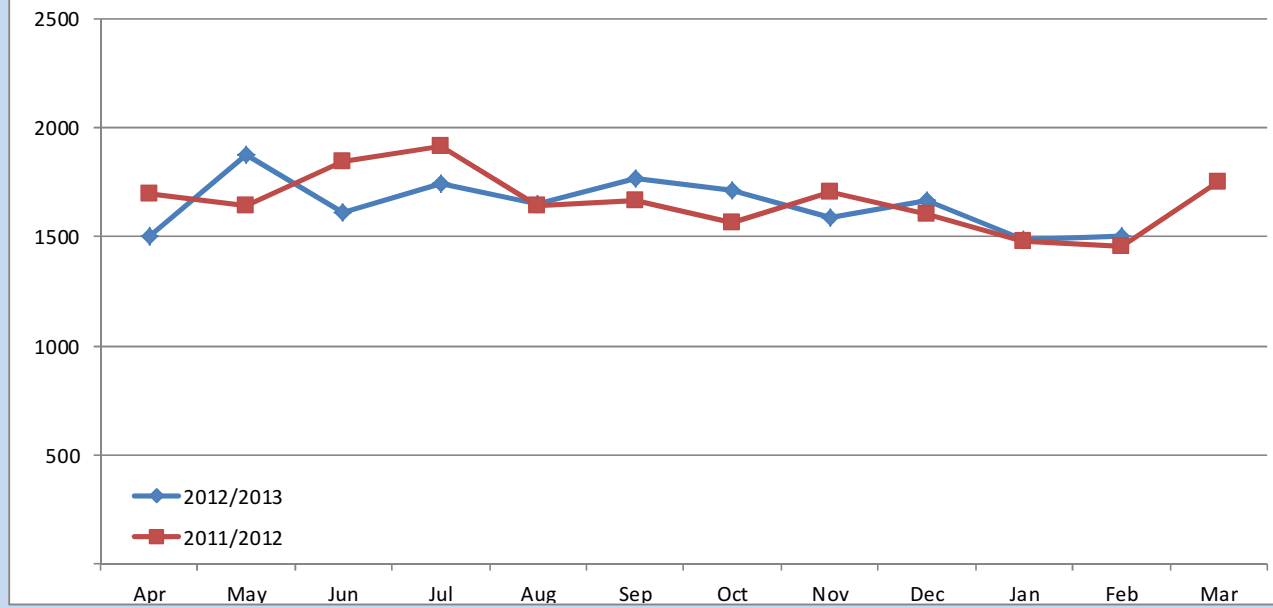


2011/2012	7836	8321	8432	7800	8677	8886	7895	8588	10526	7897	7659	10137	102654
2010/2011	5463	5675	7846	9229	7488	8745	8189	7193	7256	7571	7765	10316	92736
2009/2010	7442	6547	6731	7840	7670	9640	8202	7060	6798	6102	7358	9018	90408
2008/2009	9137	10479	8255	10193	8082	8991	11074	7375	6742	7300	7836	5582	101046

## 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	
<b>2012/13</b>	<b>1503</b>	<b>1877</b>	<b>1612</b>	<b>1743</b>	<b>1649</b>	<b>1763</b>	<b>1712</b>	<b>1585</b>	<b>1666</b>	<b>1489</b>	<b>1501</b>	<b>Awaiting data</b>	<b>18100</b>



	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Year to Date
<b>2012/2013</b>	<b>1503</b>	<b>1877</b>	<b>1612</b>	<b>1743</b>	<b>1649</b>	<b>1763</b>	<b>1712</b>	<b>1585</b>	<b>1666</b>	<b>1489</b>	<b>1501</b>		<b>18100</b>
<b>2011/2012</b>	<b>1694</b>	<b>1645</b>	<b>1843</b>	<b>1916</b>	<b>1646</b>	<b>1667</b>	<b>1561</b>	<b>1701</b>	<b>1605</b>	<b>1480</b>	<b>1458</b>	<b>1755</b>	<b>19971</b>
<b>2010/2011</b>	<b>1756</b>	<b>1663</b>	<b>1715</b>	<b>1942</b>	<b>1528</b>	<b>1914</b>	<b>1695</b>	<b>1715</b>	<b>1510</b>	<b>1397</b>	<b>1498</b>	<b>1649</b>	<b>19982</b>
<b>2009/2010</b>	<b>1620</b>	<b>1625</b>	<b>1889</b>	<b>2033</b>	<b>1838</b>	<b>1932</b>	<b>2104</b>	<b>1694</b>	<b>1967</b>	<b>1480</b>	<b>1617</b>	<b>1995</b>	<b>21794</b>
<b>2008/2009</b>	<b>1869</b>	<b>1865</b>	<b>1701</b>	<b>1911</b>	<b>1710</b>	<b>1795</b>	<b>1869</b>	<b>1759</b>	<b>1882</b>	<b>1314</b>	<b>1404</b>	<b>1487</b>	<b>20566</b>

<b>Committee(s):</b>	<b>Date(s):</b>	
Markets	8 May 2013	
<b>Subject:</b> Department of Markets & Consumer Protection Business Plan 2013-2016	<b>Public</b>	
<b>Report of:</b> The Director of Markets & Consumer Protection	<b>For Decision</b>	
<p><b><u>Summary</u></b></p> <p>This report details the Business Plan for 2013-16 for the Department of Markets &amp; Consumer Protection.</p> <p>The Department reports to three discrete City Committees: Markets; Port Health and Environmental Services; and Licensing. The Business Plan consists of an overarching plan which contains information relating to the whole department, and a separate annex for each of the three Committees which reflects the responsibilities of that Committee only.</p> <p>The Business Plan identifies some key achievements from the past year and sets out what we aim to achieve this year, the standards we will attain, and where this fits within Corporate plans.</p> <p><b>Recommendation</b></p> <p>It is recommended that Members approve the contents of this report and its appendix.</p>		

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# Department of Markets and Consumer Protection

## Business Plan 2013-2016

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# Introduction

The Department of Markets and Consumer Protection (M&CP) has the widest span of all front-line service departments, employing some 243 staff with a combined overall net local risk budget of £5,551,000 giving a total budget including central risk of £8,337,000. Spread across ten locations the department ranges from the Heathrow Animal Reception Centre in the West, to Billingsgate and Spitalfields Markets in the East, with Tilbury on the North side of the Thames and Denton on the South side.

## Markets

The City of London's wholesale markets have a long history and have always played a central role in the economies of the communities in which they operate. Billingsgate, New Spitalfields and Smithfield supply fish, fruit, vegetables, flowers, and meat to a host of food service sectors within the South East and beyond. Customers range from catering companies, butchers, fishmongers, and greengrocers to restaurants, hotels, schools, street and retail markets and small local businesses. The markets have a combined estimated turnover of about £2 billion per year and more than 25,500 customers per week.

- **Billingsgate Market** has 42 fish merchants including specialist and catering suppliers, potato and trade sundries suppliers, with an annual turnover of some 22,000 tonnes. Although traditionally a wholesale market, retail trade has increased in recent years, especially on Saturdays. The Billingsgate Seafood Training School, a registered charity, is located within the market.
- **Smithfield Market** is a world-renowned wholesale meat and provisions market serving Greater London and southern England. There are 42 individual businesses with approximately 120,000 tonnes throughput. As well as meat and poultry, products such as cheese, pies, and other delicatessen goods are available.
- **New Spitalfields Market** has 121 trading units for wholesalers in the market hall, 13 catering supplies units, and a further 20 supporting businesses. New Spitalfields Market houses the largest number of food wholesalers in the UK, with a turnover of some 700,000 tonnes. Sustainability is a high priority for the market and about 75% of its waste is now recycled.

## **Port Health and Public Protection**

The Port Health and Public Protection service provides a comprehensive and effective environmental health and trading standards service for the City of London, ensuring that, through monitoring, regulation and enforcement, City residents and businesses can enjoy an environment and services which are, so far as possible, safe and without risks to their health or welfare. Through its Port Health and Animal Health services it also provides imported food control as the London Port Health Authority and animal health services to 29 London and two Berkshire local authorities. The service is sub-divided into three divisions comprising Port Health, Animal Health & Welfare, and Public Protection.

### **Port Health and Animal Health & Welfare divisions**

- As the London Port Health Authority, the **Port Health Division** is responsible for a district extending for 151 kilometres along the River Thames from Teddington to the outer Estuary including the ports of Tilbury, Thamesport, Sheerness and London City Airport. The authority serves businesses and protects the nation through the delivery of the following services controlling: food and feed imports; food standards, food safety and water quality; infectious disease control; civil contingencies; environmental protection and shellfish control.
- **Animal Health** is responsible for running the Animal Reception Centre at Heathrow, and providing animal health services across London on an agency basis for 29 other London local authorities and two authorities in Berkshire. Officers carry out inspections of pet shops, zoos, dog breeding and riding establishments, and offer advice on the keeping of dangerous wild animals. The division also deals with complaints from the public and welfare matters involving circuses, animal shows, studio work with animals and other cases where animals are used to perform.
- **Heathrow Animal Reception Centre (HARC)** has established itself as a world leader in the care of animals during transport. Open 24 hours a day, 365 days a year, the centre receives and cares for hundreds of thousands of animals of all types - from cats and dogs to baby elephants, horses, reptiles and spiders. The centre has seen a range of unusual animals including a mongoose, a sun bear, a white lion cub, cheetahs and sloths.

### **Public Protection Division**

This division is primarily based within the City of London – the Square Mile – and teams carry out the following wide range of regulatory work:

- **Food Safety** is responsible for enforcement of food safety legislation across all City food businesses including the provision of advice and information.
- **Health & Safety** is responsible for enforcement of health and safety legislation in all relevant City businesses including the provision of advice and information.

- **Operational Support** is responsible for providing a range of administrative and IT support services to the department including system administration of Timemaster and the Northgate M3 database.
- **Pest Control** provides a comprehensive pest control eradication and advisory service to all non-food businesses in the City and engages in contract work for various City Corporation departments including Housing, the City Surveyor and our own Smithfield Market.
- **Pollution Control** is responsible for enforcing all noise and nuisance legislation, private sector housing, air quality management and contaminated land legislation across the Square Mile.
- **Trading Standards** is responsible for enforcing and advising businesses and consumers regarding legislation relating to trading practices within the City of London, including weights and measures, pricing, product safety, consumer credit and fair trading.
- **Smithfield Enforcement Team** undertakes enforcement of health and safety legislation, food standards, hygiene controls in vehicles that visit Smithfield Market and investigates any food complaints, as well as operating the Animal By-Product facility for the disposal of unfit meat.

#### **Licensing Service**

- The **Licensing Service** is responsible for ensuring that all city businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.

