



HOUSE OF COMMONS

## Court of Referees

### Oral evidence: City of London (Markets) Bill

Monday 3 March 2025

Ordered by the House of Commons to be published on 3 March 2025.

A video of the proceedings can be found [here](#).

#### Members present:

Ms Nusrat Ghani (Chairman of Ways and Means); Justin Leslie (Counsel for Domestic Legislation); Judith Cummins (First Deputy Chairman); Caroline Nokes (Second Deputy Chairman); Jonathan Davies; Zöe Franklin; Amanda Martin; Euan Stainbank; Peter Swallow; Chris Vince.

Appearing in public session:

#### On behalf of the promoter:

Paul Wright (Parliamentary Agent at Office of the City Remembrancer, City of London Corporation); Paul Double (Counsel at City of London Corporation).

Exhibits referred to by the promoter during the hearing can be found [here](#).

#### Petitioner:

Alicia Weston BEM (Founder and CEO at Bags of Taste Ltd).

Exhibits referred to by the petitioner during the hearing can be found [here](#).



3.30 pm

**Chair:** My name is Nusrat Ghani. I am the Chairman of Ways and Means and the Chair of the Court of Referees. The Court of Referees is meeting today to consider the promoter's objection to the right of certain signatories to a petition against the City of London (Markets) Bill to be heard on the petition. Alicia Weston is appearing on behalf of petitioners, and Paul Wright and Paul Double are appearing on behalf of the Bill's promoter, the City of London Corporation; welcome to you all.

We are meeting today solely to consider the issue of the petitioners' right to be heard. We will not be discussing or considering the merits of the Bill or the issues raised in the petition itself, which will instead be considered by the Committee to which the Bill is referred in due course. I ask the parties to limit their representations to the matter of standing before us today.

We will first hear a brief opening statement on behalf of the promoter, outlining the case before us today. We will then hear a statement from Alicia Weston on behalf of the petitioners, on why she feels the right to be heard should be granted, before hearing from Paul Wright and Paul Double, on behalf of the Bill's promoter, who will speak to the challenges to standing issued by the promoter.

Members of the Court may ask questions at any point. After we have heard both parties, we will deliberate in private before coming back into public session to announce our decision. Before I hand over to Mr Wright, I invite any members of the Court to declare any interest that may be relevant to our proceedings today.

**Zöe Franklin:** I want to indicate that I know Katie Foster, who is the director of the corporation, on a social basis from my constituency.

**Chair:** Thank you. I believe that has been noted. I will now hand over to Paul Wright, the agent for the promoter of the Bill, to make a short statement outlining the case before us today.

**Paul Wright:** Thank you very much, Chair. I am Paul Wright, the City remembrancer and parliamentary agent for the City of London Corporation, which is the promoter of the City of London (Markets) Bill. I am joined by Paul Double, who is counsel to the City and here to speak on behalf of the City as promoter.

The Bill provides for the repeal of legislation relating to Billingsgate and Smithfield markets, and the consequent cessation of operation of those markets by the corporation at the existing sites. The markets are owned and operated by the corporation.

One petition remains against the Bill. In it, 27 petitioners are named. One of them, Bags of Taste Ltd, is a company that is dedicated to helping people move out of food poverty. Other petitioners are three fishmongers

who sell at the Ridley Road market in Dalston and primarily source their fish from Billingsgate market, along with 23 other named individuals who are described as customers from Ridley Road market.

The corporation has responded to the petition, and, having regard to the rules on the right of petitioners to be heard, the corporation's position is that we do accept that the three fishmongers have the right to be heard on their petition, as they are directly and specially affected by the Bill. However, for reasons which I will explain later, we consider that the company and the individual customers do not, as they are not directly and specially affected and do not come within any of the discretionary grounds under which the Court could and should allow standing.

That is all I was going to say at this point, Chair, but, in the spirit of openness, I would just add that I believe Mr Double has a house in your constituency.

**Paul Double:** But I do not vote there.

**Chair:** Both of those points have been noted—the second more than the first. Thank you. We will now hear from Alicia Weston on behalf of the petitioners.

**Alicia Weston:** My name is Alicia Weston, and I am the CEO of Bags of Taste—an organisation that works with vulnerable people in food poverty to improve their diets and access to affordable food.

I should perhaps explain how I ended up here. Campaigning like this is not my normal business, nor Bags of Taste's, but I have detailed personal knowledge of the matter at a number of levels. I have shopped in various of London's street markets weekly for the last 36 years. I have educated people who shop in them, and educated people to shop in them. I was intimately involved in lobbying for and supporting Ridley Road market to stay open during covid. I have run a restaurant business that means I have shopped at Billingsgate as a customer. This was how I knew that the fishmongers bought their fish there—because I have actually seen them there. I have also worked at the New Economics Foundation, and I worked in the financial markets, based in the City of London, for 18 years.

Bags of Taste was commissioned to work in the City of London originally by the NHS, but was then commissioned directly by the Corporation of London for four years, so I have actually worked in the City of London directly with the people on the housing estates—I have door-knocked them all. The Corporation of London clearly accepts that we have expertise in this area, since they have hired us to do it.

The reason I felt compelled to fight for the right to speak, as Bags of Taste, is that I believe there are bigger issues at stake here than just the petition for the three fishmongers. I believe that what is happening is wrong for the traders, regional food security and the people on low incomes that Bags of Taste supports. Therefore, I am here as Bags of Taste to represent the poor of London and the south-east of England—as the only organisation that has stepped up to represent them.



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I believe that Bags of Taste's unique approach to addressing food insecurity makes us the most appropriate organisation to represent them, so I will go on to tell you more about Bags of Taste, who we work with and why they are injuriously affected. I will use this to explain in detail why, according to the rules, we do deserve locus standi. I will then finish by refuting the Corporation of London's attempts to have the three fishmongers' petition limited to paragraphs 4 and 5 only.

