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Private and Hybrid Legislation Manager
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House of Lords
London
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Our Ref
TZM/DNM/116025.0001
Date
12 April 2024

Dear Mike

Royal Albert Hall Bill (HL)

As the Promoter's Agent in respect of the above-named Bill, I hereby give notice in accordance with the Practice Notes of the Society of Parliamentary Agents for the 1957-58 Session ("the **Practice Direction**") that the Promoter intends to object to the *locus standi* of each of the Petitioners against the Bill, namely the Hon. Richard Lyttelton, the FanFair Alliance and the Court of the Worshipful Company of Musicians.

I set out below the grounds of objection to the Petitioners' *locus standi* as required by the Practice Direction.

I also set out, for the sake of completeness, the grounds of objection to the Petition that are not based upon *locus standi*.

The Petitioners against the Bill

The Hon. Richard Lyttelton

Mr Lyttelton is a Member of the Corporation and owner of two seats in the Hall. He was President of the Corporation from 2010-2011: Petition, paragraphs 10-11. The question of Mr Lyttelton's right to have his petition considered by the select committee is answered by reference to Standing Order 115 of the Standing Orders of the House of Lords relating to Private Business (2018) ('**SO 115**').

The FanFair Alliance and the Court of the Worshipful Company of Musicians

The FanFair Alliance is a 'music industry body set up by representatives of major international artists ... to prevent their fans being exploited on secondary ticket sites': Petition, para 12.

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The Court of the Worshipful Company of Musicians is 'the only City of London Livery Company dedicated to the performing arts, it aims to nurture talent and share music through its concerns, outreach, awards and young artists' programme': Petition, para 12. It is governed by an elected Court. Its current Master is Mr Lyttelton.

We anticipate that the FanFair Alliance and the Court of the Worshipful Company of Musicians will claim to be entitled to have their petition heard as associations for the purposes of Standing Order 117.

Relevant Standing Orders

Locus standi

114 Committee to decide as to right of petitioners to have petition considered (HC 90)

The select committee shall decide upon all petitions against the private bills referred to them, as to the rights of the petitioners to have such petitions considered.

115 Right of members of companies, etc., to have petition considered (HC 93)

(1) Subject to paragraph (2), where a bill is promoted by an incorporated company, society, association or partnership, the select committee shall not consider petitions by its members unless their interests, as affected thereby are distinct from the general interests of the company, society, association or partnership.

(2) Any proprietor or member of any company, society, association, or partnership, who has, by himself or by any person authorised to act for him in that behalf, dissented—

(a) at any meeting called in pursuance of any of Standing Orders 62 to 67, or

(b) at any meeting called in pursuance of any similar standing order of the House of Commons,

shall be permitted to have their petition considered by the committee on the bill on a petition presented to this House.

117 Power to allow associations, etc., to have petition considered (HC 95)

(1) Where any society or association sufficiently representing any trade, business, or interest in a district to which any bill relates, petition against the bill, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent for the select committee to which the bill is committed, if they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part thereof.

(2) Without prejudice to the generality of paragraph (1), where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interests they represent will be adversely affected to a material extent by the provisions contained in the bill, it shall be competent to the select committee, if

they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part thereof.

Other relevant Standing Orders

111. Petition against bill must distinctly specify grounds of objection (HC 128)

(1) No petition against a private bill shall be taken into consideration by the select committee on the bill, which does not distinctly specify the ground on which the petitioner objects to any of the provisions thereof.

(2) The petition shall be considered only on the grounds so stated and, if it appears to the committee that such grounds are not specified with sufficient accuracy, they may direct that they shall be provided with a more specific statement in writing but limited to such grounds of objection so inaccurately specified.

Promoters' objections to the Petitioners' being heard (locus standi)

(1) Mr. Lyttelton does not have an interest distinct from other seatholders (SO 115(1))

Mr. Lyttelton does not have any interest distinct from the general interests of the Corporation or the seatholders. Mr Lyttelton is a seatholder with a private property interest which is affected by the provisions of the Bill. It is for this reason that the Corporation is required to promote a Bill in Parliament, to hold a Wharncliffe meeting to obtain the approval of 75% of the seatholders in accordance with SO 63 and to file a statement of compatibility with human rights under SO 38(3). However, Mr Lyttelton's interest as a seatholder is not distinct from the general interests of other seatholders. This is not a case involving, for example, shareholders who hold preference or other classes of shares in a company. Nor does Mr. Lyttelton's former presidency of the Hall or other functions which he performs or has performed give him any interest distinct from other seatholders: see the Petition, paras 10-11.