#### **Markets and Consumer Protection Directorate**

The Directorate has a strategic role in managing the overall strategy, communications, health and safety, and promotion of the department, allowing the operational managers to focus on the day-to-day management of their divisions and their customers' requirements. The Directorate also liaises directly with the department's HR Business Partner and Chamberlain's Head of Finance (Finance Unit 3) at a strategic level.

The Department of Markets and Consumer Protection's business has many strands and this plan aims to bring together the improvement objectives so that resources can be fairly allocated. As the department reports to three separate Committees (the Markets Committee; the Port Health and Environmental Services Committee; and the Licensing Committee) for discrete aspects of its work, this plan is divided into four sections:

- An overarching set of departmental objectives
- Three appendices with specific objectives relevant to the responsible Committee.

The downturn is affecting every aspect of business and budget restrictions will force further reviews of the services we provide and the way we do business. Funds are going to become increasingly tight for the foreseeable future. So, to ensure that we fulfil our obligations to our major customers, we need to satisfy the four perspectives shown on page 12, our version of the Balanced Scorecard<sup>1</sup>, while we endeavour to maintain our traditional standards and remain mindful of our corporate, environmental, and social responsibilities.

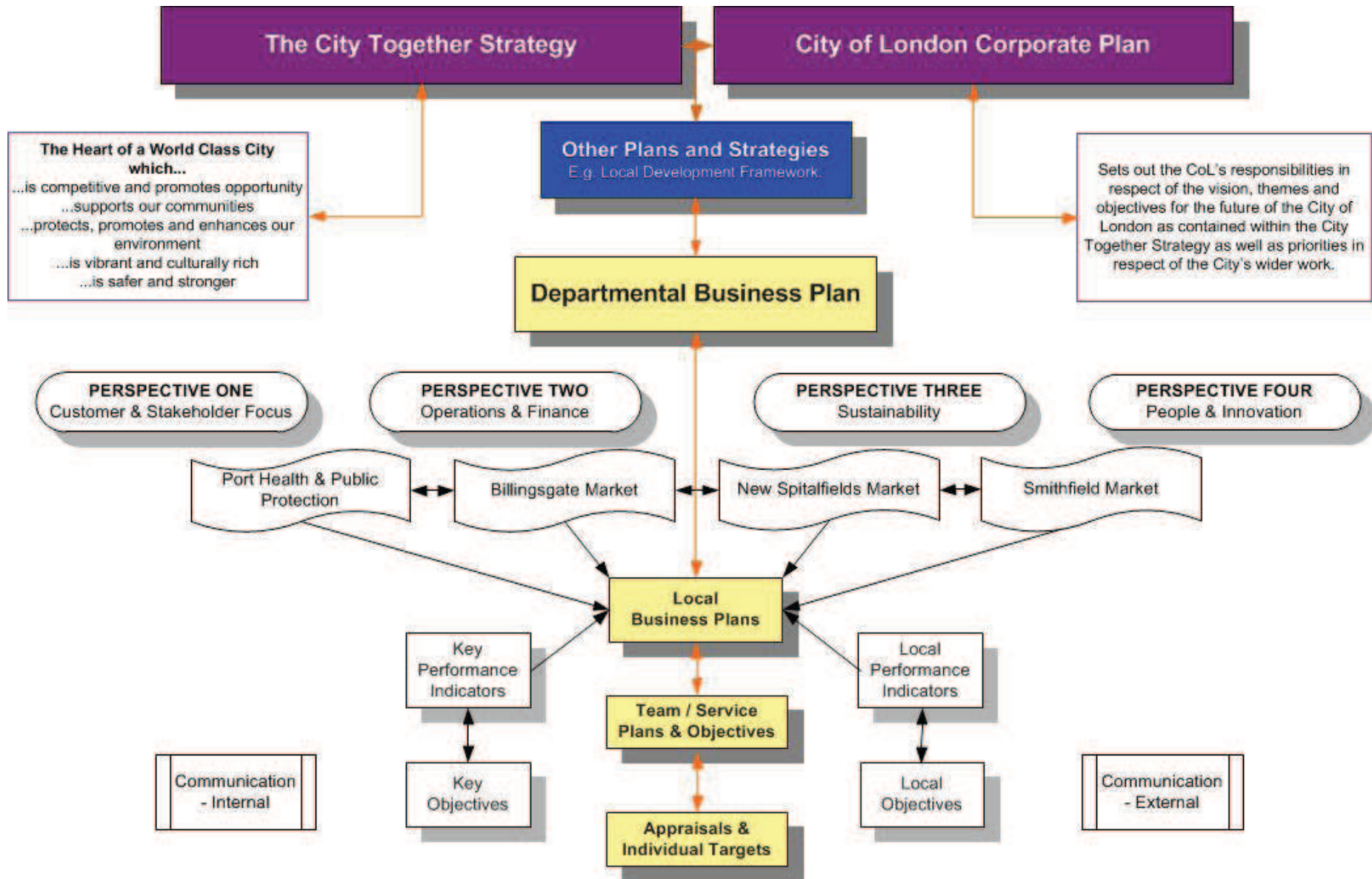
We recognise the importance of maintaining a skilled and motivated workforce to delivering our business plan, and are committed to providing appropriate training and support to our staff in order to achieve this.

**David A H McG Smith CBE, Director of Markets and Consumer Protection**

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<sup>1</sup> Kaplan R. S. and Norton D. P. (1992). "The Balanced Scorecard: measures that drive performance", *Harvard Business Review*, Jan – Feb pp. 71–80

# Markets and Consumer Protection Business Planning Process



# Markets and Consumer Protection Vision

The vision of the Department of Markets and Consumer Protection is to support The City Together Strategy and the Corporate Plan through the provision of high quality, efficient services to our customers and stakeholders. In addition, the two markets outside the Square Mile (Billingsgate and New Spitalfields) seek to contribute to their host boroughs' Community Strategies.

## Strategic Aims

Our strategic aims are:

- To operate the three wholesale food markets in a manner that provides an exemplary trading environment which is environmentally sustainable, well maintained, safe, hygienic, and financially viable.
- To advise, educate, influence, regulate and protect all communities for which the department has responsibility in the fields of Environmental Health, Port Health, Trading Standards, Licensing and Animal Health.
- At all times to seek value for money in the activities we undertake so that the highest possible standards are achieved cost effectively.



## Key Achievements 2012-2013

- Brought lease negotiations with the Smithfield Market tenants to a successful conclusion.
- Planned, prepared and implemented Service Delivery Plans which contributed to the success of the London 2012 Games, and ensured that all relevant operations continued uninterrupted, in a safe and secure manner.
- Integrated Port Health and Public Protection into the new Local Authority Public Health arrangements.
- Prepared a Noise Strategy to help tackle noise nuisance and disturbances in the City.
- Piloted a shared 'Out of Hours' Environmental Health service with Westminster City Council.
- Secured £153,000 in grant monies for innovative Air Quality work.
- Devised and published a 'Code of Good Practice for Licenced Premises' in the City of London together with a traffic light system for measuring compliance.
- New Spitalfields Market was named Best Wholesale Market 2013 by the National Association of British Market Authorities (NABMA) in January.
- Following the successful conclusion of the Billingsgate Porter's working practices, 100% of units in the Market Hall are now let on full leases.

## Key Objectives 2013-2014

- Deliver value for money, whilst still delivering high quality services.
- Balance the PH&PP Service budget for 2014-15 in the light of £250,000 unidentified savings/income.
- Work with Smithfield tenants to implement the terms of the new leases and to provide best value to tenants while ensuring the operation of a safe and hygienic Market.
- Support the 'Procurement and Procure to Pay' (PP2P) initiative in order to deliver savings through improved procurement.
- Respond to any further legislative changes affecting the importation of animals at HARC to protect animal health and income streams.
- Implement the review of the Port Health Service in preparation for the opening of the London Gateway Port and ensure the Service's operations continue in a safe, secure and uninterrupted manner.
- Introduce a focus group to ensure a consistent approach to enforcement throughout the PH&PP Service.
- Make use of the Byelaws Working Party Group at the Markets to consider new Byelaws that will assist with law enforcement which is covered neither by the terms of the leases, health & safety, food hygiene, environmental protection legislation, nor employment law, at the three wholesale markets.
- Work with the City Surveyor's Energy Team to regularly review and update the Departmental Carbon Energy Reduction Plan to focus efforts to drive down the department's energy consumption and, where possible, invest in more energy efficient technologies.
- Continue to implement the Noise Strategy including deciding on options for Out of Hours service delivery.
- Implement and comply with the requirements of the Health & Safety Executive's new National Local Authority Enforcement Code – Health and Safety at Work.
- Seek to reduce sickness absence levels to the corporate target.
- Support the Crossrail development and minimise its impact upon our operations.
- Improve the way we manage all departmental risks and ensure that appropriate contingency plans and measures are in place.
- Increase revenue income where possible.

## Key Performance Indicators 2013-2014

- KPI 1** Achieve an overall sickness level across all Business Units of no more than 7 days per person by 31 March 2013, and a total of no more than 1632 days across the Department<sup>2</sup>.
- KPI 2** 85% of debts to be settled within 60 days.
- KPI 3** Divert 90% of waste from landfill at the Markets.
- KPI 4** Achieve 90% occupancy of all lettable space at Billingsgate and Spitalfields Markets.
- KPI 5** Less than 4% of missed flights for transit of animals caused by the Heathrow Animal Reception Centre.
- KPI 6** 95% of consignments of Products of Animal Origin (POAO) that satisfy the checking requirements cleared within five days.
- KPI 7** Over the course of the year, secure a positive improvement in the overall Food Hygiene Ratings Scheme (FHRS) ratings profile for City food establishments compared to the March 2013 profile.
- KPI 8** 90% justifiable noise complaints investigated result in a satisfactory outcome<sup>3</sup>.
- KPI 9** Inspect 100% of 'high risk' premises each year.

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<sup>2</sup> Target based upon Full Time Equivalent (FTE) members of staff at 31 December 2012.

<sup>3</sup> The percentage of total justified noise complaints investigated resulting in noise control, reduction to an acceptable level and / or prevention measures; complaints may or may not be actionable through statutory action.

# Looking Ahead 2013 – 2016

We need to consider our business in terms of how effectively we are satisfying the following four broad perspectives:

## **Customer and Stakeholder Focus**

- Provide reasonably priced services and facilities.
- Develop a proactive service culture that identifies and meets customer needs.
- Improve our relationships with our customers.

## **Operations and Finance**

- Achieve value for money and minimise our overheads.
- Sustain our existing revenue base and expand it where possible.
- Identify and manage business and health and safety risks.
- Identify new income streams and increase revenue.

## **Sustainability**

- Modernise our administrative processes and procedures and ensure the most efficient use of technology.
- Ensure that the environmental impact of proposed changes is taken fully into account.
- Identify ways of reducing our carbon footprint.
- Ensure that our sites are maintained and modernised appropriately by the City Surveyor.