Bags of Taste is a non-profit health inequalities organisation that has worked with over 14,000 people to improve their diets over the last 10 years. Unlike other food poverty organisations, we do not focus on ongoing provision of surplus, free or subsidised food. Instead, we focus on facilitating long-term access to healthy food, allowing our participants to buy fresh, nutritious food instead of takeaways and convenience foods. We actively scan prices weekly in supermarkets, shops and markets in all the areas where we work, and educate our participants on the most cost-effective healthy food purchases. After our programme, participants are able to feed themselves and their families healthier, less processed food and save around £1,000 a year on their food budgets as well. This means that we are more keenly aware of the price of food, including fish, from a range of low-cost sources than most other organisations.

We work with people on low incomes across the UK, everywhere from Newcastle to Hastings, but a large proportion of our work has been in London and the south-east, to which Billingsgate supplies, at a conservative estimate, between 9% and 11% of the fish consumed, according to the food security report that we submitted as evidence, commissioned by the Corporation of London. We have worked in 14 boroughs of London, including Tower Hamlets, where Billingsgate is based, as well as in Thanet, Reigate, Hungerford, Folkestone and Hastings—these are all in the south-east of England. The place we have done the most work in is Hackney, where we have worked with over 2,200 people. That is actually three quarters of a per cent of the population of the borough. This is the borough in which Ridley Road market is situated—if you are not familiar with it—and where the three fishmongers in the petition are located.

Many of the areas in London we work in, for example Tower Hamlets and Hackney, have extremely high levels of ethnic minorities—56% and 47%, respectively. These ethnic minorities—in particular, Bangladeshi, Pakistani and Afro-Caribbean people—are more likely to be on extremely low incomes. This is important because fish constitutes a significant part of their traditional diets, and the effect on them is disproportionately large. This leads me to why they are injuriously affected.

The Corporation of London has glibly suggested that people could simply buy their fresh fish from the remaining two sellers in the market. It is self-evident that if Aldi, Lidl, Morrisons and Asda were to close, there would be significant dislocation of the UK food market, and food prices would rise. Why would this be any different for fish prices in Ridley Road? An alternative is supermarkets. I spent Saturday talking to customers of the



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three fishmongers, and it was clear that the supermarkets simply do not sell the kinds of fish that they are buying, and they would be more expensive. The NHS has issued dietary guidelines that are already beyond the financial affordability of those on the lowest income. Research by the Food Foundation found that for households in the lowest income brackets, the cost of following the guidelines would be 42% of their disposable income.

Poor diet is the largest cause of health inequality in the UK. New research, published only two weeks ago in *The Lancet*, shows that the UK has just experienced the largest decline in life expectancy in Europe. Those at the bottom of the socioeconomic scale are experiencing the greatest declines in life expectancy, and that is primarily due to an increase in cardiovascular disease, the biggest cause of which is poor diet. Frankly, I do not know anything more injuriously affecting than dying.

It is well documented that wholesale markets keep the price of foods down, reduce food insecurity, and increase variety and access to fresh produce. From the days of Adam Smith, it has been acknowledged that free markets provide the best goods and services at the best prices. The wealth of the City of London has been built on its markets, mostly in financial instruments. It is ironic that the Corporation of London, which governs the City, should wish to reverse that fundamental principle and shut down markets without providing an alternative.

We also need to look at the impacts of intersectionality: the overlapping of different types of deprivation and disadvantage reinforcing inequalities. Black and south Indian communities are more likely to be poor, and they are more likely to suffer from cardiovascular disease and, significantly, diabetes. Now, it is more likely that their traditional diets will be disrupted. That significantly compounds the impacts on these communities.

Of the 18 people I spoke to on Saturday, only one was white. They ate fish typically about three times a week; that is three times more than the UK average. Peter, who is ethnically Nigerian, told me that he was diabetic and had changed his diet to eat more fish and vegetables. He eats fish nearly every day—all sourced in the market. He is now no longer diabetic. Chantal, who was quite familiar with Billingsgate, said: "When they close the market, what should we eat? Chicken, to make us fat?"

Not acknowledging those distinct dietary needs, and overlooking lived realities, reinforce the systemic barriers that ethnic minorities in London face—barriers that manifest in reduced access to culturally appropriate food and in worsened health outcomes. It is incumbent on all of us to ensure that access to a healthy diet is affordable for those in poverty since, most particularly, we are in a cost of living crisis.

The closure of Billingsgate and Smithfield with no replacement will affect the food security of London, leaving us the only capital city in Europe without wholesale markets, and, in particular, the diets of the poorest, whose low-cost suppliers rely on Billingsgate to source the cheapest fish—one of the healthiest foods there is and a key part of the recommended



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dietary guidelines. I refer you again to the report that we submitted as evidence, which was commissioned by the Corporation of London itself, and to its conclusions, which are based on an assumption that the markets will be relocated elsewhere. If that does not happen, the converse will therefore also be true: an impact on food security in London and the south-east.

You have indeed set a high bar for locus standi. For any one person, you could argue that the bar has not been met: "Surely this person could just buy their fish at the supermarket, pay a bit more, and it will be okay." But we are talking about a lot of people: 11% of the UK faces food insecurity. That is over 2 million people in the south-east of England and London, the areas served and potentially affected by the closure of the wholesale markets. A small amount for all of them adds up to a very big impact, and that ill health will translate to greater costs for the NHS, social care and other severely stretched services. Bags of Taste, therefore, is applying for locus for its petition to be heard against the Bill on the grounds that it falls within scope of the House of Commons Standing Orders relating to private business Nos. 92, 95(1) and 95(2), and so demonstrates itself to be a competent petitioner.

As I understand it, the point of this Court is to remove petitioners that might waste the Committee's time. All we ask for is that the Bill requires that the promoter ensures replacements for the markets of Billingsgate and Smithfield before those markets are closed. The leader of the corporation said yesterday on Radio 4 that the colocation of traders was far more important than the actual sites that they are on, and we agree.

I will now address each clause individually. We believe that Bags of Taste should be accepted as having standing under the Standing Orders relating to private business 2019 on the ground of competition. Standing Order No. 92 provides that, "It shall be competent to the Court of Referees, if it thinks fit, to permit petitioners to have their petitions against a private bill considered by the committee, on the ground of competition."

