

MARKETS COMMITTEE

Monday, 23 January 2017

Minutes of the meeting of the Markets Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 23 January 2017 at 11.30 am

Present

Members:

John Scott (Chairman)	Michael Hudson
James Tumbridge (Deputy Chairman)	Deputy Jamie Ingham Clark
Randall Anderson	Edward Lord
Alex Bain-Stewart	Professor John Lumley
Nicholas Bensted-Smith	Wendy Mead
Deputy Michael Cassidy	Deputy Robert Merrett
Deputy John Chapman	Deputy Joyce Nash
Karina Dostalova	Patrick Streeter
Deputy Stanley Ginsburg	David Thompson
Tom Hoffman	Mark Wheatley

In Attendance

Officers:

Gemma Stokley	-	Town Clerk's Department
Julie Smith	-	Chamberlain's Department
Debbie Howard	-	Chamberlain's Department
Paul Hickson	-	Comptroller and City Solicitor's Department
Steven Chandler	-	City Surveyor's Department
Andrew Crafter	-	City Surveyor's Department
James Giffard-Taylor	-	City Surveyor's Department
Nicholas Sommerville	-	City Surveyor's Department
David Smith	-	Director of Markets and Consumer Protection
Julie Gibbs	-	Department of Markets and Consumer Protection
Malcolm Macleod	-	Superintendent, Billingsgate market
Ben Milligan	-	Superintendent, New Spitalfields Market
Mark Sherlock	-	Superintendent, Smithfield Market
Donald Perry	-	Department of Markets and Consumer Protection
Paul Spooner	-	Department of Markets & Consumer Protection

1. APOLOGIES

Apologies for absence were received from Dominic Christian, Alderman John Garbutt, Deputy Brian Harris, Ann Holmes, Oliver Lodge, Chris Punter, Adam Richardson, Ian Seaton and Angela Starling.

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

The Chairman declared a standing interest as a Member of the Board of Governors of the Museum of London, which was referred to in the non-publics minutes of the last meeting, at agenda item 13.

3. **PUBLIC MINUTES**

The public minutes of the meeting held on 30 November 2016 were considered and approved as a correct record.

4. **TERMS OF REFERENCE OF THE MARKETS COMMITTEE AND FREQUENCY OF MEETINGS**

The Committee considered a report of the Town Clerk concerning their terms of reference and frequency of meetings.

It was felt that the Terms of Reference should be amended to make it clear, in paragraph (a), that the Committee had oversight of the management of all matters relating to New Spitalfields Market, and in paragraph (b) to make it clear that this Committee acted jointly with the Port Health and Environmental Services and Licensing Committees on the appointment of the Director of Markets and Consumer Protection with no one Committee assuming the lead on this.

RESOLVED – That:

- a) the Terms of Reference of the Markets Committee be amended for submission to the Court, as follows:

To be responsible for:-

- (a) oversight of the management of all matters relating to Smithfield Market, Billingsgate Market and New Spitalfields Market and the letting of all premises therein;
- (b) the appointment of the Director of Markets and Consumer Protection (~~in consultation~~ acting jointly with the Port Health and Environmental Services and Licensing Committees); and
- b) Members agree that the frequency of meetings per annum be arranged in consultation with the Chairman, Deputy Chairman and the Director of Markets & Consumer Protection, in order for them to align this with the anticipated work programme for the year.

5. **APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEES**

The Committee received a resolution of the Policy and Resources Committee, dated 15 December 2016, regarding the appointment of Chairmen to Sub Committees.

The Town Clerk confirmed that, for the Markets Committee, this convention would apply to the appointment of the Reference Sub Committee only.

RESOLVED – That, the Committee note the resolution.

6. MARKETS BUSINESS PLAN UPDATE PERIOD 2 2016/17 (AUGUST - NOVEMBER)

The Committee received a report of the Director of Markets and Consumer Protection providing Members with an update on progress for Period 2 (August-November) of 2016-17 against key performance indicators (KPIs) and objectives outlined in the Markets' Business Plan.

The City Surveyor reported that it was hoped that he would be in a position to instruct solicitors within a month regarding the revised terms agreed with advertising hoarding company ClearChannel at Billingsgate. The Committee therefore agreed to further delegated authority for the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Markets Committee, to sign off on this matter. In response to questions, the City Surveyor confirmed that ClearChannel were existing tenants at the Market but were looking for a variation to upgrade their advertising equipment on site.

A Member questioned the better than budget position at the end of November 2016 and how much of this represented genuine savings versus deferring spending in certain areas. The Head of Business Performance reported that, at present, one post was being held vacant which had resulted in a salary saving of approximately £25k per annum. A total of £80k worth of maintenance work had also been delayed to date. It was, however, anticipated that the repairs and maintenance budget would be fully spent by the end of March 2017.

In response to a question regarding cases of long term sickness absence at Smithfield Market, the Head of Business Performance confirmed that the 6 cases referred to took place during either the 1st or 2nd reporting period and not over the whole of these two periods.

