Committee(s): Date(s):				
Markets	30th January 2013			
Subject:		Public		
Markets Business Plan Up-date - Period	d 2 2012/13			
(August - November)				
Report of:		For Information		
Director of Markets and Consumer Protect	ion			

#### **Summary**

This Report aims to bring Members up to date on progress in achieving the objectives set out in the annual Business Plan for the  $2^{nd}$  period in 2012/13 (August – November inclusive).

The principal subjects covered in this report are:

- Retail Market Campaign Reviewed Love your Market.
- Promotion of the Markets.
- Progress report on Markets Byelaws.
- Retention of Food Standards Agency (FSA) Approval.
- Crossrail
- Billingsgate Roof Renewal Project
- Spitalfields Health and Safety Plan
- Sickness update
- Finance update

#### Recommendation

It is recommended that Members note the contents of this report.

### **Main Report**

#### ISSUES AFFECTING THE MARKETS

#### **Retail Market Campaign Reviewed**

1. Members may recall from the last Business Plan Up-date that Eric Pickles, Secretary of State for Communities and Local Government, and Andrew Stunnel, CLG Minister, gave a resounding endorsement of markets when they launched 'Love Your Local Market' and 'National Market Day' at Old Spitalfields Market in London on 21 June.

- 2. Although the campaign is actually about retail markets, the wholesale markets should also benefit since retail markets are important customers and any business expansion in one will benefit the other.
- 3. The future of the Love Your Local Market campaign was debated at the September 2012 NAMBA conference. The successful scheme, which showcased special events at UK markets between 23 June and 8 July 2012, increased footfall at Darlington's market by up to 33 per cent.
- 4. It was decided in November 2012 that Love Your Market will run from 15<sup>th</sup> May to 29<sup>th</sup> May 2013. This year will be slightly different with no National Market Day, but the whole fortnight of the campaign will focus on Love Your Local Market. The campaign will provide an opportunity to provide a national spotlight on markets but it is hoped that markets will do things throughout the year to promote the theme of Love Your Local Market.

#### Sustainable Fish Legacy 2012

- 5. London 2012 set out with the ambition to be "the greenest Games yet", setting new standards for sustainability through its buying decisions and activities. For the first time for such a major international sporting event, food choices were high on the agenda in recognition of the enormous impact that food production and consumption has on our health and on the planet.
- 6. In adopting a food buying policy to support health and sustainability, London 2012 sought to have a lasting impact, influencing commercial food buying practices for many years to come.
- 7. The Sustainable Fish City campaign report, *Sustainable Fish Legacy* 2012, charts the remarkable sustainable fish commitments inspired by the London 2012 Games. Success stories include pledges to use sustainable fish by:
  - Government, for Whitehall, Number 10, HM Prison Service and the Armed Forces.
  - The London Metropolitan Police, Fire Brigade, Transport for London and City Hall.
  - The City of London and several London boroughs, including Camden, Havering, Islington and Richmond.
  - 19 leading universities, serving well over 200,000 staff and students.

- Very large caterers, including the country's second largest contract caterer Sodexo, as well as BaxterStorey, ISS Food and Hospitality and Restaurant Associates.
- Many chefs and restaurants, including popular high-street chains such as Carluccio's, well-loved independents and Michelin-starred establishments.
- Tourist attractions such as the National Trust, the Zoological Society of London (which runs London Zoo), the SeaLife Aquarium and the restaurant at the Royal Albert Hall.
- 3,500 schools participating in the national Food for Life Catering Mark programme.
- Blue-chip businesses who commission or provide very large volumes of catering including British Airways, Coca-Cola, and the Metropolitan Police.

#### CUSTOMER AND STAKEHOLDER FOCUS

#### **Billingsgate**

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

- 8. As part of the Review being conducted to ascertain whether or not new Market Byelaws are needed, the Working Party consulted widely, including with the three Tenants' Associations.
- 9. The Superintendents, in consultation with the Comptroller & City Solicitor, are currently going through each issue raised during the process to see how many of these can be effectively addressed by the use of existing non-byelaw powers, including the levying of charges. Once that exercise is complete and discussions have taken place with all Consultees, a report will be submitted to your Committee which will include recommendations regarding whether new byelaws are, or are not, necessary.
- 10. At present as there are no fixed penalty powers available for byelaw offences. They have to be prosecuted through the courts which is a time consuming process. There are non-byelaw powers already available to each Superintendent to address offending behaviour at the Markets. For example, certain misbehaviour could constitute a breach of the terms of the tenant's lease; it is unlikely that a tenant would wish to risk their lease being forfeited. In the case of visitor misbehaviour visitors can simply be asked to leave site.