The closure of Billingsgate and Smithfield markets without providing an alternative will inevitably affect competition in fish and meat in and around London, given the volume of trade that goes through these markets. This reduced competition will trickle down and affect the fishmongers in Ridley Road and other street markets. Without a wholesale market such as Billingsgate, their stocks will have to come from a number of independent wholesalers. Fishmongers will no longer be able to assess the price and quality of a number of wholesalers in a common location as they currently do in Billingsgate, and may be forced to order from only one supplier. This lack of direct competition will increase prices.

The market study documents suggest that 83% of the volume of fish traded at Billingsgate is done off the floor via phone or WhatsApp—to suggest that relocation has a minimal impact. This is a misleading number when it comes to the necessity of a physical market for selling fish. That 83% only happens because of existing relationships. Billingsgate is a shop front. Some 60% of the trade of John Lewis is online and we would not



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reasonably expect, if they shut all their shops, for it not to have an impact on their online business. This is most clearly put on page 34 of the markets document where a trader says, “they might come once or twice at the beginning to start a relationship but will then do it all on the phone”.

Catering companies in particular account for 47% of the business of Billingsgate and 33% of the business of Smithfield. This industry has low barriers to entry and is a likely place for someone to start up in the food service industry, as I know from experience. The market is necessary to start these relationships for new businesses and build trust, and of course, for those who are too small, like our fishmongers, to command strong relationships. Closing the market with no replacement harms competition and will result in higher prices.

We also believe that we fit under the banner of education. Standing Order No. 95(2)—Power of Court of Referees to allow associations, etc., to have petition considered—states, “where any society, association or...body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interest they represent will be adversely affected to a material extent by the provisions contained in the bill”, that you would consider our petition.

Bags of Taste is a body providing nutrition and affordability education to those living in food poverty and so, by definition, sufficiently represents an educational interest. The interests that Bags of Taste represents will be adversely and materially affected by the provision of the Bill. Material here is interpreted as more than minimal and sets a lower bar to meet for petitioners with educational interests.

Poor diets are now the single largest cause worldwide of premature death, and reduced access to affordable produce only entrenches health inequalities. As I mentioned before, the NHS dietary guidelines are already unaffordable for the poorest sections of the public, making our education efforts essential in providing practical, cost-effective alternatives.

As to the question of sufficient representation and injurious effect, I will leave you to read Standing Order No. 95(1). In connection with that, we believe we do sufficiently represent the trade, business and interests of fishmongers in Ridley Road market, but the same considerations apply to all street markets and fishmongers who get their supply from the wholesale markets of Billingsgate and Smithfield. We also believe that we sufficiently represent the interests of those living in food poverty in a district to which the Bill relates—namely, where we run courses: in Hackney, across London and the south-east of England.

Because we are the only body we know of providing courses that assist those living in food poverty that focuses on long-term food access, it can also be argued that we represent the interests of those living in food poverty throughout all of south-east England. If not Bags of Taste, who else would be representing them?



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The interests of the fishmongers and people living in food insecurity will be injuriously affected by the closure of Billingsgate and Smithfield markets because the reduced competition will lead to higher prices, as discussed already in connection with SO 92, and will have a commensurate impact on health inequalities, as I discussed in my introduction. We therefore submit that the Court should find that Bags of Taste has standing under SO 95(1).

Even if you do not think we fit under a strict and literal interpretation of SO 95, we would like to point out that the standing rules on SO 95 do not anticipate or make provision for a petition from a not-for-profit company and the community interest it serves. We believe the Court should consider how the spirit of SO 95 should be applied to Bags of Taste by analogy. We submit that Bags of Taste should be allowed to speak and petition on behalf of itself and the people we serve—namely, those living in food poverty—analogous to the provisions of SO 95(2).

Finally—you will be glad that I am nearly over—I will address the attempts by the promoter to limit what the fishmongers can say. You may want to pull up the original petition, because I will refer to the specific paragraphs. The promoter has asked that the traders be limited to petitioning in connection only with paragraphs 4 and 5 of the petition, since they are not injuriously affected by the provisions of the Bill in connection with the other paragraphs. However, the promoter gives no reasons for that, and the traders believe that all the paragraphs of the petition are relevant to their frankly tragic plight.

Paragraphs 1 to 3 related directly to the fish trade in Ridley Road, and paragraph 3 includes a quotation from one of the traders themselves. Paragraph 6 relates to the traders' concerns if Billingsgate market is closed without an alternative being provided, and is clearly part of how they will be affected by the passage of the Bill. Paragraph 7 relates to the particular position of fish in Ridley Road market, and is clearly relevant to the traders' concerns about the Bill. Paragraphs 8 to 10—relate to the traders' customers and are clearly relevant to their trade and the potential damage they will suffer if the Bill is passed. The traders will also have direct knowledge of those customers.

In summary, all the paragraphs of the petition are part and parcel of the traders' complaint against the Bill, so they should not be fettered in the way the promoter has suggested.

**Chair:** Thank you so much, Ms Weston. Are there any questions to Ms Weston at this stage?

**Caroline Nokes:** Ms Weston, you made specific reference to the process that Bags of Taste goes through in scanning prices in supermarkets and at Billingsgate. How often does that happen, and how is that communicated to the individuals who may benefit from the services you provide?

**Alicia Weston:** Certainly. The course—the programme—lasts two weeks, and we are constantly starting new courses, which is why we pretty much





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do this weekly. Prior to doing that, we check out the local shopping. We have something called the local shopping guide, which goes out for every participant, and that has all the local prices. We keep the prices updated. We have one volunteer who updates the prices weekly—they go through and check the prices in Asda and all the rest of it—and we have volunteers who work locally and may know prices in local shops and markets. The local shopping guide is updated prior to every course that is run, and the participants are sent up-to-date price lists. It is several pages long, and it has the pricing of every ingredient, plus some others that we recommend that they buy subsequently.

**Caroline Nokes:** So effectively the local shopping guide is an educational tool produced by Bags of Taste, based on the evidence that your volunteer collects.

**Alicia Weston:** Yes.

**Caroline Nokes:** Thank you.

**Chris Vince:** How are your clients referred to you?

**Alicia Weston:** They are referred from a really wide range of places, but there are quite a lot of healthcare referrals. For instance, we are currently working with people who have recently been sectioned and discharged into the community. They are referred in by the NHS in London. Social prescribers are also very common, as is Mind and quite a lot of mental health referrers—about 72% of the people we work with have some kind of mental health issue, such as anxiety or depression. There are also local charities, social services and sometimes food banks. It is a range of places.