With regard to the draft Specification for the review of the City's wholesale markets, the Director informed the Committee that it was expected that the ITT would now be issued to industry in early February.

With regard to Filming/Photography at the Markets, the Chairman highlighted that HAAL Media Ltd had been charged £250 for filming at Billingsgate Market on Saturday 3 September 2017 but that this detail had been omitted from the report. The Deputy Chairman requested that Officers make it clear in all future reports where no charges had been made for filming/photography. The Superintendent of Billingsgate Market stated that, generally speaking, there were no charges made for filming of news items or for those affiliated with the Market/Industry, such as the promotional film for 'Seafish.org' which had been filmed towards the end of September 2016. A Member commented that, if no charges were made for these items, the Markets should at least ensure that they gained some publicity from them. The Superintendent of Billingsgate Market confirmed that publicity was discussed with those filming where possible but it was recognised that Officers did not have editorial control over the filming that took place on site. The Member disagreed with this approach and

suggested that this should be made a condition in future where no charges were made for filming/photography.

RESOLVED – That the Committee notes the contents of the report and its appendices.

7. **MARKETS COMMITTEE RISK**

The Committee received a report of the Director of Markets and Consumer Protection providing Members with assurance that risk management procedures in place within the Department of Markets and Consumer Protection are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

In response to questions, the Operations and Administration Manager reported that the target dates against risks were regularly reviewed. He highlighted that the actions taken against headline risks that were listed were either ongoing or had recently been completed.

RESOLVED – That, Members note the report and the actions taken in the Department of Markets and Consumer Protection to monitor and manage effectively risks arising from our operations.

8. **HGV UNLOADING RISK REPORT**

The Committee considered a report of the Director of Markets and Consumer Protection concerning the Heavy Good Vehicle (HGV) Unloading Risk at Smithfield Market. The report was initially circulated as a non-public agenda item but, at the Chairman's request, and taking into account that it related to a red risk on the Markets Committee Risk Register, this was moved to the public agenda.

It was noted that, following the Committee's interest, the Smithfield Market Tenants' Association (SMTA) were being more positive in their level of co-operation regarding HGV Unloading – Banksman Activities.

The Operations and Administration Manager reported that the Freight Transport Association (FTA) audits conducted in 2015 and, more recently, in January 2017, had been paid for by the Market. The audit had looked at various aspects and had noted the progress made in certain areas. The full audit report was expected next month but initial feedback, based primarily on the actions developed following the 2015 audit, indicated that there had been some notable improvements with just one or two still left to progress further.

The Chairman requested that the final audit report be circulated to all Members of the Markets Committee via email once received.

RESOLVED – That, the partnership working approach is continued, subject to regular review of progress, and in the context of any further recommendations the FTA may make in the follow up audit.

9. **PEDESTRIAN SEGREGATION BARRIER - NEW SPITALFIELDS MARKET (NSM) - GATEWAY 7 OUTCOME REPORT**

The Committee received a report of the Director of Markets and Consumer Protection detailing the Gateway 7 Outcome Report for the Pedestrian Segregation Barrier at New Spitalfields Market.

The Chairman, on behalf of the Committee, congratulated the Superintendent of New Spitalfields Market on delivering the project under budget and on time.

A Member questioned whether stating that, with the installation of the barrier, 'pedestrians could no longer be struck by Fork Lift Trucks or loads carried in these areas' was overstating the case given that the barrier could always fail. The Chairman suggested that it should be noted that the installation of the barrier had, instead, minimised this possibility as far as is practicable.

RESOLVED – That, Members note the successful result.

10. **SMITHFIELD MARKET - CONDENSER WATER COOLING SYSTEM - UPDATE**

The Committee received a report of the City Surveyor detailing the latest position on the City's trial to increase the operating temperature of Smithfield Market's Condenser Water Cooling System, which provides cooling to the Market Tenants' refrigeration equipment.

The Chairman highlighted that the full trial to increase the operating temperature had commenced on 18 October 2016 and not 2015 as stated in the body of the report.

In response to a question regarding the discharge of refrigerant gas referred to within the report and any legal implications this might have, the City Surveyor confirmed that the City, as landlord, wrote to remind tenants of their responsibilities regarding Health and Safety and the need to comply with relevant regulations. It was recognised that older equipment used by tenants might not comply with current regulations.

With regard to enforcement, the Comptroller and City Solicitor stated that the City could enforce as landlord and that, ultimately, offending tenants could be made to forfeit their lease.

RESOLVED – That, Members note the contents of the report.

11. **SUPERINTENDENT'S UPDATE**

The Chairman, on behalf of the Committee, took this opportunity to formally welcome the new Superintendent of Smithfield Market, Mark Sherlock, to his first Markets Committee meeting.

The Committee received oral updates from each of the Market Superintendents as follows:

Smithfield Market

The new Superintendent provided Members with some information as to his background and previous employment and reported that he was now just three weeks into his new role. He informed Members that he had spent his initial weeks undertaking tours of the market (including night visits) and had also taken time to meet with various tenants and SMTA representatives. In addition, he had met individually with key Officers in the Directorate.