11. Section 31 of the City of London Various Powers Act 1963 provides the City with the authority to impose such payments as they may prescribe in respect of the use of market or services provided by the City. It ought therefore to be possible, particularly in the case of tenants, to raise charges in respect of a number of the offences. For example, when waste is dumped, resources have to be used to remove the waste; the associated cost could be recovered from the offender. The raising of charges could act as a deterrent and present an alternative means of regulating behaviour without the need for new byelaws

#### **Smithfield**

- 12. **Lease Renewal**. Various Working Group meetings with the SMTA and their advisers take place weekly. If a negotiated basis for new leases is not agreed between the parties before mid-January then both sides' professional advisers will start preparing for a full High Court Hearing in March 2013, in accordance with the Directions laid down by the court.
- 13. **Retention of Food Standards Agency (FSA) Approval.** Regular liaison meetings to review the City of London's performance as a food business operator and to remain compliant with the EU regulations take place with the FSA's appointed contractor, Eville and Jones.
- 14. The common parts of Smithfield Market, under licence number 5102, were audited in September 2012. Overall the market is satisfactory and a 5 month frequency of future audits was granted. Recommendations made for future improvements are focussed on controlling the common parts of the market by stopping eating, drinking and smoking, and enforcing the wearing of protective clothing in the common parts. Progress against these recommendations will be reviewed at the next audit in February 2013.
- 15. The Market Constabulary has now been issued with powers to issue Fixed Penalty Notices (FPN) under the 2007 Smoking Act. An education campaign has commenced and the City has also approached the Smithfield Market Tenants' Association to get support on changing this behaviour at the market, as a collaborative approach will be the only way to fully ensure compliance.
- 16. **Crossrail Farringdon East and West Stations.** The East and West Farringdon Station construction sites continue to progress at either end of the Market but, although their presence is more apparent now, this has not led to any negative impact on activities at the market. This is due to Laing O'Rourke Strabag (Crossrail current contractor) regularly consulting with Market management and the SMTA on planned jobs, including vehicle and plant movements, to ensure disruption is kept to a minimum.

- 17. The project is now being transferred to a new contractor, BAM Ferrovial Kier Joint Venture (BFK), and the Smithfield Management are encouraging Laing O' Rourke Strabag to share the knowledge they have gained so work can continue without disruption to market activities.
- 18. The Tunnel Boring Machines (TBMs) which are tunnelling from the east and west, and are expected to meet at Farringdon in 2014, are routed under sections of the Market and Crossrail are preparing for the possibility of ground settlement in the area. This includes grouting being piped under the ground to prevent building movement and monitoring equipment placed in the Rotunda car park, Grand Avenue and the Northern sides of the three market buildings. Also exploration and surveying work on utility pipes running through Grand Avenue is currently taking place to ensure there will be no damage caused to utilities from ground settlement. This work could result in sections of the road being closed for a period of time either to replace or re-line Thames Water's pipes.

#### **New Spitalfields**

- 19. Initial discussions with the IS department have indicated that it may be possible to create a "shared folder" of electronic documents that tenants can access in order to improve the cascade of information from market management. It should be possible to implement this in the financial year 2013/14.
- 20. Now with the Olympics behind us, the Superintendent and management team are working on developing a Working Manual on similar lines to Smithfield's. It is intended that the working manual will be made available to tenants via the "shared folder", which will allow tenants easy access to the manual and other documents relating to the operation and management of the market. Whilst the content of the working manual has not been decided, it is intended that it will include lease documentation and other key documents such as FLT management regime, traffic management and various financial aspects such as service charge certificates, waste and dumping charges, and vehicle permitting periods and charges.