Mr Lyttelton is not, therefore, specially and directly affected by the provisions of the Bill in a manner distinct from the general interest of the Corporation or its Members and has no right to have his petition considered by the select committee under SO 115(1).

(2) Mr. Lyttelton did not dissent at the Wharncliffe meeting (SO 115(2))

Mr Lyttelton voted to approve the Bill as introduced in this House at the Wharncliffe meeting held pursuant to SO 63. As such, he cannot claim to be a dissenting Member within the meaning of SO 115(2).

Mr Lyttelton therefore has no right to have his petition considered by the select committee under SO 115(2).

(3) No interests represented by either the FanFair Alliance or the Court of the Worshipful Company of Musicians will be affected by the provisions contained within the Bill (SO 117(1) and (2))

Even if (which is denied, see below) either the FanFair Alliance or the Court of the Worshipful Company of Musicians is sufficiently representative of any interest falling within SO 117(1) or (2), no 'trade, business or interest' (SO 117(1)) or 'amenity, educational, travel or recreational interest' (SO 117(2)) represented by either Petitioner will be 'injuriously affected' or 'adversely affected to a material extent' by the provisions contained within the Bill. The Bill is only concerned with the mechanism for fixing (a) the seat rate payable by seatholders (Cl. 3) and (b) the number of days on which seatholders may be excluded from the Hall ('Exclusive Lets') (Cl. 4). These provisions have no adverse impact upon anyone other than the seatholders. The concerns raised by the FanFair Alliance and the Court of the Worshipful Company of Musicians – namely the ability of seatholders to sell their tickets on the open market - relate to what is not in the Bill rather than 'the provisions contained therein'. For that reason, they have no *locus standi* under SO 117(1) or 117(2).

(4) Neither the FanFair Alliance nor the Court of the Worshipful Company of Musicians have demonstrated that they have made a decision to oppose the Bill or that they are independent of Mr. Lyttelton (SO 117(1) and (2))

Neither the FanFair Alliance nor the Court of the Worshipful Company of Musicians have provided any evidence that they have made a formal decision, sanctioned by their members, to intervene in the Parliamentary process or that they represent any interest separate from Mr. Lyttelton. The objections to the Bill in the Petition are headed 'Section B: Mr. Lyttelton's Objections to the Bill'. No separate objections are given by the two other Petitioners. The strong impression that the Promoter has is that neither the FanFair Alliance nor the Court of the Worshipful Company of Musicians can be considered to be objecting to the Bill independently of Mr. Lyttelton.

Mr. Adam Webb is named in the Petition as the representative of the FanFair Alliance. The Alliance's website names five individuals who 'funded' it, which do not include Mr. Webb. It appears from internet searches that Mr. Webb is the Campaign Manager for the Alliance. No constitutional document has been filed that identifies how the Alliance is organised, who its officers are or how decisions are made by the Alliance generally or specifically in this case to support the Petition. The FanFair Alliance has not raised any concerns with the Corporation in the past. Mr. Lyttelton has not disclosed whether he has a connection to the FanFair Alliance.

Mr. Hugh Lloyd is named in the Petition as the representative of the Court of the Worshipful Company of Musicians, who we understand to be the clerk to the elected Court. Mr. Lyttelton is the Master of the Court of the Worshipful Company of Musicians. We do not have access to the Company's governing instrument (its Royal Charter of 1950) but it is not apparent from the terms of the Petition what, if any, formalities were observed by the Company to ensure that it was supported by the Court prior to its submission.

The Promoter submits that both Petitioners should be put to proof that they are an organisation that, first, has taken a properly constituted decision to object to the Bill and, second, that they are independent of Mr. Lyttelton. If they cannot do so, then they should not be heard.