**Peter Swallow:** What percentage of Billingsgate market customers do you estimate are also clients of Bags of Taste, and what percentage of Bags of Taste clients use the market?

**Alicia Weston:** To be honest, that is very hard to know. You say Billingsgate clients, but we are not talking just about people who are going directly to Billingsgate; they are going via fishmongers, so we cannot specifically say that. I have some data here from the markets document: 29% of the fish coming out of Billingsgate market is going to “eating at home” channels. I could not tell you—I am afraid I just do not have that kind of data—what percentage of our customers would be sourcing fish ultimately via Billingsgate.

**Jonathan Davies:** Thank you for saying a bit about the good work your organisation does, and for using your democratic right to convene this court, which I think is meeting only for the third time this century. If a right to be heard is found, what relief would Bags of Taste be looking for from any Committee that subsequently considers the Bill?

**Alicia Weston:** As I said, the main thing is that there should continue to be markets. The conversation I have had so far with the Corporation of London has been that it wants to put the Bill through because it takes time



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to get a Bill through Parliament, to enable it to close the markets. My response to that is that it takes time to build a market.

The reason why I got involved in all this on the Wednesday night before the deadline, which was Friday a few weeks ago, is that I read a news article saying that the replacement for Billingsgate had been cancelled. I was quite shocked at that. I understood that it was moving and was fine with that. I thought, "Gosh, we should do something about this." Then I looked, and I thought, "Friday afternoon? You must be kidding; we haven't got time for that."

On Friday lunch time I was going somewhere and I thought, "I'll just walk through the market and ask the fish traders what they know about this." To be honest, they were shocked. They did not know. That is the issue: none of them knew that Billingsgate's replacement in Dagenham had been cancelled. They were so distressed—I literally had one guy wailing down the phone at me, going, "I'm going to end up on benefits, because I don't know how to do anything else."

Their staff were the first ones to hear, because the owners were not necessarily right there. I spoke to their staff, who said, "Yes, it's going to reopen in Dagenham." I said, "No, it's not. It's been cancelled." They said, "What? What are we going to do? I won't have a job." They were really very distressed. I thought, "Okay. I'll work late tonight, drop everything and just deal with this, because they won't know how to petition Parliament." I did not know either, but I have a better chance—at least I speak decent English. So that is what I did, and that is how I got involved in it.

**Chair:** Thank you, Ms Weston.

**Justin Leslie:** On the grounds that you are claiming your right to be heard on, you have mentioned Standing Orders 92 and 95. Are you claiming that Bags of Taste is specially and directly affected by the Bill?

**Alicia Weston:** The people we represent are specially and directly affected, yes. Standing Order 95(2) reads "where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interest they represent". I read that to be the kinds of people we work with.

**Justin Leslie:** It was a more general question than that really. There is another basis on which you can find the right to be heard, which is if a person's interests are "specially and directly affected"—this is outside the Standing Orders—and I was trying to clarify whether you were claiming that your company is.

**Alicia Weston:** In the sense that you are making our job harder, yes. We are here to represent the people we work with. The big problem I have with all this is that it is just the tragedy of the commons. All these things undermine the street markets and undermine the food security of people in poverty. We can all sit here and go, "Well, they are not specially affected; they can just go and buy their fish at the supermarket," but



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ultimately, one day someone is going to turn around and ask, "What happened to those markets? Why did they close down?" It is a chip, chip, chipping away at these things. "Why is everyone so sick? Why is the NHS in the state it is in today? Can you tell me one reason?" "No, I can't tell you one reason." It is lots of nonsense like this, frankly.

**Justin Leslie:** Thank you.

**Chair:** Ms Weston, you said that you were originally set up by the NHS and you are a non-profit organisation. Are you a registered charity?

**Alicia Weston:** No. We are applying for charitable status but we are a company limited by guarantee. We are officially a non-profit. To clarify, we were not originally set up by the NHS.

**Chair:** How were you originally set up?

**Alicia Weston:** We were set up by me, but we were commissioned by the NHS to work in the City of London, and then when the Corporation of London found out about us, they then commissioned us for another four years—basically until covid.

**Chris Vince:** To follow up on what Mr Leslie said, I look at this very logically, and my question is: if the market was to close down, what would be the direct impact on your organisation? I recognise what you are saying about your clients, but what would be the direct impact on your organisation? I appreciate that that may be linked to the clients.

**Alicia Weston:** It would be a broader issue about a gradually worsening situation on food poverty. There is no very direct impact on the organisation itself. The impact is on the people we work with. We would maybe make some changes to the specific Hackney guides, but I do not know about which fishmongers might close down in other areas at this point. I do not have that evidence.

**Chair:** Thank you. If there are no further questions at this time, we will now hear from Paul Wright and Paul Double on behalf of the Bill's promoter.

**Paul Wright:** Thank you very much, Chair. Could I check at the outset that members of the Court have a copy of the documents that we submitted? We have brought some copies with us in case anybody needs them, but if you have them, I will crack on.

I would like to refer the Court to the report, which is at tab 1 of our documents, which is a report of the Joint Committee on Private Bill Procedure from 1988. We have highlighted paragraph 101, where the Joint Committee noted that "it is a fundamental principle of private legislation procedure that only parties specially affected should be entitled to be heard, and that the rules of locus standi must be upheld. If they are allowed to lapse, more of members' time will be taken up in private bill committees." The Committee therefore recommend "that promoters should be encouraged to police the rules of locus standi, and that private bill committees should not treat a reasonable but unsuccessful challenge



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as a point of prejudice.” It is in that spirit that the corporation is raising objections to standing today.

The corporation takes the view that whatever the position on standing, or whatever decision the Court makes, the corporation is not seeking to engage with Ms Weston, with Bags of Taste or with the customers and the substantive concerns that have been raised. It welcomes the opportunity to do so. However, the petitioning process exists for a specific and narrow purpose. As such, the requirements are strict and set a high threshold, not least because the petitioning process involves the use of parliamentary and Member time, and decisions on the right to be heard made by this court also set precedents for future private and hybrid Bills and, therefore, set a precedent for the use of parliamentary time in the future.