#### **OPERATIONS AND FINANCE**

#### **Billingsgate**

21. **Rating Appeal.** A rating appeal which was managed on behalf of the City by the consultants, Gerald Eve LLP, has succeeded in reducing the Billingsgate rateable value from £376,955 to £225,000, a reduction of 40%. The revised assessment is effective from April 2011 and both the

- service charge and the City benefit. The rating costs for the commercial car park which are borne by the City will reduce by some £46,000 per annum.
- 22. **Roof Renewal Project.** This project is progressing through the evaluation stage. There are three elements that are being evaluated:
  - whether the existing outer roof, with its continuing rainwater leaks, should be replaced or overcoated.
  - the installation of a ceiling to provide a more hygienic environment in the Market Hall.
  - the cost/benefit of adding solar panels to the roof.
- 23. The most urgent element by far is to renew the outer roof. So as to not delay the renewal of the outer roof, the project is being split into the three elements. All efforts are currently focused on the first element, the outer roof renewal.
- 24. It is planned to have the European Fisheries Fund matched funding grant application for the outer roof renewal submitted by the 14<sup>th</sup> January 2013 deadline for consideration at the 11<sup>th</sup> March 2013 grants panel meeting.
- 25. Advertising Hoardings Lease renewal negotiations update. Clear Channel UK Limited occupy 5 advertising hoardings at Billingsgate Market under the terms of a lease (outside of the Landlord and Tenant Act 1954) which commenced on 21 January 2003 and expired on 20 January 2013. In order to document Clear Channel's continued occupation of the hoardings following the lease expiry, a tenancy at will has been put in place from 21 January 2013 at the rent payable under the previous lease.
- 26. Clear Channel have indicated that they wish to renew the lease and given the specialist nature of the advertising hoardings market, the City have appointed a consultant specialising in the advertising hoarding market to act on its behalf in negotiations with Clear Channel. A further report will be provided to this Committee once we are in a position to recommend lease renewal terms for acceptance which are in the City's best interests.

#### **Smithfield**

27. **Cupola Renovation.** The renovation of the South-West cupola was completed at the end of September 2012. The start of works on the final cupola, on the North-West side of the Market, was delayed to avoid having two sets of scaffolding over the Olympic period and congestion over the busy Christmas trading period. Works to the North-West cupola commenced on January 10<sup>th</sup> and will continue until the end of May 2013.

The footprint of the scaffolding will cover a section of the market loading bay provision in East Poultry Avenue, which will reduce parking spaces equivalent to three vans. The SMTA have been kept fully informed throughout this project.

#### **New Spitalfields**

- 28. **Health & Safety**. One of the final elements of the phased implementation of the changes to the Fork Lift Truck (FLT) Health & Safety policies/plan and pedestrian safety came into force on 1st January 2013.
- 29. The good work by tenants and FLT operators in keeping the pedestrian walkways clear will be developed further by running a pedestrian walkway awareness campaign, to ensure that the walkways are readily accessible for pedestrians to help prevent them straying into road ways.
- 30. The last improvement to be implemented from the Health and Safety policies / plan is a single FLT speed of 5mph throughout the entire market site. Hitherto, the speed limit was 5mph within the market hall and 10mph in the surrounding roads/car park. A single speed limit, together with adjusted speed limiters on FLTs, will help tenants ensure their staff cannot speed within the market hall.
- 31. Whilst not part of the performance plan objectives for 2012/13, a review of accidents in a routine Health & Safety meeting showed that further work could be required with regard to heavy good vehicles (HGV) movements around the Catering Supply Buildings. Several articulated truck related accidents were identified. A review of unloading will be undertaken to establish whether it is necessary to re-engineer this area, and design out accidents of this nature.

#### **SUSTAINABILITY**

#### Billingsgate

- 32. The electricity used in the common parts of the Market is continuing to be reduced; this is through good housekeeping and energy saving lighting being installed. For the period April 2012 Sept 2012, comparing this to the same period as last year, the electricity consumed in the common parts, which is managed by the City of London, was down 14%.
- 33. As there are now more tenants in the market hall, and more external storage containers in use, tenants usage has increased, which is to be expected. The same is true for water and gas consumption.

#### **Smithfield**

34. The market management continue to find ways to make Smithfield Market more sustainable. This includes power factor<sup>1</sup> correction of the markets' electricity supply to increase the efficiency of the system as well as continuing to explore equipment with less of an electrical load.