(5) Neither the FanFair Alliance nor the Court of Worshipful Company of Musicians are sufficiently representative of the interests they purport to represent (SO 117(1) and (2))

Further or alternatively, there is no evidence before the Committee to demonstrate that the FanFair Alliance or the Court of Worshipful Company of Musicians can legitimately claim to be an association or society which is sufficiently, or at all, representative of a 'trade, business or interest' within the meaning of SO 117(1) or any 'amenity, educational, travel or recreational interests' they purport to represent for the purposes of SO 117(2).

Promoter's other objections to the Petition

In addition to the Promoter's objections on the grounds that the Petitioners lack *locus standi*, the Committee is respectfully requested to dismiss the Petition on the following grounds.

(1) The grounds of objection are not distinctly specified (SO 111)

The Petition does not 'distinctly specify the ground on which the petitioner objects to any of the provisions of the Bill. The Petition only specify the grounds on which the petitioner objects to provisions that are not in the Bill. The Committee should therefore not take the Petition into consideration: SO 111(1).

(2) The Petition seeks to admit provisions which are beyond the scope of the Bill and/ or enlarge the powers sought by the Bill and/ or affect private interests

The Petition impermissibly seeks to amend the Bill in a manner that goes beyond its scope and/ or enlarges the powers sought by the Bill and/ or affects the private interests of other seatholders by restricting their private right to sell their tickets on the open market. Had the Petitioners' proposal been included in the Bill the Promoter would have been obliged to hold a Wharnccliffe meeting and would not have been able to bring the proposal forward without a 75% vote in favour. For the Committee to permit the Petitioners to amend the Bill would deprive the seatholders of this protection..

(3) The Petition is not compatible with third parties' Convention rights (SO 38(3), 98A)

The Petitioner proposes to amend the Bill so as to remove seatholders' rights to sell tickets at their market value, fundamentally affecting the nature of their property rights and adversely affecting the value of their seats. The seatholders have not been consulted and have been deprived of the protection of the requirement in SO 63 (the Wharnccliffe meeting) that a 75% majority approve the Bill for it to be permitted to proceed. In those circumstances the Promoter can no longer affirm that the Bill, if passed with these amendments, would be compatible with Article 1 of Protocol 1 of the Convention as required by SO 38(3). The House cannot rely upon the opinion of Paul Bowen KC provided by the Promoter for the purposes of the SO 38(3) or upon the statement made by the Minister as required by SO 98A. The Petition should not be permitted to proceed on this ground.

(4) The Petition lacks substantive merit

For the reasons developed in the statements of Ian McCulloch and James Ainscough the Petition lacks substantive merit and should be dismissed.



Counsel for the Promoter may wish, for the benefit of the Committee, to expand upon the summary provided here and to articulate the Promoter's case by reference to cases previously considered by the Court of Referees or otherwise.

I confirm that notice of the intended objection is being given to the Petitioners' advisers Payne Hicks Beach in accordance with the Practice Direction.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Mundy'.

David Mundy
Partner and Parliamentary Agent
For and on behalf of BDB Pitmans LLP

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enc Practice Notes - Session 1957 - 58
 Objections to Locus Standi - House of Lords

6. OBJECTIONS TO LOCUS STANDI - HOUSE OF LORDS

The Lord Chairman has requested that where the Promoters of a Private Bill or Hybrid Bill or Provisional Order Confirmation Bill intend to object to the locus standi of any Petitioner against the Bill before a Select Committee of the House of Lords or before a Joint Committee of both Houses, their Agents should deposit written notice of the intended objection, stating the grounds of their objection, in the Committee Office, and give similar notice to the Petitioner or his Agents, at least five clear days before the first sitting of the Committee appointed to consider the Bill.

Further the Lord Chairman has requested that where there is referred to a Committee on a Private Bill or Hybrid Bill or Provisional Order Confirmation Bill any late Petition against the Bill or any Petition -

(a) against alterations; or

(b) complaining of any matter which may have arisen during the progress of the Bill before the Committee; or

(c) complaining of the amendments as proposed in the Filled-up Bill -

and any party wishes to object to the locus standi of the Petitioner, that party or his Agents should, if possible, deposit and give notice as aforesaid; but if it be not possible to give such notice at least five clear days before the first sitting of the Committee, that party or his Agents should deposit and give such notice as soon as may be after the deposit of the Petition to which the objection relates.

Over -
7 - Objections to locus standi
at the House of Lords