

## An update on the LB market court case.

In September 2018, Victoria Harvey received permission from a judge, on the papers that she had submitted, for a full judicial review. This is unusual as only about 20% of cases get through this stage and it is even more unusual to get through on just written papers rather than a full court hearing. In other words, a judge ruled that the issue was serious enough to go before a full hearing with a judge. On consultation issue several cases of judicial review have been successful; Moseley and Haringey R v Birmingham City Council Ex parte Dredger, Luton Borough Council Education Secretary, R(Draper) v Lincolnshire County Council and last summer Help Refugees V Secretary of State for the Home department. Therefore, I had a good chance.

The law is always uncertain and there is always a chance that you can lose. Unfortunately, I did not get across how significant and devastating the new rent system brought in by the town council is for the whole future of the market. Getting a good lawyer pro bono takes a huge amount of advance time and is difficult and from experience ends up costing several thousand. In June, Victoria was hoping that the town council would resolve things as there were meetings with Cllr Perham and the market traders and so only had two weeks at the end before the deadline for the claim. In September, Victoria thought that the town council would compromise, but instead they employed a QC and City of London solicitors and there was not the time to find a lawyer.

The judgement is a very depressing one as it means that the town council does not even need to mention consultation responses when they make a decision and this is contrary to several rulings which state that the results of consultation must be taken conscientiously into consideration.

As regards costs and the cost capping order, Victoria received incorrect informal legal advice from an environmental lawyer who was correct over every other bit of procedure, such as finding the forms and what to do at critical times. She asked his advice as regards applying for a cost capping order and told him that my father had died. He said that the cost capping order applied to present circumstances and not anything in the future. I still have not received any money from my father and any money is uncertain and is a long way off. This is the same system as applies to the Employment Support Allowance that Victoria receives for severe ME/CFS where you only update the benefits office when you have actually received money. The judge stated that Victoria had acted in good faith, and had not intentionally misled the high court. Victoria has been very open about her father's death even discussing it with the solicitors of the town council. The costs issue is quite a huge blow

The good news is that the huge public campaign that south beds foe has been a key part of has saved so much of our traditional stalls and the farmers market. The town council finally agreed a deal with the card stall just before Christmas which I am sure would not have happened unless there was a court case. The challenge is that it is difficult for new traditional market stalls flowers, plants, clothes, fruit and veg to be able to come onto the market, but hopefully with the market declining and several permanent stalls having left the councillors might take action.

## **The issue with the changes to the market rent system**

Market Rents were massively increased by councillors in the summer of 2017 with the flower stall opposite Hymans facing a £4,800 per annum increase per year, as covered by the LBO. <https://www.leightonbuzzardonline.co.uk/news/leighton-buzzard-market-traders-claim-rent-will-rise-by-up-to-6-200-per-year-1-8135208> After public outcry, the petitions that south beds foe organised and the threat of the demo, the town council promised to renegotiate and brought in a discount system to the new rents in March 2018 so traders who had been on the market for 20 years got 20% discount. This meant that the Fruit and Veg stall opposite Dillamore's, the flower stall opposite Pyman's, the socks and the pants stall and the shoe stall on Saturday, all of which had been on the market for over 20 years are paying roughly or slightly more than before the market relaunch. However, stall holders of only ten years such as the card stall, a clothes stall and a luggage stall only got 10% off the increased rent resulting in an up to 97% increase in the rent. Worse still for a new trader, large market stalls are now double the price to what they were before the relaunch.