## **People and Innovation**

- Identify and resource staff learning and development.
- Capture and share corporate knowledge, and apply lessons learnt.
- Develop an ethos of individual empowerment and the accountability that goes with it.

# Departmental Objectives 2013–2014 (1 April 2013– 31 March 2014)

Perspective 1 – Customer and Stakeholder Focus			
Maintain a strong positive relationship with our stakeholders by providing good customer service and capturing business development opportunities.			
Action	Task	Outcome	Responsibilities
Improve communication with stakeholders.	<ul style="list-style-type: none"> <li>• Regular attendance at forums and meetings, for example                             <ul style="list-style-type: none"> <li>○ <i>Legionella Control Association.</i></li> <li>○ <i>London Banks' Health &amp; Safety Forum.</i></li> <li>○ <i>Cleaning Industry Forum.</i></li> <li>○ <i>Utilities Forum.</i></li> <li>○ <i>Port Health and Animal Health related national and international panels and committees.</i></li> <li>○ <i>London Licensing Managers Forum.</i></li> </ul> </li> <li>• Regular meetings with the Markets' Tenants Associations, keeping them fully informed of developments.</li> <li>• Maintain a good relationship and channels of communication between the City of London markets and all other wholesale food markets in the country.</li> <li>• Optimise use of intranet / internet using the opportunities provided by the City's new web site.</li> </ul>	<ul style="list-style-type: none"> <li>• Department able to identify key stakeholders, actively seek their views on performance and priorities, and respond appropriately to improve the service.</li> <li>• Improved dialogue, engagement, and co-operation with our stakeholders, ensuring we address concerns they may have.</li> <li>• Updated web pages which allow stakeholders to access up to date information.</li> </ul>	<ul style="list-style-type: none"> <li>• Director of Markets and Consumer Protection</li> <li>• Director of Port Health and Public Protection</li> <li>• Business Unit Heads</li> <li>• Performance Management Officer</li> </ul>

<b>Perspective 1 – Customer and Stakeholder Focus</b>			
<b>Maintain a strong positive relationship with our stakeholders by providing good customer service and capturing business development opportunities.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Support the Crossrail development and minimise its impact upon the City and our operations. Ensure that it does not prejudice the continued uninterrupted, safe, effective, and hygienic operations at Billingsgate and Smithfield markets.	<ul style="list-style-type: none"> <li>• Ensure stakeholder involvement at Billingsgate and Smithfield markets by attending all relevant meetings regarding Crossrail and cascading information to staff and tenants.</li> <li>• Work in unison with the London Fish Merchants Association (LFMA) and Smithfield Market Tenants' Association (SMTA) in Crossrail developments.</li> <li>• Monitor all relevant Crossrail proposals.</li> <li>• Timely processing of Section 61 Applications (agreement for noisy works to be carried out under the Control of Pollution Act 1974).</li> <li>• Deal with, or liaise with Crossrail or contractor over, any complaints made directly to CoL Officers regarding the impact of Crossrail works.</li> </ul>	<ul style="list-style-type: none"> <li>• The least possible disruption to the operations of the Department, measured in terms of: <ul style="list-style-type: none"> <li>o <i>Closure of Markets necessitated by contamination from construction works. (minimise loss of available trading days)</i></li> <li>o <i>Crossrail works not unduly delayed as a result of our processing of applications.</i></li> <li>o <i>Low number of complaints from City residents and businesses.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Director of Markets</li> <li>• Director of Port Health and Public Protection</li> <li>• Billingsgate Superintendent</li> <li>• Smithfield Superintendent</li> </ul>

**Perspective 1 – Customer and Stakeholder Focus**

**Maintain a strong positive relationship with our stakeholders by providing good customer service and capturing business development opportunities.**

Action	Task	Outcome	Responsibilities
Promote our services. <i>Linked to KPI 4</i>	<ul style="list-style-type: none"> <li>To promote all of our services through appropriate CoL communications channels, Twitter accounts and other social media.</li> <li>Work with the Tenants' Associations to utilise opportunities where possible to promote our markets and produce.</li> </ul>	<ul style="list-style-type: none"> <li>Profile enhancement and promotion of the services the department provides.</li> <li>Greater trade through the markets. To ensure the sustained viability of our tenants' businesses, measured by no increase in the number of business failures as compared to previous years.</li> </ul>	<ul style="list-style-type: none"> <li>Director of Markets</li> <li>Business Unit Heads</li> <li>Performance Management Officer</li> </ul>

<b>Perspective 2 – Operations and Finance</b>			
<b>Ensure the safety and security of stakeholders and property, carry out operations efficiently and ensure the department is financially viable to the City, while minimising costs.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Support the implementation of the PP2P project.	<ul style="list-style-type: none"> <li>Work with the new City of London Procurement Service (CLPS) to ensure that projects and objectives are delivered without unduly impacting front line services.</li> </ul>	<ul style="list-style-type: none"> <li>Improved business performance and reduced costs through improved procurement.</li> <li>Savings realised from PP2P, meaning that front-line services are not hit by further savings measures.</li> </ul>	<ul style="list-style-type: none"> <li>Head of Business Performance (as PP2P Change Partner)</li> <li>Business Unit Heads</li> </ul>
Better management of business risks and improved contingency plans.	<ul style="list-style-type: none"> <li>Ensure that Risk Registers are in place and regularly reviewed to make sure that business risks are fully understood and mitigated.</li> <li>Improve analysis of business and Health &amp; Safety (H&amp;S) risks and develop improved contingency plans, by March 2014.</li> <li>Review effectiveness of current safety management and assurance systems.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced risks to the departments' business.</li> <li>Improved ability to manage crises.</li> <li>Reduced risk of enforcement action against the City.</li> </ul>	<ul style="list-style-type: none"> <li>Head of Business Performance</li> <li>Business Unit Heads</li> <li>Technical Officer</li> </ul>



<b>Perspective 2 – Operations and Finance</b>			
<b>Ensure the safety and security of stakeholders and property, carry out operations efficiently and ensure the department is financially viable to the City, while minimising costs.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Continue with the improvement of the department's health & safety performance and accident reduction.	<ul style="list-style-type: none"> <li>Identify main 'Top X' risks to health and safety across the Market and Consumer Protection Department.</li> <li>Provide advice on H&amp;S issues to local management, including compliance with applicable and emerging legislation and industry best practice.</li> <li>Further improve the quality of accident investigation and reporting.</li> <li>Encourage reporting of 'Near Misses'.</li> </ul>	<ul style="list-style-type: none"> <li>Safer environment as a result of identifying the main risks to business.</li> <li>Fewer H&amp;S incidents compared to 2012/13 total of 38.</li> <li>Reduced risk of enforcement action against the City.</li> <li>Reduced risk of successful litigation against the City following an accident.</li> <li>Uniform accident reporting across the department.</li> </ul>	<ul style="list-style-type: none"> <li>Head of Business Performance</li> <li>Business Unit Heads</li> <li>Technical Officer</li> </ul>
Work more effectively to achieve value for money in all aspects of our operations. <i>Linked to KPI 2</i>	<ul style="list-style-type: none"> <li>Develop a comprehensive plan for benchmarking services across the whole department.</li> <li>Work to ensure that market tenants are being provided with a good service and investigate ways to reduce running costs.</li> <li>Report to relevant committees on a four monthly basis.</li> <li>Review budgets monthly.</li> <li>Staff at the Markets to liaise with Chamberlain's department over outstanding debts to ensure the problem is managed effectively.</li> </ul>	<ul style="list-style-type: none"> <li>Complete at least two benchmarking exercises in 2013/14.</li> <li>Provide a cost effective service to our stakeholders.</li> <li>Bring outstanding debts down.</li> </ul>	<ul style="list-style-type: none"> <li>Business Unit Heads</li> <li>Head of Business Performance</li> </ul>

<b>Perspective 2 – Operations and Finance</b>			
<b>Ensure the safety and security of stakeholders and property, carry out operations efficiently and ensure the department is financially viable to the City, while minimising costs.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Increase income generation.	<ul style="list-style-type: none"> <li>• Investigate possibilities for extra income streams if an extension to the HARC is built.</li> <li>• Work with the Corporate Income Generation Project Board to investigate ways in which the department can increase its income streams:               <ul style="list-style-type: none"> <li>○ <i>If extension to the HARC is built, investigate possibilities of an educational tie up with college; renting out training room; provision of training by HARC team.</i></li> <li>○ <i>Fully maximise car parking usage at Billingsgate and Smithfield Markets.</i></li> <li>○ <i>H&amp;S Team to promote and run additional cooling towers inspection training courses and explore opportunities for offering auditing services.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Ability to produce finance for an extension to the HARC.</li> <li>• Increased revenue to reduce the risk of having to cut front-line services or staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Business Unit Heads</li> </ul>

<b>Perspective 3 – Sustainability</b>			
<b>To provide sites which are fit for purpose, within budget and demonstrate environmental responsibility in the way we manage waste and use resources, while being financially viable.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Implement new ways of achieving sustainability targets using technological and engineering solutions.	<ul style="list-style-type: none"> <li>• Work closely with City Surveyors, the Energy Team and the Sustainability Unit to identify potential sustainability improvements.</li> <li>• Use Systemslink and the new Energy Dashboard to their full potential.</li> <li>• Install Smart meters where possible and cost effective.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased sustainability.</li> <li>• Reduction in energy usage.</li> <li>• Smart meters will help us see exactly what we are using and this will enable us to make better choices to reduce energy.</li> </ul>	<ul style="list-style-type: none"> <li>• Business Unit Heads</li> <li>• Head of Business Performance</li> <li>• Performance Management Officer</li> <li>• Heads of Maintenance</li> </ul>
Reduce landfill waste and increase recycling at the Markets. <i>Linked to KPI 3</i>	<ul style="list-style-type: none"> <li>• Review waste handling at each of our Market sites with a view to increasing levels of recycling.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced landfill waste - Divert 90% of waste from landfill at the Markets.</li> <li>• Increased sustainability.</li> <li>• Improved waste management.</li> </ul>	<ul style="list-style-type: none"> <li>• Head of Business Performance</li> <li>• Business Unit Heads</li> </ul>
Ensure that the material state of our real estate is fit for purpose.	<ul style="list-style-type: none"> <li>• In conjunction with the City Surveyor, ensure that each area's 20 year maintenance plan is fully up to date and properly priced.</li> <li>• Ensure that liaison meetings with City Surveyor's Department are effective in making progress, and that the agreed level of maintenance work is carried out to time and cost.</li> <li>• Monitor at Senior Management Group.</li> <li>• Progress to completion the Roof Renewal project at Billingsgate Market.</li> <li>• Smithfield Poultry Market.</li> </ul>	<ul style="list-style-type: none"> <li>• Property is well maintained and asset values protected.</li> <li>• Resolve the leaking roof issue at Billingsgate.</li> </ul>	<ul style="list-style-type: none"> <li>• Business Unit Heads</li> <li>• Head of Business Performance</li> </ul>

