

## MARKETS BOARD

Wednesday, 13 July 2022

Minutes of the meeting held at Guildhall at 11.00 am

### Present

#### Members:

Deputy Henry Pollard (Chairman)	Deputy Henry Colthurst
Deputy Philip Woodhouse (Deputy Chairman)	Catherine McGuinness
Deputy Mark Bostock	Alderman Sir David Wootton
Gregory Lawrence	Deputy Edward Lord
Wendy Mead	Oliver Sells QC
James Tumbridge	

### In Attendance

Mark Elgin – Billingsgate Market Tenants Association  
Paul Walker – New Spitalfields Market Tenants Association

#### Officers:

Ben Milligan	- Markets Director, Department of the Chief Operating Officer
Donald Perry	- Department of the Chief Operating Officer (COO)
Julie Gibbs	- Department of the Chief Operating Officer
Daniel Ritchie	- Billingsgate Market General Manager – Dept of the COO
Mark Sherlock	- Smithfield Market General Manager – Dept of the COO
Emma Beard	- New Spitalfields General Manager- Dept of the COO
Clem Harcourt	- Chamberlains
Peter Young	- Corporate Property Group Director, City Surveyor's Department
Anna Dunne	- Director of Markets Co-Location Programme, City Surveyors
Graeme Lowe	- Energy Manager, City Surveyor's Department
Steven Chandler	- City Surveyor's Department
Andrew Fothergill	- Comptroller & City Solicitor's Department
Deborah Cluett	- Comptroller & City Solicitor's Department
Paul Wright	- Remembrancers
Polly Dunne	- Town Clerks
Genine Whitehorn	- Commercial Director, Town Clerks

### 1. APOLOGIES

At the start of the meeting, the Chair welcomed representatives from New Spitalfields and Billingsgate, as non-voting observers of the Markets Board. Members noted that Mr Paul Martinelli was in attendance by virtue of

representing the Chair of the Smithfield Market Traders' Association and not as a Common Council Member.

Apologies were received from Alderman Alison Gowman, Paul Martinelli, Deputy Brian Mooney, Ian Seaton and Henry Jones. Mr Jones joined the meeting virtually.

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

Mr Gregory Lawrence advised that he had been granted a dispensation to speak on all matters concerning the London Central Markets (Smithfield) other than: (i) those in which he has a disclosable pecuniary interest as a shareholder or director of any company which holds a tenancy in the market; and (ii) those which would affect only him personally or his business interests as opposed to the generality of tenants within the market. *NB. This dispensation will be in place until the next Common Council elections in March 2025.*

3. **PUBLIC MINUTES**

RESOLVED, that - the public minutes and non-public summary of the meeting held on 25<sup>th</sup> May 2022 be approved as a correct record.

4. **UPDATES FROM THE MARKET GENERAL MANAGERS**

The Board received written updates from the General Managers of Smithfield, New Spitalfields and Billingsgate Markets. The Chairman congratulated Emma Beard on her appointment as the new General Manager for New Spitalfields, with effect from 1<sup>st</sup> July 2022. The Chairman advised that a group of Members had visited the 3 markets in late June / early July and that he would be visiting the new site at Dagenham this week, with the Deputy Chairman. Members asked if a Board visit could be arranged in due course.

The General Manager of Billingsgate Market advised that the Seafood School would be closing later in the summer, at a date to be advised, as it had been struggling to attract students for paid courses. It had been suggested that the staff might like to take it over and, if this were to develop further, the General Manager would report back to the Board. Members suggested exploring other possible tenancies, as the School had worked well for a number of years. The General Manager was confident that the Chief Executive, and the former Principal of the School, would welcome a discussion about how they might contribute to the City Corporation's plans for a food skills school at Dagenham.

The General Manager also advised that the Fishmongers Company would be withdrawing the fisheries inspection service as of 1st October 2022. Although the timing was a surprise, the Fishmongers had advised that they would be unlikely to continue the service at the new co-located market. Members expressed disappointment in that this would see the end of a 400 year old tradition. The General Manager explained that the Fisheries Inspector had not been providing this service for the past 18 months, and the City Corporation's Environmental Health Team had been providing cover. The Prime Warden had written to the Chief Executive about the decision, which had been taken at the highest level. In preparation, the Markets' Target Operating Model had

included the appointment of an Environmental Health Officer, to support inspections across the 3 markets.