#### **New Spitalfields**

- 35. Tenants continue to use more electricity via the continued expansion of mezzanine floors and cold room development and because of this the tenants' usage is up by approximately 2% compared with last year. In contrast to this, the City of London's usage in the common parts has been reduced by approximately 10%, mainly due to new light fittings in the market hall.
- 36. The local project to install a small batch of four smart electricity meters at Spitalfields has stalled due to procurement/contractual negotiations with the supplier. An alternative supplier has been found which should allow procurement and installation to proceed. The intention is to use extensive smart meter data, and resulting graphs/profiles of consumption, to influence tenants usage and encourage the take up of more efficient technologies, or changed behaviour, to save on electricity use

#### PEOPLE MANAGEMENT

#### **Sickness**

37. At the end of the second period (August – November) the department's overall sickness record is 48% above the target figure. This is illustrated in appendices 5 and 6.

<sup>&</sup>lt;sup>11</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)

- 38. This increase reflects a spike in sickness absence during the period June to September 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. The level of long term sickness absence reduced significantly in October and fell further still in November.
- 39. The markets continue to tackle Short term absence in line with City Policy and this has shown a reducing trend over the period covered by this report.

#### **Smithfield**

- 40. **Training.** The training provision at the market continues to be targeted towards maximising skills to get the best possible service for market operations, as well as providing opportunities for staff progression. Examples of this is ensuring that cleaning staff are trained to use high level access equipment so that high level cleaning can be completed by our in-house team. Also, staff who have shown initiative and potential are taking the Institute of Leadership Level 3 Management.
  - 41. Two members of staff have also taken advantage of the City's ESOL (English Spoken as Other Language) courses which will help improve communication and customer service at the Market.

42.

#### FINANCIAL AND RISK IMPLICATIONS

#### **Financial Implications**

- 43. The 1<sup>st</sup> April 30<sup>th</sup> November 2012 monitoring position for the Department of Markets & Consumer Protection services covered by Markets Committee is provided at Appendix 1. This reveals a net underspend to date for the Department of £59k (3%) against the overall local risk budget to date of £1.8m for 2012/13.
- 44. Overall the Director of Markets & Consumer Protection is currently forecasting an underspend position of £25k (1%) 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, which are partly offset by reduced income from repair works directly recovered from tenants at Smithfield Wholesale Market. He will be continuing to closely monitor all his budgets and will report any major variances from within

his overall resource base. The table below details the summary position by Fund.

Local Risk Summary by Fund	Latest Approved Budget	Forecast Outturn	Variance from Budge +Deficit/(Surplus)		
	£'000	£'000	£'000	%	
City Fund	48	48	0	0%	
City Cash	3,310	3,285	(25)	(1%)	
Total Markets Committee Local Risk	3,358	3,333	(25)	(1%)	

45. 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**

46. Key risks from the markets risk register are shown in Appendix 2

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#### MATTERS OF GENERAL INTEREST TO THE COMMITTEE

#### **BILLINGSGATE MARKET**

#### **Filming**

#### <u>September</u>

Saturday 8 - Barclays Corporate film crew – unit based parking on site -filming 'The Outsider.' Fee £500 + VAT

Saturday 8 & Sunday 9 – Counsellor Productions Ltd – unit based parking on site – filming 'The Counsellor.' Fee £3,000 + VAT

Wednesday 12 – Marine Conservation Society – charity bike ride - Billingsgate to Hamburg. No fee

Thursday 27 – UK Bus Awards – photographing buses and delegates in Billingsgate car park for award ceremony publication. No fee

4 visits for student/non-commercial photography also took place in the month of September

#### October

Sunday 21 - Tunnel2Towers Charity run event – Billingsgate as finishing point

Monday 29 – North One Television – unit based parking on site for 'Gadget Man' Fee £300 + VAT

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

#### November

Thursday 1 – British Red Cross Charity collection

Wednesday 7 – BBC – filming for 'Strictly Come Dancing.' Fee £100 + VAT

Wednesday 21 – James Dyson Foundation – Charity Photo Shoot. No fee

Thursday 22 – Lonely Planet Traveller Magazine – still photography to promote Seafood School. No fee

12 visits for student/non-commercial photography also took place in the month of November

#### December

Saturday 8 Red 2 Productions – unit based parking on site. Fee £3000 + VAT

Tuesday 11 – BBC filming for Strictly Come Dancing. Fee £150 + VAT

Friday 14 – Fisherman's Mission - Charity collection

4 visits for student/non-commercial photography also took place in the month of December

