

Transport for London



Ms Dee Doocey
City Hall,
The Queen's Walk
London
SE12AA

Transport for London
Planning – Road User
Charging
Windsor House
42-50 Victoria Street
London SW 1 H OTL

Dear Ms Doocey,

Issues raised by the committee in relation to street markets

I am writing to inform you of the progress that we have made with the issues raised by the Committee at the meeting we attended in relation to street markets.

Drainage at Whitechapel Market

We can confirm that the market area drainage system is checked and cleaned by TfL's maintenance contractor on a monthly basis. During these visits no problems have been identified but we have spoken further to one of the Tower Hamlets Inspectors who looks after the day to day operation of Whitechapel Market. He informed us that they witnessed the works that were carried out last year by TfL and that this had improved the previously reported problems. However, although now there isn't *generally* a problem with the drainage, when it rains heavily there is standing water for a while after the rain has stopped, which could be the focus of the concern raised at the Committee Meeting.

On this basis the Network Team is further investigating why the water isn't draining away as quickly as it should from the area occupied by the market stalls. They are liaising with LBTH Markets Management to ensure that any areas of concern are identified and acted upon. These investigations were started during the recent programmed monthly inspection on Sunday 29 March which didn't indicate any problems but further investigations are scheduled for the next two weeks. [Name removed] in the Surface Directorate within TfL is dealing with this issue.

Leaking Toilets

A further issue has subsequently been raised about leaking toilet facilities. We

understand that this is in relation to the automatic facilities just east of Court Street and, as acknowledged by the Tower Hamlets Markets Manager, is the responsibility of the borough. We have spoken to the Markets Manager about this and he has referred it to [name removed].

Loading and the new crossing layout

In relation to loading, there is a new crossing layout being constructed at the moment which will remove the two sub-standard staggered crossings and replace them with one 10 metre wide crossing directly outside the Whitechapel LUL Station entrance. This will improve the bus/LUL/Hospital interchange and, by relocating the loading bays, will provide a net gain in the number of kerbside inset loading bays.

The majority of the construction works have been completed for the new crossing, whilst the former crossing outside the post office has been removed to allow construction of a new bus stop. We are now awaiting the traffic signal contractors to arrive on site to put up the signal poles and associated equipment at the new crossing location.

EDF have been programmed to disconnect the old traffic signal controller outside the Post Office and install a new electricity supply for the new controller that is to be installed at the new crossing location.

The traffic signal contractors are programmed to come back to site on the weekends of 17th/18th and 25th/26th April to install the signal poles and associated equipment at the new crossing location. The works are only being carried out at weekends so as not to unduly disrupt the Market Traders activities.

It is anticipated that the new 10m wide straight across pedestrian crossing will be switched on at the end of April / early May 2009 subject to progress made over the preceding weekends.

Removal of the remaining crossing outside the existing hospital entrance will follow the switching on of the new crossing. Once this crossing is removed this will allow for an extended length of loading bay. Following completion of all of the on site construction works there will be a net increase of nine loading spaces.

There are not, and will not be, any parking bays in Whitechapel Road alongside the market. LB Tower Hamlets have been looking for available sites away from the market where traders could store their vehicles. The street trading authority is the Borough and the onus is on them to find a suitable site locally to accommodate vehicles when they are not actively loading. We understand that London Borough of Tower Hamlets have now taken action to relocate the traders vans away from the Whitechapel Road by creating parking bays in Brady Street (borough road) as part of the crime prevention initiative. We do not believe that TfL should be trying to provide traders with long stay parking on the TLRN because it would have a major negative impact on other road users and the urban realm generally.

I hope that you find this response satisfactory and I will follow-up with any further information as soon as it is received.

Yours sincerely,

Head of sub-regional strategy
Transport for London



1 April 2009

Arch Rents in Shepherd's Bush Market

Dear Head of Property Management Group Property, Transport for London,

I assume I need not explain how tough the retail business climate is at the moment as hardly a day goes by without one form of media or another expressing the concerns and struggles of the majority of businesses in the UK. The businesses in Shepherd's Bush Market are no exception and things are extremely tough.