<b>Perspective 3 – Sustainability</b>			
<b>To provide sites which are fit for purpose, within budget and demonstrate environmental responsibility in the way we manage waste and use resources, while being financially viable.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
In accordance with the Corporation's objectives, and in consultation with the Energy Management Team, reduce energy usage, in line with the City's Carbon Descent Plan (CDP), in our control.	<ul style="list-style-type: none"> <li>• Ensure that the department's Carbon Energy Action Plan is regularly reviewed and updated.</li> <li>• Actively participate in the Carbon Energy Reduction Group.</li> <li>• Monitor all energy consumption and target high use areas, to achieve a further 8% reduction in energy usage across the department by March 2015.</li> <li>• Work with the Energy team to enable City energy use to be identified separately from tenants' usage and addressed discretely within the CDP.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved knowledge of actual major consumption areas and the potential for efficiency reductions.</li> <li>• Achieve a total 15% reduction in energy usage across the Department by March 2015 against the baseline year of 2008/09 (7% reduction already achieved by March 2013).</li> </ul>	<ul style="list-style-type: none"> <li>• Business Unit Heads</li> <li>• Head of Business Performance</li> <li>• Performance Management Officer</li> </ul>

<b>Perspective 4 – People and Innovation</b>			
<b>To improve the quality of leadership and management throughout the department and ensure that all staff have a chance to maximise their potential and job satisfaction.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Continue to manage sickness absence. <i>Linked to KPI 1</i>	<ul style="list-style-type: none"> <li>Rigorous application of the Absence Management Policy.</li> </ul>	<ul style="list-style-type: none"> <li>Achieve an overall sickness level across all Business Units of no more than 7 days per person by 31 March 2014, and a total of no more than 1632 days across the Department.<sup>4</sup></li> <li>Individual Business Units have specific targets.</li> </ul>	<ul style="list-style-type: none"> <li>Port Health &amp; Public Protection Director</li> <li>Business Unit Heads</li> <li>Line Management</li> </ul>
Improve internal communications within departmental structures.	<ul style="list-style-type: none"> <li>Contribute to corporate publications to raise awareness of the department's activities and achievements.</li> <li>Produce internal departmental newsletter quarterly.</li> <li>Use Yammer to promote and update users of our services where appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>More effective promotion of the achievements and diversity of the department and its staff.</li> </ul>	<ul style="list-style-type: none"> <li>Performance Management Officer</li> <li>PA to Director</li> </ul>
Meet the requirements for Continuous Professional Development (CPD) for all regulatory officers in PH&PP (and for Street Environment Officers).	<ul style="list-style-type: none"> <li>Assess the competencies and training needs of all regulatory staff in PH&amp;PP in relation to the appropriate Service Plans and capacity building. Utilise the Regulators' Development Need Analysis (RDNA) where necessary.</li> </ul>	<ul style="list-style-type: none"> <li>CPD requirements are met.</li> </ul>	<ul style="list-style-type: none"> <li>Assistant Directors</li> <li>Team Managers</li> </ul>

<sup>4</sup> Target based upon Full Time Equivalent (FTE) members of staff at 31 December 2012.

# Capital Projects 2013-2018

The table below shows basic information about projects which may require over £50k of capital expenditure during the next five years.

Brief description of potential project	Rough idea of the cost	Indicative source of funding	Indicative timetable for project
Extension to the Animal Reception Centre at Heathrow.	£1m	City Fund	Currently still at proposal stage
Re roof building.	£150k		In consultation with CS
Solar Panels	£100k		Dependent of full cost/benefit analysis and prevailing feed in tariff.
Rainwater Harvesting project. Spend to save project to reduce annual water costs.	£100k		Will be considered as part of the extension to the Animal Reception Centre
Billingsgate Market: venting and cooling, stage 2	£600k -£750k		Project is currently suspended and will be revisited once the two higher priority projects below are funded and in a state of completion.
Billingsgate Market: fish handling facilities	£1.4 to £2.0 million	50% Sinking Fund 50% European Fisheries Fund grant to be applied for.	The project is at pre-evaluation stage with works likely to commence in January 2014.
Billingsgate Market: roof renewal	£1.7 million approx.	50% Sinking Fund 50% European Fisheries Fund grant confirmed.	Works will be ready to commence in January 2014.
New Spitalfields Market: Chiswick Gap – construction of additional lettable space.	£300k		Currently on hold pending the outcome of a further marketing campaign.

# IS Requirements

<p><b>Heathrow Animal Reception Centre</b></p>	<ul style="list-style-type: none"> <li>• Mobile Heathrow Electronic Display System (HEDS) to be trialled (should be completed before the end of March 2013).</li> <li>• HEDS requirement for knowing the person who has entered pre-advice (should be completed before the end of March 2013).</li> <li>• Email code for Wi-fi each week to enable our customers waiting for their animals to be able to use the internet (should be completed before the end of March 2013).</li> <li>• More network points for extra PCs and to hard wire HEDS in animal areas (should be completed before the end of March 2013).</li> <li>• Linking HEDS to ledger would reduce the need for writing on tickets and reduce error. Including a dashboard approach to HARC systems.</li> <li>• Scanning of documents and linking to HARC ledger.</li> <li>• Permanent Building Management System (BMS) display of temperatures in vivarium.</li> <li>• Website Pet Travel Scheme 'app'.</li> <li>• Air Waybill tracking through website – agents' member site?</li> </ul>
<p><b>Port Health</b></p>	<ul style="list-style-type: none"> <li>• To operate the Port Health Information Management System (PHILIS) and to link with City of London IS we require robust high speed internet connectivity with good resilience at Thamesport and Tilbury offices. Good connectivity is required for our other offices at Denton and Charlton.</li> <li>• We require reliable infrastructure and hardware sufficient for the number of staff employed at all of our sites.</li> <li>• Our IT systems require good support arrangements including the ability to have on site support at short notice with those providing the support having a good knowledge of our systems and the interconnections with other external systems such as CNS / Destin8.</li> <li>• 24/7 cover/support in the future is a likely requirement with the opening of the London Gateway Port.</li> <li>• Development of mobile and remote working options (inspections using handhelds, etc.) and other PHILIS development, such as Agent tracking.</li> <li>• Development of finance interfaces including the ability to collect "money up front" for our charges. Suffolk Coastal Port Health Authority needs to be kept closely involved.</li> <li>• A dialogue has been established between London Gateway and the City of London IS Division.             <ul style="list-style-type: none"> <li>o <i>London Gateway is providing the IT infrastructure to the Inspection Facility within the secure area of the port. City IS Division are in discussion with their network team to procure a suitable internet line to the Facility. The provision of other hardware has yet to be decided but is likely to be desktop computers and laptops sufficient for 10 persons.</i></li> <li>o <i>Lease negotiations are in progress between London Gateway and the City of London Surveyors for the 2nd Floor of Manorway House, an office building outside the Port. The building is being</i></li> </ul> </li> </ul>

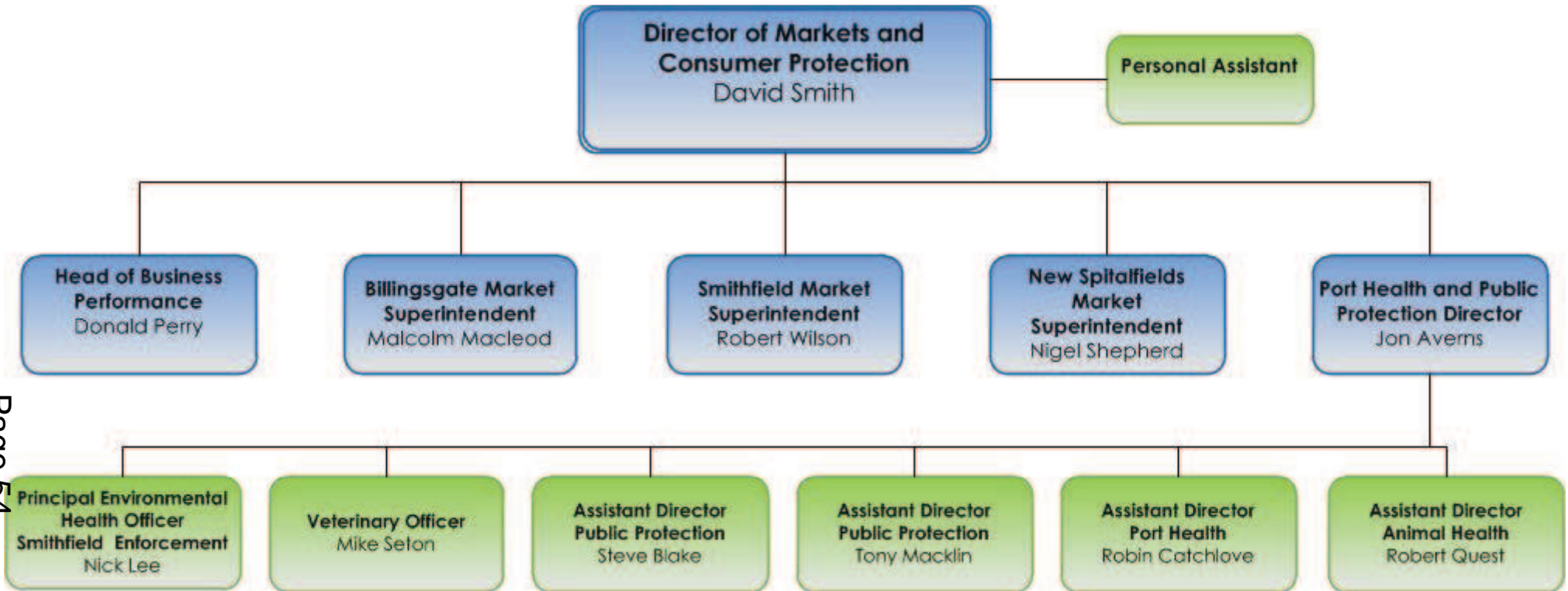
	<p>refurbished to a basic standard and the necessary IT infrastructure will be the responsibility of the City of London. This will include the procurement of an internet line, cabling the office and provision of hardware.</p> <ul style="list-style-type: none"> <li>o The capability to expand to meet an increasing demand is an important consideration. The new office won't be fully staffed from the very start, but if the London Gateway predictions are accurate, trade will increase rapidly with a consequent increase in the number of Port Health personnel who will need access to IT.</li> <li>o Both the Inspection Facility and Manorway House offices should be ready before the Port starts to test systems during the summer 2013 and certainly before 1 October 2013.</li> </ul> <ul style="list-style-type: none"> <li>• Port Health is interested in the use of GIS to record data about activities and as a link to our website so that we can display information relating to our services e.g. Shellfish Monitoring points, prescribed process locations and public register information etc.</li> <li>• Installation of Wi-fi at Denton Office.</li> </ul>
<b>Environmental Health</b>	<ul style="list-style-type: none"> <li>• Investigate use of Regulatory Information and Management Systems (RIAMS) (<a href="http://www.riams.org">www.riams.org</a>) by PH&amp;PP.</li> <li>• Streamline the time taken for managing, processing and assessing information received from a variety of different sources and systems, e.g. officers' site investigations; Highways; Street Enforcement Officers; Westminster City Council Noise Team; CoL Police; Licensing Team; and contractors.</li> <li>• Integrate the use of GIS with Northgate M3 PP (already commenced), to obtain information on premises from a GIS mapping system. Carry out trials with IS Division of various handheld tablet devices to test their connectivity, the accessibility of key information and data, and their overall usability in the field by officers undertaking a variety of tasks.</li> </ul>
<b>Smithfield Enforcement Team</b>	<ul style="list-style-type: none"> <li>• Advice/ assistance regarding improving the transactional side of the ABP service and the area of improving communication to market businesses.</li> <li>• Investigate introduction of text alerts to notify traders of various issues.</li> <li>• Business Continuity – IS requested to investigate mechanisms to maintain Business Continuity.</li> </ul>
<b>New Spitalfields Market</b>	<ul style="list-style-type: none"> <li>• Support low key initiatives outlined in local business plan.</li> <li>• IS to supply Business Analysts and systems developers to attend to efficiencies using existing and new IS systems (hard and software) examples may include (prior to business analyst review): <ul style="list-style-type: none"> <li>o Membership software (off shelf or developed) to replace fork lift truck permit database and infringement points database</li> <li>o Parking permit database and permit issuing system</li> <li>o Creation of utilities tracking and analysis package</li> <li>o Aged debt report from System 2000</li> <li>o A review of System 2000 to create further efficiencies</li> <li>o Electronic tenants record system</li> <li>o Any other efficiencies identified using existing or new systems</li> </ul> </li> </ul>
<b>Billingsgate Market</b>	<ul style="list-style-type: none"> <li>• No requirements for 2013/14.</li> </ul>