We will, of course, continue to actively engage with the petitioners and Ms Weston to better understand their concerns, and the corporation will seek to address them in any way we can. Although the right to be heard on a petition is restricted to a narrow category of persons in private Bill procedure, a mechanism lies at the heart of the parliamentary process for members of the public or organisations who have a general interest in the Bill, in the wider sense, to express concerns, and that is raising them with their constituency Member.

Let me turn to the relevant tests for standing. I will briefly quote *Erskine May*. I have not brought a copy with me, but I hope that is okay. Paragraph 44.5 says: “Generally speaking, it may be said that petitioners are not entitled to be heard by the committee on the bill unless it is proved that their property or interests are directly and specially affected by the bill.” It is important to note that, for these purposes, “interests” means a legal concern, right or title. It does not include those who are simply interested in a wider sense, like other members of the public or, indeed, specialist organisations, such as the one Ms Weston represents, who have a general interest in a particular area.

To illustrate the point, I refer members of the Court to tab 2 of the evidence we provided, which is the promoter’s note on locus standi challenges in relation to high-speed rail. At appendix 2, it sets out some summaries of various cases on standing. I refer you to paragraph 3 of that appendix, which refers to a petition by something called the Railway Development Society in the context of the Channel Tunnel Rail Link Bill. This is, in my submission, a useful example of the approach taken. It concerned a national rail lobby group, the Railway Development Society, which was an umbrella body for many user groups campaigning for better rail services. It described itself as having over 4,000 members, of whom a hundred lived along the line of the proposed channel tunnel link.

The promoters of that Bill objected to the right to be heard primarily on the basis that the petition did not assert any injury to a special or particular interest of the organisation, as opposed to an interest in the wider sense, like any other members of the public. That objection to the right to be heard was upheld. You will be glad that I will not take you



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through the full *Hansard* excerpt, but it is at tab 3 of the bundle we submitted, should members of the Court wish to look at it.

In addition to the general position, Standing Orders 90 to 102 set out in detail the requirements for certain types of petitioners to have their petitions considered. The majority of those Standing Orders are not relevant here because they concern very specific circumstances, such as Bills authorising railways and trams and so on, but a number of them have been mentioned. Ms Weston mentioned Standing Order 92 on grounds of competition, which I will come on to later. She also mentioned Standing Order 95 and, if I may, I want to mention Standing Order 96, in case members of the Court consider that may be relevant.

Standing Orders 95 and 96 provide to the Court a discretion to allow associations or other bodies, and local authorities or inhabitants, to have a petition considered in certain circumstances. Those Standing Orders are set out in full in our notice of objection to standing. In short, Standing Order 95(1) gives the Court a discretion to permit a "society or association, sufficiently representing any trade, business, or interest in a district" that is alleged in the petition to be injuriously affected by the Bill. Under paragraph (2), the Court has a discretion to permit a "society, association or other body, sufficiently representing amenity, educational, travel or recreational interests" alleged in the petition to be adversely affected to a material extent by the Bill to be heard.

Standing Order 96 goes on to give a discretion to permit local authorities or inhabitants of an area "the whole or any part of which is alleged in the petition in question to be injuriously affected by" the Bill. The precedents relating to Standing Order 96 reflect the convention that that is directed at groups of persons who are who are petitioning as representatives of all the inhabitants of an area, not as individuals themselves.

I also refer the Court to a further document submitted on behalf of the corporation, which is at tab 4. It is the guidance issued by the Department for Levelling Up, Housing and Communities about the right of petitioners to be heard by the Select Committee in relation to the Holocaust Memorial Bill. Obviously, that is a document of the promoter and it relates to a hybrid Bill, but the principles are the same. I refer you to paragraph 19, which should be highlighted in the version you have. I think that sets out very neatly the approach that should be taken and the interplay between the general position on standing, in respect of sufficiently and directly affected, and how Standing Orders 95 and 96 work together. I would adopt the approach taken in that summary.

I turn now to the application of those principles to these cases. It is the corporation's position that Bags of Taste Ltd—the company—has not demonstrated that it is itself directly and specially affected by the Bill, or that its rights, interest and property are injuriously affected. The company describes itself in the petition as an organisation that supports people living in food poverty. It states that many of the people it supports shop in clearing markets across London and these markets allow them access to low-cost fresh produce, including fish that is often towards the end of life.



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While the corporation very much wishes to engage and to understand the concerns, as I explained, applying the test to be heard, the company's property or interests are not directly and specially affected by the Bill at all. The company's concerns can be summarised as a complaint that some sellers at Ridley Road market would no longer be able to source their fish from Billingsgate market, which in turn would impact upon some customers' ability to buy low-cost fish locally. The corporation considers that, bearing in mind the very high bar that exists for the grant of standing, this falls short of establishing that the interests of the company—in a legal sense, rather than a general sense—will be affected by the Bill.

I turn to Standing Order 92, on grounds of competition. It is my submission that that Standing Order applies where essentially something is authorised by the Bill that is in direct competition to the petitioner. For example, if one was authorising a market close to the locale of another market, that other market would be able to rely on Standing Order 92 to say, "I've been impacted. There is going to be competition here." The example that Ms Weston used—saying that competition overall will be affected by the principles of the Bill—in my submission is not sufficient to engage this particular Standing Order. That is because it goes no further than saying that somebody who has an opinion about the Bill—essentially, that it will impact competition in some way—should be allowed the right to be heard.

In addition, it is our submission that the company does not fall within Standing Orders 95 or 96. As a limited company, the company is not a society or an association, and it has not demonstrated that it represents sufficiently or otherwise any trade, business or interest in a district. In the examples and the precedents in relation to this, it is admittedly very hard for organisations to show that they meet those conditions. However, it is normally the position that they would be expected to be able to demonstrate that they are in a trade association and that they represent all the traders in the market.

Effectively, what we have heard today is that Ms Weston—her very excellent organisation does really good work, and I do not want to denigrate that at all—is essentially saying, without any proof before this court, "I represent the people who shop and act and trade in that market." In my submission, I would say that that has not been sufficiently made out for that Standing Order to apply.