There has been a moderately recent offer from Transport for London to the tenants leasing the Arches in Shepherd's Bush Market, to pay their rent monthly in advance rather than quarterly in advance on the proviso that an additional interest is paid. Subsequently tenants choosing this option will pay the usual annual rental amount over the course of the year plus an additional amount generated by the interest charge.

(The interest rate is dependent on lease terms and therefore varies between 3 to 5% above base rate).

Consequently this offer gives little benefit if any to the tenants, as the key objective to survive through this difficult time is to reduce overheads and costs.

Would both of you please kindly discuss and consider the serious proposal of the tenants leasing the Arches in Shepherd's Bush Market to pay their rent monthly in advance rather than quarterly without any addition interest payments.

I have no wish to waste your or my valuable time. It is a reasonable and sensible request in these circumstances and granting this proposal would show favour from Transport for London to the loyal tenants which many have leased property from TfL for over three decades.

I would be grateful if you would please give this some serious and swift thought as many of the tenants are suffering terribly and truly need assistance.

Many thanks

Yours sincerely

Chair of the SBMTA

The Queen's Walk
London, SE1 2AA

Dee Doocey
Chair of Economic Development, Culture, Sport and Tourism Committee
City Hall
The Queen's Walk
London
SE1 2AA

Date: 23 February 2009

Dear Dee

London Street Markets

Thank you for your letter of 17 February asking for further information on the Mayor's commitment to commission a piece of work looking into existing planning policies across London and whether they support street markets and, more specifically, the terms of reference and timescale for this work.

To ensure that full weight is given to the Mayor's determination to support street markets I have instructed officers to take this work forward as a priority and as an integral part of the review of the London Plan rather than run the risk of it being sidelined as a separate, lower status policy document. It is therefore being covered within the overall review of pan-London policy.

For street markets this review process effectively started with the Mayor's detailed response in your Committee's report on them in which he outlines the approach he intended to follow. Speaking in the context of Planning for a Better London (the informal initiation of the full review of the London plan), the Mayor subsequently made clear to the Assembly his continuing commitment to the principle of supporting street markets. He amplified this in his response to MQ 154/2009, noting that he intended to draw on the Committee's groundbreaking work in exploring options to enable street markets to make a more effective contribution to town centre renewal.

This April, the Mayor's proposals to the Assembly and Functional Bodies to review the London Plan (the first formal stage in the review process, a short document known as the Statement of Intent) will make the reference to the importance of supporting street markets. In light of consultation responses on this, in the autumn he will propose detailed policy and justification in the full consultation draft of the Plan. Both he and the Panel for the Examination in Public into the revised Plan will then consider the consultation responses and the Panel, not the Mayor, will decide whether markets should be considered as a formal 'Matter' during the Examination in Public. The Mayor is likely to cite the Committee's report as evidence in preparing revisions to the Plan as well as that being done by the London Plan team to identify where planning policy needs to be altered or strengthened.

The Assembly will therefore have two further opportunities to feed into the formal, London Plan policy development process on markets, and subject to the EIP Panel, possibly one other. The Mayor does of course support the continuing, positive but more informal working arrangements between the Assembly and London Plan team. In line with his commitments in responding to the Assembly's report on street markets the Mayor looks forward to this in preparing Supplementary Planning Guidance on retailing and town centres which will run in parallel with the London Plan review. This will be informed by the town centre health checks and retail needs assessment to which he referred in his response. The Mayor will also consider whether markets should be a matter for the replacement to the Sub Regional Implementation Frameworks.

I trust the above addresses your queries and look forward to receiving specific areas of questioning in good time for our meeting on 3 March 2009.

Yours sincerely,

Sir Simon Milton

Deputy Mayor for Policy and Planning

Update from London Borough of Tower Hamlets

Whitechapel Market

Soon after the publication of the EDCST Committee's report, TfL successfully attended to the blocked drains and for some time since and currently, they are not a problem.