This new rent system changes the type of stall that can afford to be on the market; single Gazebos/ stalls, which are good for gifts etc., are now cheaper at £19,00 per stall but the larger stalls such as fruit and veg, plants, clothes, cards etc. became much more expensive. Other markets do big discounts for multiple stalls as they accept that fruit and veg, plant and clothes need more space. However, in 2017 unlike other markets, councillors in LB started to charge one large stall as several individual stalls making it very expensive. Amersham and Chesham markets which are thriving, charge £20.00 no matter how big the stall is, and Flitwick charges £15 no matter how large the stall is. But Leighton Buzzard will charge a new trader £19 per gazebo size of 9 square metres, so a stall the size of 27 square metres is £57, the fruit and veg stall opposite Dillamores is 44 square metres, the flower stall opposite Pymans and the socks and pants stall is roughly equivalent to 5 gazebos about 45 square metres. As well as these very high prices for large stalls, the councillors have limited new traders to only 3 gazebos/ 27 square metres. This means that if the fruit and veg stall were to retire; a new stall holder could not take over as they would not be allowed a big enough stall as well as the rent being too high.

In other words, if the veg stall opposite Dillamores were to retire, the councillors with the new rent system have stopped it being replaced. There are newer stalls on the market that want expand beyond three gazebos and pay for another pitch but are not allowed to do so by the town council. When the town council produced the new system for the rents 26 traders out of 31 signed a petition against the new system as saying that it was unfair. They also produced alternatives which were ignored.

This new rent system by Cllrs Freeman, Berry, Cursors, Morris, Cotter, Perham, Wallace etc. essentially is a £120,00 project of taxpayer's money for slowly phasing out the traditional market stalls such as fruit and veg, clothes etc. as they retire in favour of smaller stalls for gifts etc. Since the relaunch the market has got smaller.

## Background

The market is looking smaller because it has got lost over 7 permanent stalls and gained only 4 in exchange since the relaunch and it looks as though two more permanent stalls might have left. since the councillors decided to relaunch the market in 2017 and bring in lots of changes.

In 2017 the councillors employed consultants and as a result decided to move all the market from the two sides of the high street onto one side the North side and leave the south side empty; and reduce the size of the large stalls. There was a huge outcry from traders and from the public and South Beds Foe with the market traders collected a petition of 2043 signatures in two days. The issue was that the produce on stalls like the fruit and veg stall opposite Dillamores and the Fish stall and many others would suffer if the stalls were moved to the sunny side of the high street instead of the shady side. Reducing the stalls size on top of their produce being in the full sun would have made trading in the market unviable for several food stalls including the farmers market.

Luckily the councillors listened to the public outcry and compromised and that is why some fresh food stalls have been allowed to remain on the south side of the High Street , as well as this the flower stall, the fruit and veg stall and some other stalls have been allowed to stay at their original size of about 4/5 gazebos rather than the three gazebo maximum, but other stalls such as some of the clothes stalls have to stay as less than 27 square metres in size even though they want to pay the council for extra stalls.

In 2017 the basis of the rents was changed completely making single stalls good value but larger stalls would pay about double what they had played. Again there was public outcry and despite promising to renegotiate the town council decided to stick with the increase, but put in discounts of 20% for stalls that had been in Leighton Buzzard for 20 years so several traders would pay about the same as they had been paying before any changes. However, those less than 20 years on the market had much smaller discounts and this meant that rents significantly increased for about 3 larger stalls and would make any new large stalls unaffordable. If the fruit and veg stall opposite Dillamore's retired a new trader without the discount would not be able to take it over as it would be too expensive. Luckily the town council finally reached a compromise with the card stall and I think some other stalls over rents, so at least we have not lost too many traders., but it makes it very difficult for new traditional large market stalls to come onto the market.

All the councillors had to do was to talk to the market trade representatives who had alternate options for the rents to make the market more attractive and encourage new traders and help the market grow and create more income for the council. The councillors may feel very satisfied that a judge has said that they do not need to consult with market trader representatives, but the fact that is that councillors have spent over £120,000 of taxpayer's money on changing the market with the result that the market is getting smaller.

Surely our elected councillors such as Gordon Perham and Karen Cursors for the sake of the town and the market should sit down and talk to the trader representatives so that the market doesn't end up like Dunstable.