RESOLVED, that – the Markets General Manager updates be noted.

5. **POULTRY MARKET - SURPLUS DECLARATION**

The Board considered a joint report of the Markets Director, the Comptroller and City Solicitor, the Major Programmes Director, the Chamberlain and the City Surveyor and noted that, under the London Central Markets Act of 1875, in respect of the Poultry Market, the City of London Corporation has the power to dispose or otherwise use this land if it no longer requires it to be retained for London Central Market purposes.

The Chairman thanked Members and Officers who had steered this complex process over a number of years. Members noted that the Smithfield Markets Tenants' Association (SMTA) had now signed an agreement, making the Market '*no longer required for market purposes*' by August 2023; thereby releasing the land for other projects to enliven the City.

Members noted that the meeting of the Policy and Resources Committee on 7th July 2022 had given unanimous support to this report and an Equality Impact Assessment had found no implications for protected groups as a result of the decision.

RESOLVED, that:

1. Subject to completion of all Deeds of Surrender for leases within the Poultry Market, and suitable alternative arrangements being made for relocation of services provided to the East and West Markets from the Poultry Market as explained in this report, the Markets Board resolve that the Poultry Market (save for the three first floor plant rooms containing cooling towers and related apparatus) is no longer required to be retained for market purposes and can be disposed of or used for other purposes.
2. Authority be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Markets Board, to determine when the provisos to Recommendation (1) have been satisfied, if not fully satisfied by the date of this Board, and when Recommendation (1) therefore comes into effect. *NB. The delegated decision would be challengeable by Judicial Review in the same way as a Committee decision, albeit at a likely lower risk given the in-principle decision has been made*

6. **WHOLESALE MARKETS RISK UPDATE**

The Board received a report of the Markets Director which provided Members with assurance that the risk management procedures in place within the Markets Division are satisfactory and meet the requirements of the corporate Risk Management Framework.

In response to a query about the format of the report, the officer advised that the Risk Register is a snapshot of most recent assessments and the flight path

provides an explanation as to how the risk is being managed. Members noted that the Brexit risk is frequently re-evaluated with Public Health and Public Protection but, given the current uncertainty as to when the inspections will commence, it is a moving target. Although the risk of the move to the co-located site is showing as amber, the Chairman confirmed the expectation that it will take place by 2028.

RESOLVED, that – the report be noted.

**7. MARKETS REVENUE OUTTURN 2021/22**

This Board received a report of the Chamberlain and the Markets Director which compared the 2021/22 revenue outturn for the services overseen by your Board with the final budget for the year. Members noted the outturn for the year showed net expenditure of (£641k), compared to the final budget of (£624k), representing a net overspend of (£17k). Members also noted the decision of the Resource Allocation Sub Committee in that no departmental overspends will be carried over to 2022/23.

RESOLVED, that – the report be noted.

**8. ENERGY UPDATE**

The Board received a report of the City Surveyor which provided an update on energy and carbon related issues. Members noted the sustained reduction in energy and carbon emissions since 2018/19 across all sites.

During the discussion and questions, the following points were noted:

- a) The introduction of a 15-year power purchase agreement with a 125-acre solar farm in Dorset, which will start reducing electricity costs from October 2022. As some of the market buildings have listed status, it would be difficult to instal solar panels.
- b) Metering is in place for tenants, and communal areas are recharged as part of service costs.
- c) As part of the planning permission, the new co-located market will need to be as environmentally friendly as possible.
- d) More work is planned in terms of a whole life carbon assessment, when compared to the existing markets, and the proposals will apply to logistics, transport, provision of electric charging points and cooling systems.
- e) Members noted that they will receive more detail in future reports, as the project progresses.

RESOLVED, that:

1. The reduction in energy consumption across all three markets be noted.
2. The reduction in operational CO2 emissions from the Markets be noted.

3. The survey work and energy conservation measure carried out by the Energy Team be noted.
4. The expected increases in energy costs due to the surge in demand, post pandemic and the conflict in Ukraine be noted.
5. The benefit to Smithfield Market from the Climate Change Agreement be noted.