In co-operation with Tower Hamlets (LBTH) TfL has re-introduced [foot] Parking Attendants to manage roadside trader van loading and unloading. This has improved matters for traders, given they have a fairer share of the unloading bays but is dependent on TfL availability and willingness to make this a priority. The Council has re-configured its non-TfL road trader parking provision and this has been appreciated by traders, though there have been some van break-ins as a consequence of the vans being out of trader sight. The provision of electricity outside the Idea Store and eastwards (which is where it is lacking) is being surveyed with the view to making provision in the first half of 2009.

Since the Committee's report, Whitechapel market has become the first street market to 100% recycle its waste. This initiative has made LBTH a finalist in the Local Government Chronicle awards in March of this year and is considered a best practice example for other boroughs.

Petticoat Lane

TfL visited the markets to learn at first hand from the traders and shopkeepers what the impact of the congestion charge had been on the market in terms of loss of customers and trader costs. The TfL officers showed concern about the impact the congestion charge zone had on the traders and their lives. The TfL report back was that the geometry of the roads in the area of the market does not lend itself to a re-alignment of the congestion charge boundary; and that giving traders exemption (which would only be a half solution in that it did not benefit customers) would open TfL to the 'floodgates' of other special pleaders. The congestion charge remains a blight on the market in terms of regeneration and the removal of it as a charge still needs to be addressed.

With the arrival of the Royal Bank of Scotland head office at the south end of Goulston Street LBTH has created an open air food court at the market end of the street to draw customers down and give them linger time. The pavement in the area has been replaced with York stone and the road is being re-surfaced funding for this coming from Planning Gain held by the Council. Tables and chairs have been purchased by the Market Service. .

General

The EDCST's visit to Whitechapel played a key role in convincing traders that they were indeed valued. There was a time when traders were not convinced that the Council supported their street markets. Now things have changed. A good example of the new relationship is the Elected Member who asked the Whitechapel traders for the loan of spare rig sheets to cover the ground for a Ramadan open air service. From traders of all faiths he got twice as many as he needed.

Like Hackney Council, LBTH is also commissioning a strategy report for street markets, which takes planning to 2025. It is not possible to over exaggerate the importance of this piece of work. A copy will be sent to the Committee for information in due course.

Trader loss is a major concern. LBTH having lost 100 permanent traders in 2008 is now down to just under 600 compared with over 1,000 three years ago. To address this LBTH has approached the Evening Standard to advertise a pan London 'new trader' induction course currently being set up by LBTH Market Service and a private market operator in Brick Lane. Meanwhile anyone who is interested in become a trader should contact Rumana on 0207- 364- 1704 or email streetmarkets@towerhamlets.gov.uk

LETTER FROM TOWER HAMLETS BOROUGH COMMANDER

Date: 26 February 2009

Dear Dee,

With regards to the points raised in your recent e-mail, I am pleased to provide the following information in response:

There are two (2) Coral Bookmakers in Whitechapel Market E1

318 Whitechapel Road E1
257 Whitechapel Road E1

Police visit both these premises daily with a view to showing a presence and to gather intelligence on Class A Drug users and dealers operating in the area.

The Corals at 257 Whitechapel Road has issues with Drinkers in the Market.

The Corals at 318 Whitechapel Road E1 has problems with Class A Drug use.

The management at these two locations were spoken to and a new layout for the shop floor was suggested and implemented. This has reduced the number of vagrants, alcoholics and drug users remaining at the location for long periods. The SNT was made aware that Drugs were being used in the Public toilets at 318, these toilets have since been closed and there have been no reports of Class A drug use at either location. Staff at both bookmakers have SNT contact details and are supportive in providing intelligence re Drugs Supply/ Use.

The drugs use has now been displaced on local estates, the SNT are aware of this and are currently investigating these as Public Set Priorities (302) and Problem Solving Processes (303).