**Smithfield Market**

- Upgraded lightweight laptops or tablets which would mean that notes could be made on agendas and minutes could be taken in meetings. This would greatly reduce the necessary admin time following the meeting.
- Increased mobile working with operatives able to access and update information while out in the field.
  - *To look at the tablet options that we have and simpler wi-fi options for our buildings – this would save time in meetings for minutes etc. Also, making greater use of the technology and information that we already have such as BMS and Archibus. A lot of time is wasted looking for records which other departments hold. We might also get more efficient ways of working in-house.*
- Would like options to have the ability to collaborate and communicate better with their tenants.
  - *To have access to CRM software – to be able to have vision of the helpdesk packages or even have a mini version here.*

# Department of Markets & Consumer Protection management structure



## Financial Summary

Strong financial management is critical to the delivery of high quality services at a reduced cost. Our strategy is to continually review our ways of working to generate further efficiencies whilst maximising our income streams. We make effective use of the corporate Management Information Money Dashboard initiative to further improve the financial management information available to the Senior Management Team.

The department is committed to producing timely monthly budget information and to proactively monitor our key cost drivers and any external factors that could impact on our ability to remain within budget. This will allow projected outturn information to be calculated and agreed with the Senior Management Group, in order to meet any future efficiency reviews and help plan the future direction of front line service provision.

### Summary Financial Information - Markets & Consumer Protection Department

	2011/12	2012/13	2012/13	2012/13		2013/14	N.B.
	Actual	Original Budget	Revised Budget (latest approved)	Forecast Outturn		Original Budget	
	£'000	£'000	£'000	£'000	%	£'000	
Employees	10,177	10,435	11,203	11,067	98.8%	10,724	
Premises	4,779	4,988	4,966	5,025	101.2%	4,851	
Transport	296	279	317	298	94.0%	266	
Supplies & Services	2,576	2,074	1,991	2,020	101.5%	1,612	
Third Party Payments	1,654	1,753	1,751	1,726	98.6%	1,799	
Transfer to Reserve	264	0	0	0	0.0%	4	
Contingencies	0	3	3	0	0.0%	3	
Unidentified Savings	0	0	0	0	0.0%	-286	3
<b>Total Expenditure</b>	<b>19,746</b>	<b>19,532</b>	<b>20,231</b>	<b>20,136</b>	<b>99.5%</b>	<b>18,973</b>	
<b>Total Income</b>	<b>(13,610)</b>	<b>(13,493)</b>	<b>(13,778)</b>	<b>(13,920)</b>	<b>101.0%</b>	<b>(13,422)</b>	
<b>Total Local Risk</b>	<b>6,136</b>	<b>6,039</b>	<b>6,453</b>	<b>6,216</b>	<b>96.3%</b>	<b>5,551</b>	<b>1</b>
<b>Central Risk</b>	<b>(5,083)</b>	<b>(5,870)</b>	<b>(4,808)</b>	<b>(4,864)</b>	<b>101.2%</b>	<b>(5,596)</b>	
Recharges	8,957	7,832	8,591	8,591	100.0%	8,382	
<b>Total Expenditure (All Risk)</b>	<b>10,010</b>	<b>8,001</b>	<b>10,236</b>	<b>9,943</b>	<b>97.1%</b>	<b>8,337</b>	<b>2</b>

**N.B.**

1. Excludes Local Risk amounts spent by the City Surveyor.
2. Forecast outturn 2012/13 based on monitoring at period 10 (31/01/2013).
3. In 2013/14 unidentified savings of £286,000 is to be met from the review of Port Health Services.

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# Appendix A: Markets Business Plan 2013-2016

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## Key Achievements 2012-2013

- Brought lease negotiations with the Smithfield Market tenants to a successful conclusion.
- New Spitalfields Market was named Best Wholesale Market 2013 in the National Association of British Market Authorities (NABMA) Awards in January.
- All three wholesale markets operated without major disruption throughout the Olympic and Paralympic period.
- Following the successful conclusion of the Billingsgate Porter's working practices, 100% of units in the Market Hall are now let.

## Key Challenges 2013-2014

- Continue to provide a high level of service, both in our City Fund and City's Cash (mainly service charge) activities within the reduced resource allocation.
- Work with Smithfield tenants to implement the terms of the new leases to provide best value to tenants while ensuring the Market operates in a safe and hygienic manner.
- Review our operations to ensure that services to tenants are delivered cost-effectively and without placing an undue burden on businesses.
- Work to reduce both the markets' and tenants' energy usage and to improve the sustainability of our operations.
- Support the 'Procurement and Procure to Pay' (PP2P) initiative in order to deliver savings through improved procurement.
- Work with our tenants (Small and Medium sized Enterprises (SMEs)) at all three markets to help them survive the recession and prosper in the future.
- Make use of the Byelaws Working Party Group to consider new Byelaws that will discourage offending behaviour by users of the three wholesale markets which is not covered by the terms of tenants' leases or national legislation.
- Continue to investigate opportunities for reducing waste sent to landfill and increasing recycling as part of the sustainability agenda.
- Continue to reduce sickness absence levels.

- Continue to manage all markets risks.
- Continue developments and discussions on Crossrail including the need to ensure continued safe, uninterrupted operations at both Billingsgate and Smithfield Markets.
- Investigate options for dealing with breaches of local enforcement policies.
- Investigate all possible options for generating more income.

## **Key Performance Indicators 2013-2014**

**KPI 1** Achieve 90% occupancy of all lettable space at Billingsgate and Spitalfields Markets.

**KPI 2** 85% of debts to be settled within 60 days.

**KPI 3** Divert 90% of waste from landfill at the Markets.

**KPI 4** Improve the standard of incident reports, ensuring all information and evidence is gathered thoroughly and documented. All reports to be completed within 3 days following the reporting of an incident.



# Objectives 2013–2014 (1 April 2013 – 31 March 2014)

<b>Perspective 1 – Customer and Stakeholder Focus</b>			
<b>To maintain a strong positive relationship with the tenants and other stakeholders by providing good customer service, capturing business development opportunities, and promoting the markets externally.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Promote the markets.	<ul style="list-style-type: none"> <li>Promote the markets through CoL communication channels.</li> <li>Continue to participate with the World Union of Wholesale Markets (WUWM) and NABMA.</li> </ul>	<ul style="list-style-type: none"> <li>Profile enhancement and promotion of the markets.</li> </ul>	<ul style="list-style-type: none"> <li>Director of Markets</li> <li>Market Superintendents</li> <li>Performance Management Officer</li> </ul>
Improve communication between the markets, all the tenants and stakeholders.	<ul style="list-style-type: none"> <li>Regular meetings with the Tenants' Associations, keeping them fully informed of developments.</li> <li>Maintain a good relationship and channels of communication between the City of London Markets and all other wholesale food markets in the country.</li> <li>Host an Open day in association with the London Fish Merchants Association (LFMA) and the Seafood school at Billingsgate Market before Dec 2013.</li> </ul>	<ul style="list-style-type: none"> <li>Improved dialogue, engagement, and co-operation with the tenants and stakeholders.</li> <li>Good relationships with local community and other stakeholders.</li> <li>Increase popularity of Billingsgate Market and potential increase in trade.</li> </ul>	<ul style="list-style-type: none"> <li>Director of Markets</li> <li>Market Superintendents</li> <li>Performance Management Officer</li> </ul>
Ensure that the Crossrail project does not prejudice the continued uninterrupted, safe, effective, and hygienic operations at Billingsgate and Smithfield.	<ul style="list-style-type: none"> <li>Ensure stakeholder involvement by attending all relevant meetings regarding Crossrail and cascading information to staff and tenants.</li> <li>Work in unison with the LFMA and Smithfield Market Tenants' Association (SMTA) in Crossrail developments.</li> <li>Monitor Crossrail proposals with relevant CoL staff.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum disruption to the markets.</li> <li>Normal, or near normal, day-to-day operation of both markets throughout construction period.</li> </ul>	<ul style="list-style-type: none"> <li>Director of Markets</li> <li>Billingsgate Superintendent</li> <li>Smithfield Superintendent</li> </ul>