In relation to the second limb of Standing Order 95, again the company is not a society or an association. If it were accepted that it is another body for the purposes of that Standing Order, it is my submission that it has not established that it sufficiently represents educational interests. As I explained at the outset, for these purposes "interest" means a legal concern, right or title. It is not concerned with those who are interested in the broader sense, even if they speak with some authority on, or have an in-depth knowledge of, a particular area, in common with other members of the public. Even if the Court took the view that the company sufficiently



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represents such interests, the company has not established that any interests are adversely affected to a material extent by the Bill.

The petition raises a general concern: the closure of Billingsgate market would impact fish sellers at Ridley Road, which would in turn impact the ability of those on low incomes to buy fish locally. However, it is clear from the petition itself that some fish sellers at Ridley Road market do not consider that they would be affected by the Bill because they “source from wholesalers direct or primarily sell frozen fish”. Accordingly, there is insufficient evidence that the Bill would prevent those on low incomes from continuing to purchase low-cost food in Ridley Road market. In my submission, none of the other Standing Orders would otherwise entitle the company to a right to be heard.

I do not propose to go into much detail on the remaining points, but I note that 23 customers, described as “local residents who shop in the local clearing market,” are individually listed. Ms Weston did not go into particular detail about them, but I have explained the way the Standing Orders apply, and none of the Standing Orders would apply to those individual customers either. They do not represent people, and they have not demonstrated that they are “specially and directly affected”. If the Court is considering whether they might represent the inhabitants of an area, and therefore engage Standing Order 96, I would make a few submissions on that.

They are not “specially and directly affected” for the reasons explained. Standing Order 96 is directed at groups of persons who are petitioning as representatives of inhabitants of the area. Individual inhabitants are not normally treated as being covered by that, over and above the general position that they need to show that they are directly and specially affected. The connection to the Bill is not strong. The petition does not allege that—and in fact it is not the case that—they particularly inhabit an area which is to be injuriously affected by the provisions of the Bill. Billingsgate market is in E14; the vast majority of customer-petitioners live in E8 and most live on the same road in E8. E8 is, I think, 5.2 miles by road from Billingsgate market.

The concern, in effect, as Ms Weston explained, is that the Bill is too early, in that the corporation has not demonstrated what is going to happen to the traders once powers are taken for the corporation to close the market. I observe that the Bill provides a power to close the market, and it is intended that that will be done at a time when the traders have relocated to other locations within the M25. Those are the traders’ stated intentions, and both the traders at Billingsgate and those at Smithfield support the Bill. The corporation accept that the fish traders have standing for these purposes.

Clearly, their main point is that this is too early, so that point will be made and it will be heard by the Committee, irrespective of what happens today regarding the other petitioners. I would say that it is proportionate not to allow Bags of Taste and the other customers to be heard, given that the issues will be heard in any event because the corporation has accepted the



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standing of the three traders. We do say, though, as Ms Weston explained, that those traders should be limited to the particulars in the petition that deal with how the Bill specially affects them, rather than the broader points that are made. We have requested the Court to limit the standing of the three Ridley Road traders to the matters set out in those two paragraphs in the petition.

I am not sure if I can assist the Court any further. Perhaps Mr Double wishes to add a few comments.

**Paul Double:** Yes. To be clear, although Mr Wright has said it, this is not an exercise in closing down the debate, but *locus standi*—as the Court will know—is a special procedure, and it is narrowly focused. Of course, as Ms Weston has pointed out, there are many arguments about the rights, and they would be made in the usual way, as they are made for any parliamentary Bill. But what we are looking at here is a special procedure for which there are particular rules, which Mr Wright has outlined. We are required as promoters to police those rules. That is what Parliament has told us, so that is what is what we are doing.

I guess the nub of it, from the promoter's viewpoint, is the fact that, as Ms Weston has set out in her evidence, you have certain fishmongers who source cheap food from Billingsgate market. If the market closes, that source will no longer be there, and in consequence the customers of those fishmongers will be detrimentally affected. That is the essence of the petition. I should point out, as Mr Wright has, that the corporation is not actually contending that petition in relation to the fishmongers—clearly, they are specially affected. But if that petition is heard, the arguments about the situation of those fishmongers will be articulated. If the Select Committee finds favourably, the rest of the claims and arguments that have been put forward fall because that contingency, which Ms Weston has outlined, would no longer be operable.

It is a technical thing, but it is a case of really targeting this proceeding at the issue at hand, which is whether these fishmongers continue to be in a position where they can source cheap fish. That is something that the Committee would hear. I was not clear from Ms Weston's evidence whether any of the customers actually shopped at Billingsgate market, but it is quite some distance away. The focus of the evidence, certainly in my observation, was based on the availability of local retailers who sell fish to people who are undoubtedly in need. As I have said, that is something that would be heard by the Committee.

I should just mention, since it has been raised by Ms Weston, the future of Billingsgate. If I may just read this extract—I will not trouble the Court with the whole thing—to contextualise things a bit: "The London Fish Merchants' Association (LFMA) representing the Billingsgate Traders, and the City of London Corporation (CoLC), have been working together for some time now on the future of wholesale fish provision to London and the South-East. That joint work includes identifying potential new premises for the Traders, where CoLC will no longer be landlord, and where the businesses can expand. The Market will continue trading from the current





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site for at least the next three to four years. The LFMA today confirmed”—this was back in January—“that 90% of Billingsgate Traders have indicated that they will continue trading when market operations cease at the current site and therefore there will be minimal to no impact on the supply chain.”

Accordingly, a continuous supply of fish on the basis that Billingsgate market currently provides will be maintained, so Ms Weston’s concerns about the absence of that will not be realised. I think that is probably all I need to say—Mr Wright has covered all the technicality.

**Chair:** Thank you so much. I think there will be a number of questions. I will ask some questions first; then I will come to you, Ms Weston, and then to the rest of the Court of Referees.