The Market is policed by both TFL and SNT. The SNT are assisted by Trading Standards and Market Services, where in partnership crimes committed in the market and locality are addressed. The WPSG (Whitechapel Problem Solving Group) was formed to create a multi agency approach to tackling all crimes in Whitechapel Market. This group include the SNT, Market Services, BTP, TFL, Trading Standards. The SNT along with the NW Cluster SNTs in recent weeks have been involved in publicised operations targeting counterfeit and gambling offences within the market (see separate word document that includes Evening Standard and East London Advertiser articles).

PCSO's form an integral and vital part of each Safer Neighbourhood Team and make a valued contribution to the success of SNT's. With funding from London Borough of Tower Hamlets a Joint Enforcement Team is currently being formed consisting of 2 Sergeants and 18 Constables. These officers will be deployed in direct and exclusive support of SNT's to further enhance police and council activity to combat issues such as those highlighted within the initial enquiry. They will also work closely with a number of Tower hamlets neighbourhood Enforcement Officers (NEOs), who will be local authority officers. the intention is to have a fully joined up enforcement capacity across a range of quality of life/public confidence issues across the borough, but very much focussed on having a

local impact at Ward level. We intend for the team to go 'live' in the first quarter of the 09/10 performance year.

The issues regarding parking along the Whitechapel Road have been discussed at every meeting, initially there was a problem with identifying whether any enforcement would be carried out by TFL. Market services are preparing significant changes to the layout of the Whitechapel Road and Market, this includes re-locating all traders vehicles to one secure location.

Market services and TFL will be best placed to be able provide a definitive answer with regards to parking matters.

Yours sincerely

Detective Chief Superintendent
Borough Commander - Tower Hamlets



Crisis for tenants in Shepherd's Bush Market

31st December 2008

For the attention of Boris Johnson, the Mayor of London

Dear Sir

As we are all aware the country is going through tough times and this is no exception for the businesses in Shepherd's Bush Market.

Shepherd's Bush Market is the property of Transport for London and the potential and possibilities for this market to be an example of excellence for London markets is an exciting and plausible possibility with the prospects of regeneration.

The regeneration of Shepherd's Bush Market however is a long way yet and the tenants of Shepherd's Bush Market are becoming increasingly nervous as to how they will manage to pay the rents to TfL for this coming year.

We had recently met with Kit Malthouse at City Hall and we explained that assistance regarding the rents and rates for the Market tenants is essential.

There are approximately 140 various small businesses within Shepherds Bush Market, of which the livelihoods of many families and individuals rely on.

These many businesses are on the edge of collapse and do not have the resources to weather this storm.

Two thirds of the tenancies in Shepherd's Bush Market have recently experienced lease renewals over the course of 2008.

The remaining third will face their lease renewals in 2012.

The renewal of the leases over the course of 2008 has resulted in the tenants having to pay large increases in their rents varying approximately from 10% to 120%. If Transport for London had been sensitive and realistic to their loyal



tenants, there would have been no rent increase what so ever. This sadly was not the case.

When discussing the matter with Kit Malthouse he explained to me that he had received a statement from Transport for London boasting that all the lease renewals had been settled without the matter regarding the rents being taken to the courts and where therefore settled amicably.

It is ironic that Transport for London choose to allegedly comment in this manner, as half of the leases which were being renewed where exempt from of the "1954 Landlord & Tenant Act" which therefore disallowed the tenants to contest the rent increases and denied the tenants to opt for the matter of these rent increases to be arbitrated in court, subsequently leaving these tenants with no choice other than to "pay up or get out!"

The remainder of the tenancies in the market who faced rent increases in 2008 were long standing tenants who do possess leases encompassing the "1954 Landlord & Tenant Act" that allow them the right to tackle the matter of the rents in the courts. It has been customary in previous years for TfL to present all the rent proposals at same time and subsequently the rent increases in the past have been discussed and managed as a group by the tenants with the landlords. However this was not feasible in this instance, as TfL had cunningly staggered all these lease renewal proposals so to divide and conquer the tenants. Subsequently reducing the feasibility of the tenants grouping together and being able to share and afford the costs, which occur when addressing the matter of the rents in the courts.