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

A question was asked about the possibility of photographing the current markets, and their transition to the co-located site, for exhibiting at the Museum of London. Members noted that sketching of artifacts was already underway at Billingsgate. The Chairman stressed the importance of preserving the markets' heritage and asked for this work to be investigated. Whilst the Board still used the second mallet, which had been presented to the former Markets Committee in 1998, the Chair asked if the original one could be located.

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

The Programme Director for the Markets Co-location Programme provided an update, which is generally reserved for the non-public or confidential part of the agenda.

Members and Tenants were asked to be mindful that some questions might stray into exempt categories, as defined by the Local Government Act, and they would need to be answered in the non-public part of the meeting. The design considerations would also need to be considered in the non-public part of the meeting, due to their commercial sensitivities.

During the discussion and questions, the following points were noted:

1. This is the largest and most complex programme that the City of London Corporation has ever delivered and, whilst the benefits are considerable, it fully recognises the impact on tenants.
2. The project had moved on considerably since March this year, in terms of working relationships with the Tenant Associations.
3. The siting of the new Consolidated Market, in the London Borough of Barking and Dagenham (LBB&D), will deliver on the levelling-up agenda, given that LBB&D is one of the most deprived boroughs in the Country. The Leader of LBB&D had invited the Chair and Deputy Chair to visit this week, and the Borough welcomes the prospect of having an exciting new food hub.

4. The City of London Corporation recognises the importance of keeping the current markets prosperous. Negotiations are ongoing with Billingsgate and New Spitalfields, in order to achieve support for the Private Bill.
5. The need for joint working between the LBB&D and Transport for London in terms of managing road works on the A13. The City Corporation are in discussion with Fords in respect of a second access to the Market, from the East.
6. In respect of a possible Autumn General Election, the Remembrancer was almost certain that a Private Bill could still be deposited, even if the House is not in session, and advised that the process would start from the final date. The Remembrancer agreed to check and confirm the position after this meeting. The Remembrance further advised that Private Bills can be carried over from one session to another; they do not fall in the way that public legislation would. The Court would need to instruct the Remembrancer to submit the Bill, after the Summer recess, and final consideration of some aspects of the Judicial Review would take it up to the deadline.
7. The Town Clerk provided clarity in terms of the Governance process; i.e. – the Markets Board is responsible for the management of the 3 markets, and the Policy and Resources Committee is the Service Committee for the Markets Co-location Programme (MCP), working closely with the Markets Board. Once the Court has approved the funding envelope, the Policy and Resources Committee will delegate the core focus to the Capital Buildings Committee (CBC), as the project will be in excess of £100m. The Chairman and Deputy Chairman of the Markets Board currently attend CBC meetings, as observers, and will become Co-optees once the MCP is officially designated as a project. The Chairman advised that he is committed to transparency and avoiding a silo approach.
8. An audit report is in place in respect of the governance of the project, to ensure robust schemes of delegation, at appropriate levels of scrutiny, and to avoid undue delays. The Town Clerk advised that elements of the Governance Review, which sought to streamline the decision making process, are still being implemented.
9. The Board noted that an agreement had been reached yesterday, addressing the Chamberlain's concerns in respect of the business case. In September 2022, the Policy and Resources Committee will receive the business case and affordability, in order to set the budget envelope, and seek approval for submitting the Private Bill to the Court of Common Council on 7th October 2022.
10. There was some confusion expressed in terms of the stage the programme is at; i.e. – whether the project could commence on 21st July 2022, once the Court of Common Council had confirmed the Poultry Market as surplus. Furthermore, given the programme had already received considerable

scrutiny, there was some challenge as to why should it wait until 7th October 2022?

11. The Town Clerk advised that the Policy and Resources Committee (P&RC) on 7th July had taken a decision on a confidential report, which would now be presented to the Court of Common Council on 21st July, as a non-public report. Members were reminded that, in accordance with Standing Orders, they reserve the right to put amendments, by way of Motions to the Court.

At this point, the Chairman asked Members to adjourn further debate on this matter until the non-public part of the meeting.

11. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

Item	Paragraph
12-16	3

12. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 25<sup>th</sup> May 2022 were approved as a correct record.

13. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There were no urgent items.

15. **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting held on 25<sup>th</sup> May were approved as a correct record.

16. **MARKETS CO-LOCATION PROGRAMME UPDATE**

The Board received an update from the Markets Co-location Programme Director.

**The meeting ended at 12.26**

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Chairman

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