Mr Wright, you mentioned that Ms Weston did not evidence how she is part of a representative organisation. She is here to make a case to be heard, not to prove that she is a representative organisation, even though she did submit papers to that effect. You mentioned that she could not accurately evidence the material extent of the impact this would have on the people in the community that her organisation supports. Do you have material evidence to suggest that there would be no impact on the people accessing the supplies at the moment?

**Paul Wright:** The food study that Ms Weston referred to, which was commissioned by the City of London Corporation, demonstrated—this is on the assumption that, as Mr Double has explained, the intention of the traders is to continue to trade together and to be available—that there would be minimal disruption to food security and food supply in London.

**Chair:** Trading at a different site will no doubt have issues around accessibility. On Standing Order 92, you challenged Ms Weston’s notion of this impacting competition because if there is limited supply, or a change in supply, there is always an impact on competition. Could you flesh that out for us, please?

**Paul Wright:** My position on that is that it is a very general position to say that something in a Bill will broadly impact competition. That is really a challenge to the policy of the Bill. My submission would be that Standing Order 92 was aimed at a circumstance where, for example, somebody was going to build a toll bridge over a river where there was a toll tunnel, and the toll bridge would be regarded as competition to the toll tunnel. It was not a general position that standing should be given where anything in a Bill that is alleged could have an anti-competitive impact economically. My submission is more limited than that.

**Chair:** I think I saw your hand go up, Mr Swallow, but I will come to Ms Weston first.

**Alicia Weston:** I am not a lawyer, but I was given some information that I did not have by the lawyers to respond to the two questions from the two gentlemen regarding how Bags of Taste would be affected.

**Chair:** We will come to that at the very end, once we have finished with



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Mr Wright and Mr Double—or do you want to do it now?

**Alicia Weston:** It relates to your question.

**Chair:** Okay; go for it.

**Alicia Weston:** There has been some talk about *Erskine May* and showing that we as an organisation are injuriously affected, but paragraph 44.5 of *Erskine May* does not apply to Standing Order 95(2). Standing Order 95(2) allows bodies representing educational interests to have a petition heard without themselves having property or interests that are directly and specifically affected by the Bill. It sets a different standard to “directly and specifically”, namely that the interests represented must be “adversely affected to a material extent”—that is to say, a non-trivial extent.

In response to what Mr Wright was saying, that food study is written entirely on the premise that Billingsgate will be relocated. All we are asking for is a guarantee that it will be relocated. That food study is not relevant if the market is not relocated.

I will also pick up on the actual quote that Mr Wright mentioned. I will read it to you, and I will read you the sentence before, because I want you to understand the difference between these two things. It says, “In the case of Smithfield, 70% of Traders intend to relocate together and this would potentially amount to all of the current Smithfield trade moving.” “Relocating together” is code for, “There is going to be a market.” Then it says, “In the case of Billingsgate, 90% of the Traders have indicated that they aim to continue operating beyond their current physical premises.” That is not relocating together. That is, “We are going to have a warehouse.” That is a different thing, and it is strange that they would use completely different language in the next sentence.

**Chair:** Thank you. I think Mr Wright wishes to respond to that. Then I will come to Mr Swallow.

**Paul Wright:** To make the Court aware, Ms West is absolutely right: the language is slightly different in the food study. My understanding of the current position is that the majority of traders at Billingsgate wish to relocate together.

**Peter Swallow:** You contend that, because you are not contesting the right of traders to petition against the Bill, there will be an opportunity for them to raise the issue about it happening too soon. At the same time, is it not the case that you are challenging their right to petition on just those grounds? Although you are not contesting their right to petition, you are limiting how they can do that, so will you please explain how they will be able to raise the very concerns that you said they should be allowed to raise?

**Paul Wright:** It would be limited to the extent of how the Bill impacts them directly, but that would not stop them—and we would not seek to stop them—from making the point that the Bill should not be approved at this time, because there is no alternative. That is the point they want to



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make; they would argue that they are specially and directly affected by the Bill, because of the impact.

**Peter Swallow:** That is the very point they are making in their first objection the Bill, which is one of the measures you are saying they should not be allowed to petition against.

**Paul Wright:** Because it would come within the more narrow grounds. That is basically what they are saying. Their argument, as I understand it, is that the Bill is premature until there is a clear alternative to Billingsgate market. That is the basis of their argument. The fact that they are directly and specially affected, which the corporation does accept, enables them to argue that ground. I would not seek to limit them from arguing that ground because that is the resolution they seek. From the fact that they are specially and directly affected, they would be seeking a delay or some cast-iron guarantee of the relocation of the market.

**Justin Leslie:** You were discussing Standing Order 95 and how a body or organisation can show that it is sufficiently representative. Can you expand on that a little more? You said that they have not “proven” that they are sufficiently representative. Can you expand on the standard of proof you are asking us to apply?

**Paul Wright:** Certainly, the precedents show that sometimes challenges are taken with petitioners on the basis that they have not shown they are sufficiently representative, or that they do not have a resolution of the organisation. For example, if an association is representing people, it should have a resolution from those it represents.

Bags of Taste is an organisation that does excellent work and I do not wish to detract from that at all; but an organisation should not be in the position of asserting that it represents people without going further than that and having some proof. I would not say the exact nature that would satisfy the Court, but there must be something more than and beyond an assertion that “We represent a particular interest.” We know that Ms Weston has spoken to a number of fish traders and that was referred to in the petition, but we do not know whether she represents the general view of all the traders at Ridley Road market. We just do not know what the position is. The customers are, by definition, a limited subset—I believe most of them live on the same road. So nothing that we have seen guarantees that the broader interest is represented.

**Chair:** Ms Weston raised the point that the people potentially impacted who are buying products for home use perhaps do not have the confidence or skills to make representations. Do you dispute that fact?

**Paul Wright:** No, absolutely not, Chair. Again, I go back to the fact that if the petition of the three traders is to be heard before the Committee—assuming that it goes ahead—on those points about whether this is premature, the Committee will have an opportunity to consider that. That is proportionate on parliamentary time, not to ask members of the Committee to hear essentially the same points from different petitioners.