The Shepherd's Bush Market Tenants' Association would kindly ask you to understand that with the looming difficulties of paying the business rates and the rents, your tenants of Shepherd's Bush Market require your help and assistance.

These are admittedly extraordinary times and subsequently require extraordinary measures.

The Shepherd's Bush Market tenants are loyal long-standing tenants and have experienced a raw deal over recent years. Please show some compassion and understanding for these tenants before their businesses fold.

The Shepherd's Bush Market Tenants' Association wishes to propose for Transport for London to kindly grant a "rent holiday" of three months over the course of 2009 as soon as possible.



Taking an active decision in permitting a quarter of the annual rents in Shepherds Bush Market to be waived for 2009 in these exceptional times of need will truly help your tenants' businesses.

We look forward to your reply and we hope for your swift assistance.

Many thanks

Yours sincerely

(Chairman of the Shepherds Bush Market Tenants' Association)

GREATER LONDON AUTHORITY

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Date: 04 FEB 2009

Chairman
Shepherd's Bush Market Tenants' Association

Dear Sir or Madam:

Re: Shepherd's Bush Market

Thank you for your email of 31 December 2008, regarding circumstances for Shepherds Bush Market Tenants' Association (SBMTA) members in the current economic downturn.

I have been informed by Transport for London that of 145 individual units at Shepherd's Bush Market, only 44 leases were due for renewal during 2008, rather than the two thirds referred to in your note. The vast majority of these leases do enjoy full protection of the Landlord and Tenant Act 1954, with only three being excluded from the Act. New leases have, I understand, now been agreed and completed in all but three of these 44 cases.

I am advised that the range of rent increases agreed on the 2008 lease renewals was from 4% to 82%, with an average level of increase of 27%. In terms of the scale of increases, TfL have informed me that when these leases were last renewed in 2002, the then existing rents were simply indexed rather than brought up to open market values. For this reason, some of the rents agreed in the 2002 leases had become very low compared to both market value, and to their immediate neighbours with newer leases. These rents have now been brought in line with current market value and this accounts for the upper range of percentage increases that have been agreed.

I am advised that the SBMTA held two meetings with TfL's property team in April 2008 to discuss the last round of lease renewals. At that stage approximately half of the 44 renewals had been initiated, but remained to be agreed. This would suggest that there was in fact sufficient time for the SBMTA to initiate either a single representative court action or a number of actions, as indeed you did in 2002. In practice, understand that your members negotiated their new rents individually with TfL, and that you also negotiated and agreed the individual renewal of your sister's lease with TfL in June 2008.

As a public authority, TfL must seek best value from its commercial property assets, setting rents at current open market value and not below. The rents set at lease renewal were considered to reflect market value and were based upon comparable evidence from open market lettings and other lease renewals agreed at the market.

There is substantial demand for units with the market at the levels of rent agreed during the 2008 lease renewals with only one of the 145 units available. This level of demand would seem to indicate that rents are not pitched at an unrealistic level.

I regret that I am unable to agree your proposal for SBMTA members to be granted a three-month rent holiday. All rents from the TfL property portfolio are used to support the provision of public transport in London and a rent holiday such as you suggest would reduce funding for London's transport system, which is for the benefit of all Londoners.

In terms of support for the SBMTA, I can confirm that in December, TfL gave all tenants the opportunity to pay rentals monthly, rather than quarterly, in order to assist them in the current economic climate. TfL has confirmed that tenants are already taking up this offer. The offer to convert to monthly rental payments remains open should any of your members wish to do so.

Thank you again for writing to me.

Yours sincerely

Boris Johnson
Mayor of London

Dear Sir/Madam (Shepherds Bush Market Trader),

The Mayor of London's support for Londoners in the economic downturn includes initiatives to assist Small and Medium sized Enterprise during the current economic climate. As part of this, TfL are please to offer you, (via this letter) the temporary option to pay your rent by monthly instalments rather than quarterly in advance as required in your lease.