#### **Visitors**

#### September

Tuesday 11 – Scallop Association of Great Britain – visit with the Seafood School

Thursday 13 – annual Markets Committee visit and breakfast

#### December

Thursday 13 – visit by Gloria Thienel regarding support from Merchants for Cockney Heritage event - Conservative MP

#### **SMITHFIELD MARKET**

#### <u>September</u>

Friday 14 - Sylvie Goy - photography for Slaughtered House exhibition

Thursday 20 - Sylvie Goy - photography for Slaughtered House exhibition

Thursday 27 – filming/photography for Resident Evil Launch

#### October

Friday 5 - Jonny Ashton & 4 crew members - filming – Paul Hollywoods Bread course

Friday 26/Saturday 27 - Ben Piltz – R2 Productions - Poultry Market – unit base for filming crew

#### November

Thursday 1 - James Mason - student photography

Monday 5 - Rosemary Millbank - student photography

Saturday 24 - The Mail on Sunday crew photography- BAFTA photo shoot with Felicity Jones for Live Magazine

#### <u>December</u>

Monday 17 - Russ Lawrence - photography for Docklands and East London Advertiser, Newham Recorder

#### **NEW SPITALFIELDS MARKET**

#### **Visitors**

#### October

Friday 5 - visit arranged by the Director's office for a group of staff from the Markets & Consumer Protection Department, to visit the market and see how the market operates

Wednesday 24 - a small group from New Covent Garden Market, the visit was organised and attended by Ruth Holbrook, Michael Conran (New Property Manager) and Raj Perera (New Property Controller)

#### December

Friday 7 - The Mayor of Waltham Forest on his annual visit to the market to switch on the Market's Christmas Tree lights

Tuesday 11 - Chinese delegation from Changsha, Hunan Province, China arranged by Anehc Co Ltd.

Wednesday 12 - group of students from Hadlow College

## **Appendices**

Appendix 1 - Local Risk Revenue Budget 1<sup>st</sup> April – 30<sup>th</sup> Nov 2012

Appendix 2 - Markets Key Risks

Appendix 3 – Billingsgate tonnage

Appendix 4 – Smithfield tonnage

Appendix 5 – Market Department Sickness statistics

Appendix 6 – Market Department Sickness chart

# Department of Markets & Consumer Protection Local Risk Revenue Budget - 1st April to 30th November 2012 (income and favourable variances are shown in brackets)

	Latest Approved	Budget to Date	Actual to Date	Variance to Date	Projected Outturn	Variance fr	rom Latest	
	Budget 2012/13	Net Expenditure	Net Expenditure	+Deficit / (Surplus)	+Deficit / (Surplus)			Note
	£'000	£'000	£'000	£'000	£'000	£'000	%	11000
Markets (City Cash)								
Directorate	417	277	272	(5)	417	0	0%	
Billingsgate - Corporate Account	164	112	136	24	171	7	4%	
Billingsgate - Service Charge	0	(160)	(150)	10	0	0	0%	
Billingsgate - Repainting and Special Works	0	64	65	1	0	0	0%	
Smithfield - Wholesale Market	2,835	1,786	1,778	(8)	2,803	(32)	-1%	1
Smithfield - Other (Including Car Park)	(106)	(32)	4	36	(106)	0	0%	2
	3,310	2,047	2,105	58	3,285	(25)	-1%	
Markets (City Fund)								
Spitalfields - Corporate Account	23	19	0	(19)	23	0	0%	
Spitalfields - Service Charge	25	(222)	(320)	(98)	25	0	0%	3
Spitalfields - Repair and Repainting	0	1	1	0	0	0	0%	
	48	(202)	(319)	(117)	48	0	0%	
TOTAL MARKETS COMMITTEE LOCAL RISK	3,358	1,845	1,786	(59)	3,333	(25)	-1%	