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**Jonathan Davies:** Mr Wright, some of the next steps have been described as premature, in terms of what happens to the people who value that site. What steps are you taking to engage the community and gather those views? There probably are not that many vehicles for people to express a concern or a view. We are deliberating on whether Bags of Taste meets the criteria, but there will be other groups—residents, restaurateurs and hoteliers. What steps are you taking to engage those people, to move this process along and to give them some assurances about whatever comes next? I appreciate that not knowing what comes next is causing them some anxiety.

**Paul Wright:** In fact, what the corporation is doing at the moment is working very closely with the traders at both Smithfield and Billingsgate markets. We are actively working with them to establish new sites. There are certain new sites under consideration; I am afraid those are commercially confidential at the moment because negotiations are ongoing, but there is certainly the matter that they—and we—would love to be in a position to be able to come to Parliament and say, “Actually, the deal has been done and, in fact, this is going to be”—

**Chair:** We need to make sure that the evidence is in scope of what we are discussing, which is people being able to make representations, not the Bill itself, Mr Wright. Is there anything else from Mr Davies that you want to respond to?

**Paul Wright:** The food study, which we commissioned and has been put before the Committee, did engage with various different bits of the community to try to establish the impacts that the markets would have in relation to them. When we do relocate to a new area, that will of course be part of the features that will play then. There will be negotiation and discussion with the local authority of that area in relation to people who have an interest in the site.

**Jonathan Davies:** How effective was the engagement with people from a low-income background, people without a high degree of literacy, or people whose first language may not be English?

**Paul Wright:** We did what we could to engage with people. We took all of the opportunities we could to engage with the local community at that point, but I cannot speak to the specifics at the moment.

**Euan Stainbank:** I have a few questions to drill into the corporation’s position on Standing Order 95(2). First, as the corporation, would you define Bags of Taste as providing an educational service?

**Paul Wright:** It provides an educational service, absolutely, but Standing Order 95(2) is aimed at “educational...interests”, which I think is slightly different.

**Euan Stainbank:** Which leads on to my second question: from your position, is simply providing an educational service insufficient to represent an educational interest?



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**Paul Wright:** Yes.

**Euan Stainbank:** Could you define the distinction, from your position, between providing an educational service and the higher threshold—I think you referred to “something beyond”—defining educational interests? What would you require for that higher threshold?

**Paul Wright:** I do think that “interests” means something more than a general interest in a particular area. I think it generally means something more akin to a kind of legal right—for example, with a body that provides education through a charity, there is some sort of obligation on it to do that—or it represents a particular category of providers, such as an organisation that represents teachers. It may be well to make that clearer, because that is a more specific provision, where there is a clear interest in relation to education.

**Euan Stainbank:** In order to provide educational interests—I do apologise for my lack of understanding; perhaps this is what the City corporation does—has the City corporation ever contracted educational services to a company limited by guarantee, or a charitable organisation—something that is not part of its core delivery?

**Paul Wright:** I am not able to comment on the particular arrangements that were made with Bags of Taste. Clearly, they do provide—I want to make the point that I am not saying that they are doing anything other than a very good job at what they do; it is about whether they meet the test in the Standing Order.

I would add that, regarding 95(2), it is not just a question of representing an educational interest; the interest that they represent has to be “adversely affected to a material extent by the provisions contained in the bill”. In the context of Bags of Taste, if the Court accepted that they did represent an educational interest, which I would submit they do not, I would ask the Court to consider whether that interest is itself adversely affected to a material extent by the provisions in the Bill? As I took the submissions, that is not being alleged.

**Euan Stainbank:** Thank you. I have no further questions.

**Justin Leslie:** Regarding the traders, in your notice of objection you have invited the Court to provide a limited right to be heard, in relation to paragraphs 4 and 5 of their petition, but as you have been speaking to us, you have been explaining that, were this petition to be heard by a Bill Committee, that would be an opportunity for some of the wider points to be ventilated. Is there a tension between those two things?

**Paul Wright:** I do not think there is a tension, because essentially the position as I understand it of the three traders is that the Bill is premature, so the issue that is then before the Committee will be, “Is this Bill premature or not?”, which will inevitably bring in the main points that have been raised in the submissions.

**Chair:** Do you want to add any further points, Mr Wright?



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**Paul Wright:** I do not think so. Thank you. Chair.

**Zöe Franklin:** I want to ask a question of Alicia in relation to Mr Wright's and Mr Double's comments about your role as an educator. I just wondered whether, in your role as a not-for-profit and in relation to the clients you educate, you had a particular set of stated aims.

**Alicia Weston:** Yes. We are a health inequalities organisation: we aim to improve people's diets, and, through that, to improve their health. We are looking to get them to buy healthier food, essentially. Our typical participant purchases a lot of junk food; they spend about £1,260 a year on ready meals and takeaways. Our objective is to reduce that and get them to cook from scratch more and eat healthier food, like fish.

**Zöe Franklin:** So would you represent that the material interest of that would be negatively impacted? You would not be able to fulfil that stated set of aims?

**Alicia Weston:** Yes, if people were not able to have this access. Everything we do is to make sure that when people leave us, they will be able to access healthy food afterwards and on an ongoing basis, so if that healthy food is not available, yes.

**Zöe Franklin:** My final question is are the clients you work with aware of the role you are taking with this petition? Have you had conversations with any of them about it?

**Alicia Weston:** Slightly, but not very much, because it seems a little bit highbrow for the kind of people we work with, I think. I also do not like them to think that we talk about them as being highly vulnerable or in poverty, because it is a bit degrading.

**Zöe Franklin:** Thank you.

**Chair:** Mr Wright, do you have anything else to add?

**Paul Wright:** No, I do not. Thank you, Chair.

**Chair:** Thank you so much. If there are no further questions, we will now deliberate in private, so could I please ask the parties to withdraw? We will call you back in when we are ready to announce our decision. Thank you so much.

4.43 pm

*The Court deliberated in private.*

5.08 pm

*On resuming—*

**Chair:** Thank you for your patience. I will read out what the Court has decided; and to be clear, there will be no further comment or debate.



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We have carefully considered the representations made before us today. The Court has concluded that Bags of Taste does not have the right to be heard. For the avoidance of doubt, the customers do not have the right to be heard. The traders' right to be heard should not be limited; they can be heard on the petition as a whole. That concludes our business for today.

*Sitting adjourned.*