Because your relationship with TfL is based upon a contract (lease) , we set out below conditions within which the monthly payment option is offered to you. This offer does not constitute a variation to you lease terms, but simply uses mechanisms already contained within your existing contract. Changing the contract itself would incur legal and other costs and take some time to implement, and this is considered a faster and more effective route to offering this cash flow benefit to you.

Your lease currently provided that rent is payable in advance in the four usual quarter days, i.e. 25 March, 24 June, 29 September and 25 December, You will be aware that your lease provides that interest shall by payable if the rent is not paid when due and further entitles the landlord to forfeit the lease if rent is unpaid.

The offer to temporarily accept monthly payments is made strictly ion the following terms and conditions:

1. Monthly payments will only be accepted by way of bankers of standing order (but please see 2 below) to be paid on the 25th day of each month, each payment to be one third of the quarters demand for the relevant quarter, i.e. the quarters rent due on 25th December next to be paid by equal instalments on the 25th days of December, January and February respectively.
2. In order to meet the timescales necessary to enable this facility to be in place in time for the December quarter day, the 25th of December payment will need to be made by cheque, with the standing order talking effect from 25th January]
3. The option to pay monthly by standing order does not constitute a variation on the terms of your lease but rather is a concession n offered at the present time by TfL and its subsidiary Companies (The Landlord) in view of the prevailing economic climate. The landlord reserves the right at any time to withdraw this concession and to require you to revert to payment of rent quarterly in advance.
4. The option to pay monthly will be withdrawn if any tenant fails to make payment for two consecutive months.
5. Interest will be charged in accordance with the terms of your lease. In your case, if you take up the offer to make payments monthly, you will incur an interest charge of approximately #####per quarter, which will be separately charged each quarter, and be payable by cheque.

6. The landlord reserves the right to charge further interest in accordance with the terms of the lease in respect of any rent that is not paid on the 25th day of each month.
7. As long as the monthly instalment are paid on the 25th day of each month no action will be taken by the landlord, either by way of bailiff distress or forfeiture, but the landlord reserves its position in the event that any monies payable relating to your lease are not paid when due.
8. In the event of the landlord having to take either bailiff distress or forfeiture action, then such action will automatically render the option to pay rent by monthly instalments as at an end.
9. the option to pay by instalments will be kept under general review having regard to the prevailing economic climate in the future.

If you wish to avail yourself of the above option, then please respond by completing and returning the enclosed standing order mandate, together with your cheque in the sum of #### dated on or prior to 25th December. This must be received in this office before 25 December. Please note that the final payment date of the standing order, together with the final (balancing) amount, will be completed individually in accordance with your lease end date, by this office on receipt of the completed mandate. Any tenant taking up the concession to pay rent by monthly instalment will automatically be deemed to have accepted the terms and conditions as set out above

Yours sincerely

Head of Property Management
TfL

10 Feb 2009

Dear EDCST Assistant Scrutiny Manager

In reference to our recent conversation, the Mayor of London's support proposal applies only to the businesses that lease the Arches in Shepherd's Bush Market of which there are approximately fifty of them, presently Arches pay their rent every quarter however with the Mayor's proposal, businesses occupying the Arches may now pay their rent monthly however only on the condition that the business pays interest for late payment as stipulated in the lease.

Different businesses have different leases and subsequently are required to pay different amounts for late payment.

The lease of my family's business, ##### must pay 3% above base rate for late payment of rent however some leases of other businesses stipulate 5% above base rate.

It should be noted that different Arches pay different rental amounts.

I have scanned and sent to you the TfL letter which was sent to ##### stipulating the conditions for paying the rent monthly. Please treat this letter as private.

Paying monthly under these conditions grants little benefit to the Arches as the businesses taking this offer will overall pay a greater annual rental amount.

It is fundamental for the survival of the tenants that overheads can be reduced and obviously not increased. Sadly the Mayor's proposal has little sensible benefit.

Please note that it is customary for stalls and shops in Shepherd's Bush Market to pay their rent weekly.

I trust you may find this information of interest.

(Chair of the SBMTA)