<b>Perspective 2 – Operations and Finance</b>			
<b>Ensure safety and security of tenants and property, optimise efforts when carrying out operations and ensure the markets are financially viable to the City while minimising costs for the tenants.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Better management of business risks and improved contingency plans.	<ul style="list-style-type: none"> <li>• Improve analysis of business and Health &amp; Safety (H&amp;S) risks and develop improved contingency plans by March 2014.</li> <li>• Review effectiveness of current safety management and assurance systems.</li> <li>• Risk management workshop (New Spitalfields).</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced risks to the markets' business.</li> <li>• Improved ability to manage crises.</li> <li>• Reduced risk of enforcement action against the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Head of Business Performance</li> <li>• Market Superintendents</li> <li>• Technical Officer</li> </ul>
Continue with the improvement of the markets' health & safety performance and accident reductions. <i>Linked to KPI 4</i>	<ul style="list-style-type: none"> <li>• Raise safety awareness amongst staff in relation to forklift truck operator behaviour.</li> <li>• Continue to implement effective workplace traffic management controls.</li> <li>• Provide advice on H&amp;S issues to local management, including compliance with applicable legislation and industry best practice.</li> <li>• Further improve the quality of accident investigation and reporting by ensuring that all information and evidence is gathered thoroughly and documented. All reports are to be completed within 3 days following the reporting of an incident.</li> </ul>	<ul style="list-style-type: none"> <li>• Raised health and safety standards at all three markets.</li> <li>• Safer environment.</li> <li>• Fewer H&amp;S incidents compared to 2012/13 total of 36.</li> <li>• Reduced risk of enforcement action against the City.</li> <li>• Reduced risk of successful litigation against the City following an accident.</li> </ul>	<ul style="list-style-type: none"> <li>• Technical Officer</li> <li>• Market Superintendents</li> <li>• Heads of Constabulary</li> </ul>

<b>Perspective 2 – Operations and Finance</b>			
<b>Ensure safety and security of tenants and property, optimise efforts when carrying out operations and ensure the markets are financially viable to the City while minimising costs for the tenants.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
<p>Work more efficiently and achieve greater value for money. <i>Linked to KPI 2</i></p>	<ul style="list-style-type: none"> <li>Review main areas of activity at each market and assess if still fit for purpose or could be adapted to be done differently.</li> <li>Work to ensure that tenants are being provided with a good service and investigate ways of reducing running costs.</li> <li>Explore variation to cleaning contract with Countrystyle to establish if options to save tenants money are possible.</li> <li>Staff at the Markets to liaise with Chamberlain's department over outstanding debts to ensure the problem is managed effectively.</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrable value for money for stakeholders.</li> <li>Potential time and money saving.</li> <li>Manage and bring outstanding debts down.</li> </ul>	<ul style="list-style-type: none"> <li>Market Superintendents</li> <li>Head of Business Performance</li> <li>Finance Officer</li> </ul>
<p>Generate more income. <i>Linked to KPI 1</i></p>	<ul style="list-style-type: none"> <li>Investigate ways in which the markets could increase their income streams.</li> <li>Fully maximise car parking usage at Billingsgate and Smithfield.</li> <li>Review charges outside of service charge regime at New Spitalfields: increase waste dumping charges; increase light vehicle permit parking fee.</li> <li>Let all vacant office premises by end September 2013 at Billingsgate Market.</li> </ul>	<ul style="list-style-type: none"> <li>Increased revenue to reduce risk of having to cut front-line services.</li> <li>Full Market letting to ensure rent income is maximised / void costs minimised or eliminated.</li> </ul>	<ul style="list-style-type: none"> <li>Head of Business Performance</li> <li>Market Superintendents at Billingsgate, Smithfield and New Spitalfields Market</li> </ul>
<p>Investigate options for dealing with continuing breaches of local enforcement policies.</p>	<ul style="list-style-type: none"> <li>Byelaw working party to continue to review the best options for enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>Better management of the markets.</li> </ul>	<ul style="list-style-type: none"> <li>Market Superintendents</li> </ul>

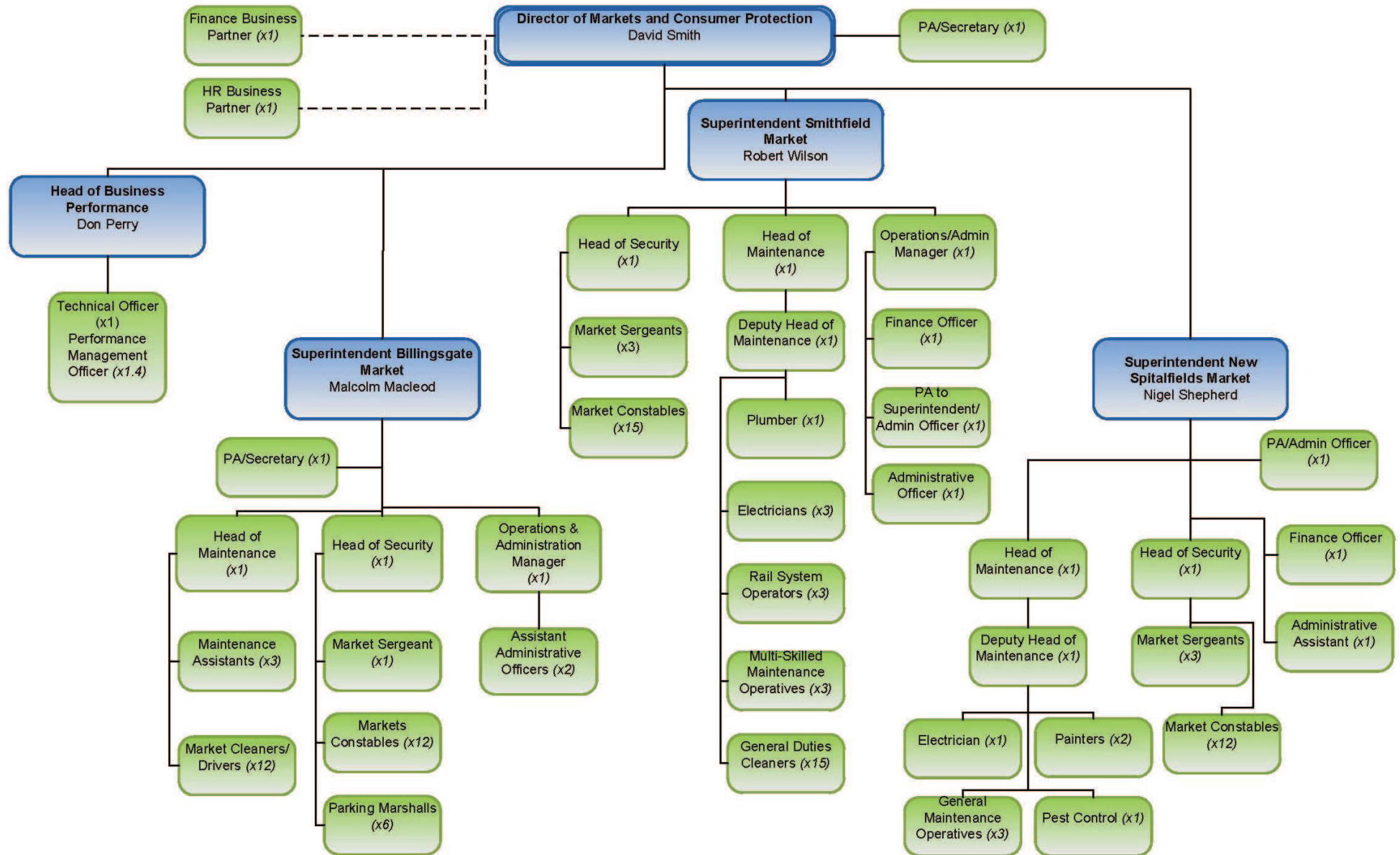
<b>Perspective 3 – Sustainability and Site Optimisation</b>			
<b>To provide well-maintained markets, fit for purpose, within budget and demonstrate environmental responsibility in the way we manage waste and use resources while being financially viable.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
In line with the Corporation's objectives, and in consultation with the Energy Management Team, reduce energy, consumption in line with the City's Carbon Descent Plan (CDP), in areas which are under the control of CoL.	<ul style="list-style-type: none"> <li>• Work with the Energy team to enable City energy use to be identified separately from tenants' usage and addressed discretely within the CDP.</li> <li>• Encourage tenants to consider reducing their utility usage, illustrating the potential cost saving to incentivise.</li> <li>• Use Systemslink and the new Energy Dashboard to their full potential and identify the big users of utilities.</li> <li>• Investigate the possibility of installing more Smart meters.</li> <li>• Review of water heating requirements and ad hoc changes to systems at New Spitalfields Market.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved knowledge of actual major consumption areas and the potential for efficiency reductions.</li> <li>• Achieve a total 15% reduction in energy usage across the Department by March 2015 against the baseline year of 2008/09 (7% reduction already achieved by March 2013).</li> </ul>	<ul style="list-style-type: none"> <li>• Market Superintendents</li> <li>• Head of Business Performance</li> <li>• Performance Management Officer</li> <li>• CoL Energy Manager</li> </ul>
Reduce landfill waste and increase recycling. <i>Linked to KPI 3</i>	<ul style="list-style-type: none"> <li>• Review waste handling at Billingsgate Market.</li> <li>• Work with tenants at Smithfield and New Spitalfields market to incentivise them to segregate recyclable waste.</li> <li>• Recycling to be maintained at or above 70% at New Spitalfields Market.</li> <li>• Increase waste dumping fees at New Spitalfields Market.</li> </ul>	<ul style="list-style-type: none"> <li>• Divert 90% of waste from landfill.</li> <li>• Reduced incineration costs at Smithfield against the 2012/13 outturn figures.</li> <li>• Increased sustainability.</li> <li>• Improved waste management at the markets.</li> </ul>	<ul style="list-style-type: none"> <li>• Head of Business Performance</li> <li>• Market Superintendents</li> <li>• Heads of Maintenance</li> </ul>
HGV Vehicle Management.	<ul style="list-style-type: none"> <li>• Creation of a dedicated unloading area for HGVs delivering to Catering Supply Buildings (CSBs) at New Spitalfields Markets.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in HGV accidents.</li> </ul>	<ul style="list-style-type: none"> <li>• New Spitalfields Market Management</li> </ul>

<b>Perspective 3 – Sustainability and Site Optimisation</b>			
<b>To provide well-maintained markets, fit for purpose, within budget and demonstrate environmental responsibility in the way we manage waste and use resources while being financially viable.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Improve the material state of the markets.	<ul style="list-style-type: none"> <li>In conjunction with the City Surveyor, ensure that each market's 20 year maintenance plan is fully up to date and properly costed.</li> <li>Ensure that regular liaison meetings with the City Surveyor's Department at all three markets are effective in making progress, and that the agreed level of maintenance work is carried out to time and cost.</li> <li>Monitor at Senior Management Group.</li> </ul> <p><u>Billingsgate</u></p> <ul style="list-style-type: none"> <li>Continue to work on the 'Billingsgate Modernisation Plan' to improve the overall condition of the Market.</li> <li>Roof Renewal Project (Part A). With the assistance of the City Surveyors, ensure that the outer roof renewal project is progressed and completed.</li> <li>Roof Renewal Project (Part B) Ceiling &amp; Solar Panels. With the assistance of the City Surveyors: <ul style="list-style-type: none"> <li>Evaluate the installation of a ceiling in the Market Hall.</li> <li>Evaluate the installation of solar panels on the outer roof.</li> <li>Complete the evaluation stage of the Additional project.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Property is well maintained and asset values protected.</li> </ul> <ul style="list-style-type: none"> <li>Billingsgate has an integrated programme to deal with significant improvement works that will be required during the period of this Business Plan.</li> <li>Roof renewal project will resolve the leaking roof issue.</li> <li>Improve the material state of Billingsgate Market.</li> </ul>	<ul style="list-style-type: none"> <li>Market Superintendents</li> <li>Head of Business Performance</li> </ul>