#### Notes:

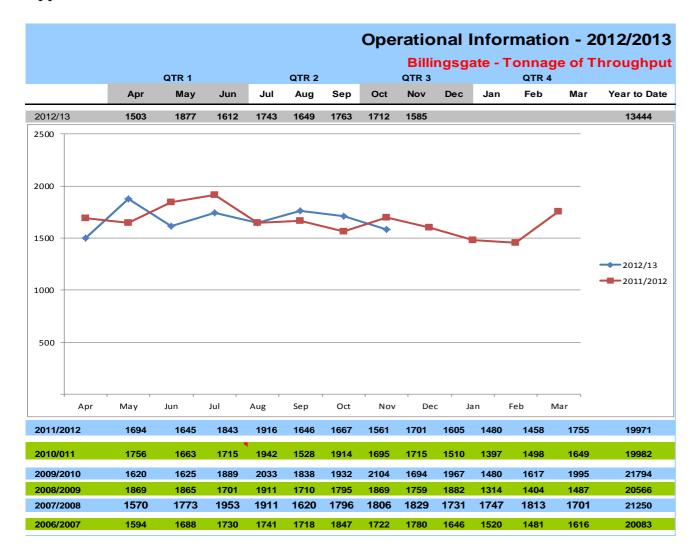
- 1. Smithfield Wholesale Market the projected year end underspend is mainly due to lower than anticipated costs for Citigen water supplies, which are partly offset by reduced income from repair works directly recovered from tenants.
- 2. Smithfield Other the overspend variance to date is mainly due to lower car park income than anticipated in the period. The Superintendent will continue to monitor the position, but at this stage does not want to adjust the projected outturn forecast.
- 3. Spitalfields Service Charge the favourable variance to date is mainly due to underspends on salary costs, due to 2 vacancies in the Constabulary & Maintenance sections.

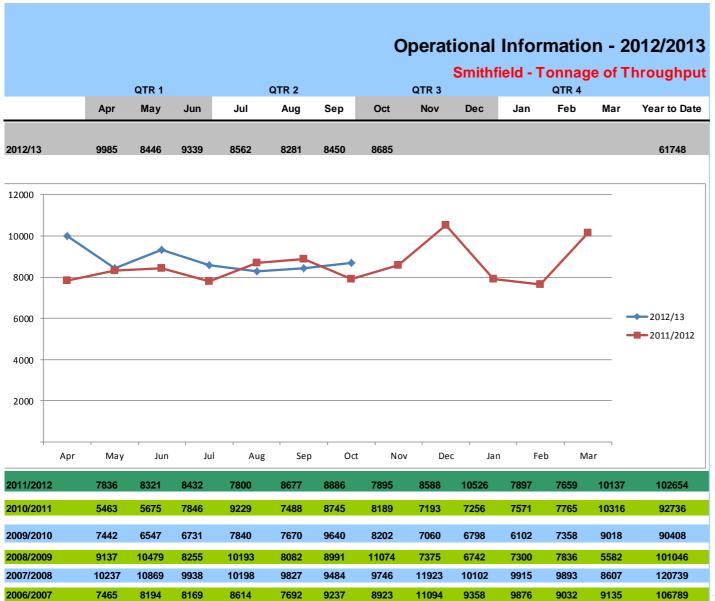
Markets Key Risks
The table below shows a selection of our key risks which form part of our Departmental Risk Register.

Risk No.	Risk Direction	Risk Details	Risk Owner/ Lead Officer	Existing Controls	Likelihood	Impact	Status	Further Action
MKT1	<b>⇔</b>	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	<b>⇔</b>	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.
МКТ3	<b>⇔</b>	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.

МКТ6	⇔	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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Appendix 3





Note: November tonnage figure was not available.

# Markets Sickness 2012/13

							Atte	enda	nce N	lana	gem	ent -	201	2/2013	
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Year To Date	End Yea Targ	
Total Staff Strength	117	117	117	117	117	117	117	117	117	117	117	117			
Total Self Certificated days	28	29	26	41	35	37	25	26	0	0	0	0	247		
No of persons that make up self certificated	10	15	13	13	16	16	13	15	0	0	0	0			
Total Certificated days	30	52	51	154	116	97	50	16	0	0	0	0	566		
No of persons that make up certificated	3	4	5	9	9	9	5	4	0	0	0	0			
Over 20 days	0	1	1	3	2	0	0	0	0	0	0	0			
Total Days Sick	58	139	216	411	562	696	771	813		0	0	0	813		
Target for 2012/13	68	137	205	274	342	410	479	547	616	684	752	821		82	



