



Havering
LONDON BOROUGH

COUNCIL
22 March 2023

Subject Heading:

Romford Market Charter rights – response to Wholesale Market relocation proposals submitted by the City of London Corporation

SLT Lead:

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Policy context:

This report considers proposals advanced by the City of London Corporation to relocate the three principal London wholesale markets within the context of Romford Market's Charter rights.

Financial summary:

The City of London (Markets) Bill, if enacted in its current form, poses a financial threat both to specific traders within Romford Market and to the Council's income from market fees, the precise impact of which cannot be assessed at the present time.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

X

Resources - A well run Council that delivers for People and Place

SUMMARY

The City of London Corporation is proposing to relocate Billingsgate, Smithfield and New Spitalfields markets to a new location at Dagenham Dock and has commenced the parliamentary process via the City of London (Markets) Bill.

Whilst primarily envisaged as wholesale markets, the Bill in its current form would enable retail sales to the public from the proposed new market facilities, potentially posing a risk to the sustainability of Romford Market and its traders.

Given the extremely tight 'window' within the parliamentary timetable to lodge any objections, officers have exercised delegated authority to petition the Bill, seeking an amendment, pending broader consideration by councillors and a formal resolution from Council at this meeting.

RECOMMENDATIONS

Council is recommended to resolve as follows:

That being satisfied that the City of London (Markets) Bill as currently drafted conflicts with the London Borough of Havering's market rights to protect the continued commercial viability of Romford Market pursuant to the Royal Charter of the Liberty of Havering, by failing to provide that the markets proposed for relocation to the site at Dagenham Dock may only operate for the supply of goods on a wholesale basis, the Council is accordingly satisfied that it is expedient to:

1. Oppose the said Bill in Parliament pursuant to its powers under section 239 of the Local Government Act 1972, and
2. Insofar as may be necessary to ratify its Petition to oppose the said Bill as already lodged in Parliament in order to comply with the Parliamentary timetable;

And the Council does accordingly resolve to oppose the said Bill in Parliament and insofar as may be necessary to ratify its Petition to oppose the said Bill.

REPORT DETAIL

Romford's historic market was afforded protection by King Henry III in 1247 under the Royal Charter of the Liberty of Havering, more commonly referred to as the

Council, 22nd March 2023

Romford Market Charter, and the 775th anniversary of Romford Market was celebrated in 2022. The Council is currently responsible for exercising the market rights in respect and on behalf of Romford Market.

The Charter effectively empowers the Council to control rival market activities within a six and two-thirds of a mile radius of Romford Market. This it does by granting a licence for such rival market activities as it sees fit to permit and otherwise declining to permit rival market activities within the specified radius of Romford Market. In recent times the Council has exercised its market rights to control such rival markets including car boot sale operations.

The City of London Corporation (subsequently referred to as the City Corporation) have consulted the Council regarding its current proposals to relocate the three principal wholesale markets within London (Smithfield, Billingsgate and New Spitalfields) to a new site at Dagenham Dock, within the London Borough of Barking & Dagenham. The proposed site is located within the six and two-thirds of a mile radius of Romford Market and the City Corporation have accordingly approached the Council to seek its views in respect of the Romford Market Charter rights.

Whilst the vast majority of trade at the proposed markets is likely to be wholesale, the City Corporation has confirmed that it does not have the power to prohibit retail trade or to limit who can access the markets. Moreover, the Outline Planning Approval for the new markets (granted by London Borough of Barking & Dagenham as relevant Local Planning Authority) restricts opening hours for the new markets to 23:00 – 07:00 for wholesale but with an extension until 09:00am for retail sales.

Whilst the wholesale operation of the new markets is not considered likely to pose a threat to the operation of Romford Market, the ability to conduct retail sales from the new markets is considered likely to pose a direct threat to the fishmongers, butchers and greengrocers operating in Romford Market and a consequential threat to the viability and sustainability of Romford Market. As such the new markets would undoubtedly rank as rival markets located within the six and two-thirds of a mile radius of Romford Market.

In order to progress their proposal to relocate the three principal wholesale markets within London, the City Corporation are seeking to advance the City of London (Markets) Bill through the parliamentary process. The Bill had its First Reading on 30th January 2023 and its Second Reading on 6th February. If retail trading from the proposed markets is permitted under the terms of the proposed new Act, legal advice indicates that the Council would be powerless to control the extent and nature of such trade, regardless of its impact upon Romford Market and regardless of the Council's market rights under the Royal Charter of the Liberty of Havering.

It is accordingly proposed to seek an amendment to the terms of the Bill so that it should not permit retail trading from the markets in their new location. Traders in those markets wishing to engage in retail trading would then have to apply to the Council for a Market Rights Licence in order to do so. This would enable the Council to regulate and manage any retail trading from those markets pursuant to its Market

Rights Policy (November 2014) in such a way as *inter alia* to protect the continued prosperity and viability of Romford Market.

Havering Council was notified on 31st January that the period during which a Petition could be submitted in opposition to the Bill (or specific provisions in it) had begun and was due to close on 9th February 2023. Given the very tight timescale, officers exercised delegated authority to lodge a Petition seeking all necessary amendments to the existing Bill so as to specifically exclude permission for retail trading from the markets in their new location. This was done to preserve the Council's ability to secure the required amendments to the Bill pending the opportunity for detailed consideration of the matter by Havering councillors at this meeting of Full Council.

In order to pursue its opposition to the Bill (and insofar as may be necessary to ratify the recent officer actions in lodging the Petition), a formal resolution is required by Council under S239(2) of the Local Government Act 1972.

Section 239(2) of the Local Government Act 1972 states that -

(2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—

*(a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the **requisite notice** of the meeting and of its purpose has been given by **advertisement in one or more local newspapers** circulating in the area of the authority, such notice being given in addition to the **ordinary notice** required to be given for the convening of a meeting of the authority;*

IMPLICATIONS AND RISKS

Financial implications and risks:

It is not possible to accurately forecast the financial impact upon Romford Market arising from the City of London (Markets) Bill, if enacted in its current form.

As indicated within the report, there is likely to be a direct impact upon the financial sustainability of the fishmongers, butchers and greengrocers operating in Romford Market and a consequential threat to the viability and sustainability of Romford Market, if the Bill were to be enacted in its current form. There would also in that event be a detrimental impact upon the income generated for the Council from market fees.

Legal implications and risks:

s.239 of the Local Government Act 1972 states –

239.— Power to promote or oppose local or personal Bills.

(1) Subject to the provisions of this Act, where a [local authority in England, other than a parish council]1 , are satisfied that it is expedient to promote, or any local authority [in England]1 are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure hereinafter provided by this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto.

(2) A resolution of a local authority to promote or oppose a Bill under subsection (1) above shall be—

(a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority;

(b) ...

(3) For the purposes of subsection (2) above the requisite notice is thirty clear days' notice in the case of promotion of a Bill and ten clear days' notice in the case of opposition to a Bill.

Formal notice of this meeting and the consideration of this report has been issued within the local press (Romford Recorder, 10th March 2023) in addition to the agenda and meeting papers being made available on the Council's website in the normal manner

Human Resources implications and risks:

There are no specific Human Resource Implications arising from this report

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents.

The continued viability and sustainability of Romford Market ensures the provision of a local, accessible and affordable retail facility for local residents, promoting inclusion for all sectors of the local community.

Environmental and Climate Change Implications and Risks:

Romford Market seeks to offer a local and accessible retail provision for the local community within Havering, reducing the need for travel to out-of-town retail sites and accordingly minimising impact on the environment as part of the Council's broader Climate Change action plan.