<b>Perspective 4 – People and Innovation</b>			
<b>To improve the quality of leadership and management throughout the department and ensure that all staff have a chance to maximise their potential and job satisfaction.</b>			
<b>Action</b>	<b>Task</b>	<b>Outcome</b>	<b>Responsibilities</b>
Continue to manage sickness absence. <i>Linked to KPI</i>	<ul style="list-style-type: none"> <li>Rigorous application of the Absence Management Policy.</li> </ul>	<ul style="list-style-type: none"> <li>Achieve an overall sickness level across all markets of no more than 7 days per person by 31 March 2014<sup>1</sup>, with a total number of days at each market of no more than:               <ul style="list-style-type: none"> <li>Billingsgate: 265</li> <li>New Spitalfields: 189</li> <li>Smithfield: 357</li> <li>Directorate: 38</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Market Superintendents</li> <li>Line Management</li> </ul>
Continue to use the internal communication channels and investigate using social media to externally promote activities within the markets.	<ul style="list-style-type: none"> <li>Provide regular articles on activities happening at the Markets to the PR department.</li> <li>Contribute news stories to the quarterly M&amp;CP newsletter.</li> <li>Utilise our Smithfield Market Twitter account and depending on the success of this, encourage the other two markets to set up their own accounts on Twitter and/or other appropriate social media.</li> </ul>	<ul style="list-style-type: none"> <li>More effective promotion of the achievements and diversity of our markets and their staff to the wider CoL and externally.</li> <li>More effective use of social media.</li> </ul>	<ul style="list-style-type: none"> <li>Performance Management Officer</li> <li>PA to Director</li> </ul>

<sup>1</sup> Target based upon Full Time Equivalent (FTE) members of staff at 31 December 2012.

# Markets Organisation Structure



## Financial Summary

Strong financial management is critical to the delivery of high quality services at a reduced cost. Our strategy is to continually review our ways of working to generate further efficiencies whilst maximising our income streams. We make effective use of the corporate Management Information Money Dashboard initiative to further improve the financial management information available to the Senior Management Team.

The department is committed to producing timely monthly budget information and to proactively monitor our key cost drivers and any external factors that could impact on our ability to remain within budget. This will allow projected outturn information to be calculated and agreed with the Senior Management Group, in order to meet any future efficiency reviews and help plan the future direction of front line service provision.

### Financial Information - Markets & Consumer Protection (Markets Committee)

	2011/12	2012/13	2012/13	2012/13		2013/14	N.B.
	Actual	Original Budget	Revised Budget (latest approved)	Forecast	Outturn	Original Budget	
	£'000	£'000	£'000	£'000	%	£'000	
Employees	4,725	4,977	5,092	4,953	97.3%	5,105	
Premises	4,064	4,344	4,125	4,236	102.7%	4,173	
Transport	39	46	47	47	100.0%	39	
Supplies & Services	1,286	955	980	963	98.3%	823	
Third Party Payments	1,648	1,734	1,732	1,706	98.5%	1,780	
Transfer to Reserve	252	0	0	0	0.0%	4	
Contingencies	0	0	0	0	0.0%	0	
Unidentified Savings	0	0	0	0	0.0%	0	
<b>Total Expenditure</b>	<b>12,014</b>	<b>12,056</b>	<b>11,976</b>	<b>11,905</b>	<b>99.4%</b>	<b>11,924</b>	
<b>Total Income</b>	<b>(8,369)</b>	<b>(8,687)</b>	<b>(8,618)</b>	<b>(8,574)</b>	<b>99.5%</b>	<b>(8,580)</b>	
<b>Total Local Risk</b>	<b>3,645</b>	<b>3,369</b>	<b>3,358</b>	<b>3,331</b>	<b>99.2%</b>	<b>3,344</b>	<b>1</b>
<b>Central Risk</b>	<b>(5,083)</b>	<b>(5,878)</b>	<b>(4,816)</b>	<b>(4,864)</b>	<b>101.0%</b>	<b>(5,604)</b>	
Recharges	6,155	5,998	6,295	6,295	100.0%	6,164	
<b>Total Expenditure (All Risk)</b>	<b>4,717</b>	<b>3,489</b>	<b>4,837</b>	<b>4,762</b>	<b>98.4%</b>	<b>3,904</b>	<b>2</b>

N.B.

1. Excludes Local Risk amounts spent by the City Surveyor.
2. Forecast outturn 2012/13 based on monitoring at period 10 (31/01/2013).



<b>Committee(s):</b>	<b>Date(s):</b>
Markets	8 <sup>th</sup> May 2013
<b>Subject:</b> Market Byelaws Working Party – Final Report	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<p><b>Summary</b></p> <p>During the process that led to the previous byelaws being revoked in January 2012, the City committed to look at whether there was a need for a new set of byelaws.</p> <p>A working party comprising the three Market Superintendents and Comptroller &amp; City Solicitor(C&amp;CS) colleagues was set up to review whether there was such a need. All three tenants associations, recognised tenants staff trade unions, and the City management at each Market have been consulted as part of this review process.</p> <p>Were byelaws to have fixed penalty remedies, instead of the current court process, they would provide more effective and efficient enforcement and possibly be an attractive option but no such fixed penalty powers exist. Following discussions with C&amp;CS colleagues, the Market Superintendents now have a greater depth of knowledge on the alternative powers that are available to them such as enforcing the terms of tenants leases, the recovery of charges, and excluding people who misbehave from site. The Market Superintendents wish to manage Market behaviour through these existing alternative powers, and monitor their effectiveness for the time being and do not recommend at this stage that byelaws be introduced.</p> <p style="text-align: center;"><b>Recommendation</b></p> <p>It is recommended that new byelaws are not sought for the Markets at present but that the position be monitored and, if existing remedies prove ineffective, the issue be reviewed, particularly if Fixed Penalty Notices become available as penalties under byelaws in the future.</p>	
<p><b><u>Main Report</u></b></p> <p><b>Background</b></p> <ol style="list-style-type: none"> <li>1. As part of the process that led to all previous market byelaws being revoked in January 2012, the City made a commitment that they would subsequently consider whether a new set of byelaws would be appropriate. A working party comprising the three Market Superintendents and colleagues from the</li> </ol>	

Comptroller & City Solicitor(C&CS) department were asked to examine whether there was a need for new byelaws. As part of this work the working party have consulted tenants associations at each Market, recognised tenants staff trade unions and the COL management teams at each Market.

### Consultation Exercise Summary by Market

2. **Billingsgate:** The tenants association and also local COL management are united against the return of any byelaws to Billingsgate. The tenants association had written in support of the revocation of all previous byelaws. The conduct issues that have been identified during this new byelaws consultation process per **Appendix 1** are in essence the same as were covered by the now revoked set of byelaws which had not been used for at least the previous 15 years. During these 15 years and since, behavioural issues have continued to be managed without the need for byelaws and both parties are of the view that this can continue into the future. At Billingsgate neither the management nor the Tenants Association sees any need for the re-introduction of byelaws.
3. **Spitalfields:** Although the local management did confirm that all previous byelaws were redundant and could be revoked, that exercise had been carried out by the previous Superintendent. The current Superintendent and his staff feel that there are conduct issues for which the availability of byelaws or some other lower level sanctions would be useful. The tenants association who did not object to the previous revocation have reviewed the Spitalfields Appendix 1 issues; they object to some of the issues being controlled by byelaws but are relaxed about new byelaws being in place to manage the remaining issues. The Trade Union, Unite, were supportive of new byelaws being introduced.
4. **Smithfield:** The tenants association (SMTA) wrote objecting to the previous byelaws being revoked and have during this consultation process written proposing new byelaws they would wish to see being introduced. Their proposed new byelaws are mainly a mixture of some of the revoked byelaws and some others from the Department of Community and Local Government (DCLG) model byelaws. The local management were broadly in support of the tenants' position. The Trade Union, Unite, have also submitted some issues that they would wish to be covered by new byelaws. The issues raised by the SMTA and Unite are included within **Appendix 1**.

### Current Position

5. Although some of the issues flagged up in **Appendix 1** are common to each Market there is a significant variation in the frequency and severity with which these issues occur at each Market; the continuing adverse impact at each Market caused by these issues differs greatly. Billingsgate would appear to suffer the least and Spitalfields the most.

6. Many businesses in the country function without byelaws, including businesses where similar to Markets there are multi tenanted facilities and significant customer traffic, such as shopping centres. These largely rely on alternative legal remedies such as lease terms. Byelaw infringements need to be prosecuted through the courts and if successful the penalty to the offender in respect of local byelaw breaches is usually a maximum of £500 although the offender may additionally have legal costs to bear. If there were fixed penalty powers available for byelaws, they could be enforced more effectively but at present there are no such fixed penalty remedies.
7. There is very little history of byelaw prosecutions being undertaken in the Markets, and it is considered that the resources needed to prosecute byelaw offences are normally disproportionate to the penalty. When proposing the revocation of the previous byelaws the City had concluded that those byelaws all contained issues that were either obsolete or adequately covered by national legislation and the terms of tenant leases. It is said that although they were not being actively used that the existence of byelaws acted as a deterrent on bad behaviour but now one year on from revocation and with no byelaws operating at the Market there is no evidence to suggest that behaviour has worsened.
8. During this current new byelaws consultation process discussions have taken place with New Covent Garden and although they have byelaws and for deterrent purposes prefer to maintain them, they also have no history of prosecuting for byelaw offences. The New Covent Garden byelaws are not impacting their business so for them byelaws is a dormant subject.
9. The matter that needs to be addressed is how best to manage the behaviour issues raised in **Appendix 1**. One of the main outcomes of the working party discussions with C&CS colleagues that took place following the consultation responses, was the clarification provided of alternative powers; it was clear that these other powers were not being used to their full extent. These already available alternative powers that can be used to manage behaviour are shown against the specific issues in the far right column of **Appendix 1**.
10. There are specific road traffic powers available to Billingsgate and Smithfield and in view of its location within the City, the Smithfield constabulary have delegated authority to issue fixed penalty notices for littering and smoking offences. Billingsgate has a code of practice agreement with the tenants, compliance to which is included as a specific term in tenant's leases. Although the code is initially concerned with food hygiene issues, in consultation with the tenants association it is planned to develop this code so that it covers a full range of specific tenant conduct issues. Smithfield has a food hygiene orientated "working manual" agreement with their tenants.
11. In general for managing tenant's behaviour, enforcing the terms of a tenants lease should be the preferred option. The terms of a tenants lease will require the tenant to be compliant with statutory legislation and also with specific local conduct matters; as a "catch all" there is a requirement within the lease terms to follow the reasonable instructions of the Superintendent. For minor

breaches of the lease a tenant could be written to stating that they were in breach of the terms of the lease and that persistent repetition of such behaviour could result in the lease being forfeited. As the tenant's business is at stake such letter/s should result in improved behaviour from prudent tenants wishing to retain their business. In the case of recurring bad behaviour the City would have to be prepared to follow through and take lease forfeiture action.