He went on to inform the Committee that recruitment for a new Sergeant and Constable at the market was currently underway with interviews expected to take place in early February 2017.

In response to questions regarding the recruitment process, the Operations and Administration Manager reported that existing market constables were aware that they were able to apply for the role of sergeant and that this should be viewed as an opportunity for progression. This applied across the City Markets as well as within individual Market sites. He confirmed that one existing constable had, indeed, applied for the Sergeant post on this occasion.

Billingsgate Market

The Superintendent confirmed that tenants were going to withdraw their service charge to fund the Seafood School from 1 April 2017. The School were now planning to contact individual tenants regarding future contributions as well as further examining their own budgets. The Deputy Chairman suggested that funding for the Seafood School might be mentioned to those who used the Market for filming/photography free of charge in future, with the suggestion that they might like to make a contribution to this in lieu of any fee. The Chairman stated that he felt it would be a very retrograde step if the market were to lose the Seafood School on site. He requested a presentation on the issues currently faced by the School at the next meeting of the Markets Committee.

The Committee were informed that the member of staff involved in the long-term sickness case they had been advised of previously had started a phased return to work at the end of December 2016 and it was hoped that he would be back at work full time by the end of this month. The Superintendent commented that his return to work had been very positive to date.

The Superintendent reported that the Chairman of the Tenants Association continued to remain in hospital at the present time and was awaiting a transfer to a rehabilitation centre.

Finally, the Superintendent reported on a piece of market land currently occupied by Crossrail in relation to building work they had undertaken on Canary Wharf Station. The Market were now seeking the return of this land and were awaiting an official response on this by the end of the week. The Superintendent reported that the Market did have an intended use for the land going forward. In response to a question, the City Surveyor confirmed that Crossrail had paid the City to occupy this land.

New Spitalfields Market

The Superintendent reported that 'Dawsons' had been granted a tenancy at will to occupy 3,500 square foot on site which would generate an income of £22,000 per annum and also reduce the service charge for existing tenants. He commented that it would be extremely valuable service to have in the market where they would be able to repair forklifts on site as well as provide registry certification.

With regard to signage, the Superintendent reported that notices to prevent members of the public coming in to the market too early each day (before midnight) was now in place. He clarified that contact with HGVs and other large vehicles delivering goods was a particular concern at this time. He added that the market was currently using ANPR technology to identify the worst offenders and that fines of £100 could be issued to these individuals as an interim measure before barriers were put in place as a more permanent solution.

Finally, the Superintendent referred to smoking on site which was an ongoing problem. He confirmed that attempts to engage with Waltham Forest on this matter had been unproductive to date and so it was currently incumbent upon the City to enforce against this as best they could through the terms on tenants leases. At present, any member of staff caught smoking in any part of the market was issued with a £50 fine. A £100 fine could also be issued to those smoking at their stands at present as part of a compliance review.

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

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Retiring Chairman

The Chairman reported that this would be his last meeting in the Chair. He wished to publicly thank all Officers and Members for their hard work, support and guidance throughout his tenure.

14. 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
13	1, 2, 3 & 5
14-16	3
17	2
18	3
19	3, 5 & 7
20	1, 2 & 3

15. **NON-PUBLIC MINUTES**
The non-public minutes of the meeting held on 30 November 2016 were considered and approved as a correct record.
16. **BILLINGSGATE ROOF RENEWAL - FLAT ROOF - GATEWAY 7 - OUTCOME REPORT**
The Committee received a report of the City Surveyor detailing the Gateway 7 Outcome Report for the Billingsgate Roof Renewal – Flat Roof.
17. **SMITHFIELD POULTRY MARKET, MAJOR REPAIRS PROJECT - POST GATEWAY 4 - PROGRESS REPORT**
The Committee received a report of the City Surveyor detailing progress on the Smithfield Poultry Market Major Repairs Project, post Gateway 4.
18. **NEW SPITALFIELDS MARKET WASTE CONTRACT AWARD**
The Committee considered and approved a late, separately circulated, report of the City Surveyor concerning the contract award for the New Spitalfields Market Waste Collection.
19. **SMITHFIELD CAR PARK USAGE - CHRISTMAS 2016**
The Committee received a report of the Director of Markets and Consumer Protection providing car park data for December 2016 together with a brief analysis of the impact of the concessionary parking tariff.
20. **DEBT ARREARS MARKETS - PERIOD ENDING 31ST DECEMBER 2016**
The Committee received a report of the Director of Markets and Consumer Protection informing Members of invoiced income raised and outstanding as at 31st December 2016 from 31 days to 121+ days.
21. **TENANCIES AT WILL AND ASSIGNMENTS**
The Committee received a report of the Director of Markets and Consumer Protection on Tenancies at Will that have been granted at the City of London's Wholesale Markets and on lease assignments.
22. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions raised in the non-public sessions.
23. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There were no urgent, additional items of business for consideration in the non-public session.

The meeting ended at 12.40 pm

Chairman

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