12. Under the City of London (Various Powers) Act 1963 the City can impose such charges as they may prescribe in respect of the use of the market or services provided by the City subject to appropriate consultation and notice of relevant instructions. The cost of resources used to address issues such as waste dumping or depositing product that is causing an obstruction can be recharged to the offending tenant.(e.g. the Spitalfields overtrading notice and associated charges). This is not only fair in that the offender should be bearing the costs relating to their action but it could act as a deterrent against future offending. There is also potential to call upon the tenant's rent deposit monies to settle unpaid charges.
13. In the case of bad behaviour by persons other than tenants they can simply be asked to leave site. If they were to refuse the police could be called in for a breach of the peace.

### **Consultation**

The Comptroller & City Solicitor's staff were fully involved in this review and their comments are fully reflected in this report.

### **Conclusions**

14. The City will continue to try to foster good relations with its tenants and other users of the Market and that for most cases of wrong behaviour a quiet word will resolve the issue. If new byelaws were to be proposed it is clear from the consultation exercise that as previously, byelaws would need to operate on a Market by Market basis. Billingsgate in particular would not wish to see the return of any byelaws.
15. It is likely that DCLG would question why so soon after the City had stated that previous byelaws were redundant and then revoked, similar new byelaws were now being proposed particularly when the previous byelaws were not actively used. Were fixed penalty powers to become available at a future stage for byelaw offences, byelaws could be a more useful option.
16. The City would appear to have alternative powers at its disposal. This working party exercise has usefully clarified these other powers available to manage market behaviour and they are summarised below.
  - The enforcement of tenant lease terms including the use of Code of Practice or Working Manuals to manage tenant behaviour.
  - Specific fixed penalty powers at Smithfield for waste and smoking issues.

- Road traffic powers at Billingsgate and Smithfield.
- The raising of charges to tenants under the powers granted within the City of London (Various Powers) Act 1963.
- Removing other Market users from site.

17. Following the working party discussions the Superintendents have concluded that, at least for the short to medium term, they would wish to use the alternative powers and monitor their effectiveness, Therefore at this stage they do not propose that new byelaws be introduced.

**Appendices:**

- Appendix 1 – Consultation Response Summary

**Background Papers:**

- Markets Committee November 2010
- Markets Committee September 2012

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No.	Issue	Applies to these markets/comments				Applies to these market users		Model Byelaw No.	Non Byelaw Control Measures
		Bill'gate	Smith'd	SMTA	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.	Y	Y	Y	Y	Y	Y	4	<p><b>Tenants</b>                      Billingsgate -certain statutory road traffic/parking offences and enforcement arrangements are applied to market roads by S.5 City of London (Various Powers) Act 1987. Smithfield- traffic and parking restrictions can be made by the City in respect of roads in the City and enforced by the traffic authority using FPN's (S.6 Road Traffic Regulation Act 1984)</p> <p>Billingsgate Code of Practice                      Smithfield Working Manual</p> <p>Tenants Lease Terms</p> <p><b>Visitors</b>                      Exclude from site</p>
2	Waste (littering, dumping, not addressing, making things worse)	Y	Y	Y	Y	Y	Y	9	<p><b>Tenants</b>                      Smithfield – Fixed Penalty Notice</p> <p>Charges – City of London (Various Powers) Act 1963</p> <p>Billingsgate Code of Practice                      Smithfield Working Manual</p> <p>Tenants Lease Terms</p>

No.	Issue	Applies to these markets/comments				Applies to these market users		Model Byelaw No.	Non Byelaw Control Measures
		Bill'gate	Smith'd	SMTA	Spit'd	Tenants	Visitors		
									<b>Visitors</b> Smithfield – Fixed Penalty Notice  Exclude from site.
3	Smoking in buildings (making fires/strong explosives added by SMTA)	Y	Y	Y	Y	Y	Y	10	<b>Tenants</b> Smithfield – Fixed Penalty Notice  Billingsgate Code of Practice Smithfield Working Manual  Tenants Lease Terms  <b>Visitors</b> Smithfield – Fixed Penalty Notice  Exclude from site.
	Over trading (produce in wrong places, buyers produce spread across the market inconsiderately, in wrong place, causing obstruction)	Y	Y	Y	Y	Y	Y		<b>Tenants</b> Charges – City of London (Various Powers) Act 1963  Billingsgate Code of Practice Smithfield Working Manual Spitalfields Over trading notice (under Various Powers Act)  Tenants Lease Terms
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	Y	Y		Y	Y	Y		<b>Tenants</b> Charges – City of London (Various Powers) Act 1963  Billingsgate Code of Practice Smithfield Working Manual Spitalfields Over trading notice (under Various Powers Act)



No.	Issue	Applies to these markets/comments				Applies to these market users		Model Byelaw No.	Non Byelaw Control Measures
		Bill'gate	Smith'd	SMTA	Spit'd	Tenants	Visitors		
	senders/buyers, rather than over trading – but can apply to tenants also) – to also include storing other than approved produce								Tenants Lease Terms
6	Urinating, etc (spitting added by SMTA)	Y	Y	Y	Y	Y	Y		<b>Tenants</b> Charges – City of London (Various Powers) Act 1963  Billingsgate Code of Practice Smithfield Working Manual  Tenants Lease Terms  <b>Visitors</b> Exclude from site
7	Selling of produce, other products and transhipping ( – our tenants selling what they shouldn't and other visitors selling when they shouldn't)	Y	Y	Y	Y		Y		<b>Tenants</b> Billingsgate Code of Practice Smithfield Working Manual  Tenants Lease Terms  <b>Visitors</b> Exclude from site
8	Not following instructions of Constabulary/Superintendent/CoL staff (traffic management, H&S, smoking, waste)	Y	Y	Y	Y	Y	Y		<b>Tenants</b> Billingsgate Code of Practice Smithfield Working Manual  Tenants Lease Terms  <b>Visitors</b> Exclude from site
9	Trading hours (selling out of hours, picking	Y	Y		Y	Y	Y See	2	Tenants

No.	Issue	Bill'gate	Applies to these markets/comments			Applies to these market users		Model Byelaw No.	Non Byelaw Control Measures
			Smith'd	SMTA	Spit'd	Tenants	Visitors		
	up of goods outside of trading hours))						above	Billingsgate Code of Practice Smithfield Working Manual  Tenants Lease Terms	
10	Speeding on site and not following signage rules (FLT's and cars/vehicles)	Y			Y	Y	Y	<b>Tenants</b> Billingsgate -certain statutory road traffic/parking offences and enforcement arrangements are applied to market roads by S.5 City of London (Various Powers) Act 1987.  Billingsgate Code of Practice  Tenants Lease Terms  <b>Visitors</b> Exclude from site	
11	The taking of photographs and video images				Y		Y	<b>Visitors</b> Exclude from site	
12	Unauthorised entry to the site, when banned from the site			Y	Y	Y	Y	<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site – involving police if necessary.	
13	Driving a fork lift while suspended from the CoL FLT permit scheme				Y	Y	Y	<b>Tenants</b> Tenants Lease Terms	
14	Subletting/Sharing stands				Y	Y	Y	6,7 <b>Tenants</b> Tenants Lease Terms	
15	Children in the market	Y			Y	Y	Y	<b>Tenants</b> Tenants Lease Terms	

No.	Issue	Bill'gate	Applies to these markets/comments			Applies to these market users		Model Byelaw No.	Non Byelaw Control Measures
			Smith'd	SMTA	Spit'd	Tenants	Visitors		
									<b>Visitors</b> Exclude from site
16	Vehicle on site with an expired parking permit	Y			Y	Y	Y		<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site
17	Scavenging, touting, Collecting waste when not approved – i.e. cardboard, Unauthorised collection/removal of pallets				Y	Y	Y		<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site
18	Interfering with CoL property – i.e. fire exits, signs, fire hoses, etc.	Y			Y	Y	Y		<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site
19	Driving contrary to road making/sign – i.e wrong way down one way system	y			Y	Y	Y See above		<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site
20	Male using a female only toilet				Y	Y	Y See above		Tenants

*(Additional Byelaw issues raised by consultees)*

	<b>Issue</b>	<b>Consultee</b>	<b>Non Byelaw Control Measures</b>
21	Bill posting	Smithfield Market Tenants Association	<b>Tenants</b> Tenants Lease Terms <b>Visitors</b> Exclude from site
22	Causing Nuisance/Abusive language	"	<b>Tenants</b> Tenants Lease Terms <b>Visitors</b> Exclude from site
23	Being Intoxicated	"	<u>Same as 22 above</u>
23	Taking photographs	"	<u>Same as 11 above</u>
25	Eating/drinking other than in permitted areas	"	<b>Tenants</b> Billingsgate Code of Practice Smithfield Working Manual Tenants Lease Terms  <b>Visitors</b> Exclude from site
26	Banning use of electrical equipment by untrained members of the public	UNITE	<b>Visitors</b> Exclude from site –if issue contrary to site rules.
27	Banning the use of stolen supermarket trollies	UNITE	Theft – report to police

28	No dogs or live animals	SMTA	<b>Tenants</b> Tenants Lease Terms  <b>Visitors</b> Exclude from site
29	Carriers to be insured and qualified	UNITE	Exclude from site –if the issue is contrary to site rules
30	Not to permit riding a bicycle within the Market	SMTA	Same as 22.
31	No lighting a fire or keeping explosives or flammable materials	SMTA	Same as 3
Page 81	Proceed with due caution while carrying a load or using vehicle, truck etc	SMTA	Same as 10

**Notes:**

The Spitalfields Tenants Association while not promoting any issues for byelaws, reviewed issues 1 to 20 above. They objected or felt it unnecessary to have byelaws for issues 3,4,5,6,8,9 and 14 but were content if byelaws were put in place in respect of the other issues.

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# Agenda Item 15

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

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# Agenda Item 16

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of the Local Government Act 1972.

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of the Local Government Act 1972.

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# Agenda Item 17

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of the Local Government Act 1972.

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# Agenda Item 18

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of the Local Government Act 1972.

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# Agenda Item 19

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of the Local Government Act 1972.

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# Agenda Item 20

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