



NORWICH City Council

Committee name: Council

Committee date: 15/10/2024

Report title: Norwich Livestock Market Private Bill

Portfolio: Councillor Kendrick, Cabinet member for an open and modern council

Report from: Interim Director of Major Projects.

Wards affected: Lakenham

Open Public Item

Purpose

The purpose of this report is to seek a resolution in accordance with section 239 of the Local Government Act 1972 (the 1972 Act) to promote a new private bill before parliament; the Norwich Livestock Market Bill 2024 (the Bill) which will amend the existing Norwich City Council Act 1984 (the 1984 Act).

The 1984 Act only provides for the Norwich Livestock Market (the Market) to be relocated within the city boundary of Norwich. The Bill is proposed to allow the council to relocate the Market outside of the city boundary.

The council has sought advice from Parliamentary Agents, BDB Pitmans, who have produced a draft Bill (a copy of which is annexed to this report).

Recommendation:

To:

- (a) authorise the promotion and deposit of the Bill to make provision for the relocation of Norwich Livestock Market and for connected purposes substantially in accordance with the attached draft Bill;
- (b) delegate authority to the Executive Director of Resources in consultation with the S.151 Officer and portfolio holder for resources to address procedural matters which may arise in relation to the promotion of the Bill and to enter undertakings or commitments in relation to it; and
- (c) delegate authority to the Executive Director of Resources to agree to the making of any necessary amendments to the Bill that may arise during the promotion of the Bill.

Policy framework

The council has five corporate priorities, which are:

- A prosperous Norwich.

- A fairer Norwich.
- A climate responsive Norwich.
- A future-proof Norwich.
- An open and modern council.

This report meets the 'A prosperous Norwich' corporate priority

This report addresses 'Business in Norwich thrives in an inclusive and resilient economy priority or action in the Corporate Plan

This report helps to meet Strategic Asset Management Framework adopted policy of the Council.

Report details

Background

1. The Council has a statutory duty to 'provide, regulate, maintain and enlarge' certain markets within the city of Norwich by virtue of the 1984 Act. The Market was relocated to the current site which is close to Hall Road in the city of Norwich in 1960.
2. The Market can trace its history back to the original market charter of 1341. According to figures from Defra, within Norfolk's thriving agricultural sector the county supports nearly 600 livestock farms, which between them have around 65,000 head of cattle and 126,000 sheep. The Market has been a feature of the city's landscape for hundreds of years and is now one of the last trading markets within East Anglia, providing an important route to market for farmers from Norfolk and the wider East Anglian region. The importance of the Market is highlighted as the nearest equivalent markets are in Ashford, Kent and Melton Mowbray in Leicestershire both representing a significant drive time for producers.
3. In 2010, the council sold the 3.25-acre freehold site to the current landowner and purchased a leasehold interest in the site, which has over 80 years remaining. The implication of that is that the council no longer receives any rental income in relation to the site but retains most of the repair liability. The market operator is Norwich Livestock Market Ltd (NLM) which is a collective of farmers supported by the National Farmers Union (NFU).
4. In 2017, the council and the landowner reached an agreement that the Council would seek to discontinue the cattle market. The agreement also provided that the council was to use "all reasonable endeavours" to yield vacant possession to the landowner, making future investment on the facility uncertain.
5. A legal challenge was raised by NLM based on the Council's obligations under the 1984 Act. The case went to the High Court and the Council lost the case.
6. Detailed survey work of the current site has shown that there are now substantial dilapidations which would require extensive repair works. Estimates indicate that the repair liability could be more than £3.0m.

7. The extent of this repair work, the leasehold restrictions within the councils lease and by implication the controls imposed on the market operator and the overall lack of parking for large agricultural vehicles means that further investment in the current site would not provide value for money.
8. Whilst the Council has the power to relocate the Market within the city boundary by virtue of the 1984 Act, no financially viable sites within the boundary currently exist.
9. A provisional business case indicates that a relocation of the market to a new site outside the city boundary has the potential to deliver a superior financial return and deliver new additional income streams from the site. In addition, the current landowner has offered a substantial premium towards any relocation off the current site.
10. To address these issues, the council is proposing to relocate the market to a new site outside the city boundary. Two sites close to the A47 are currently under consideration. A business case for these will come forward in separate reports to cabinet. The Bill does not promote any site but remove the restriction preventing the markets relocation to a new site outside the administrative boundary.
11. As set out in more detail below, there has been extensive consultation with members of the public, NLM, the NFU and users of the market, who overwhelmingly support a relocation of the market to a new site outside the city boundary.

Other options considered

12. Alternative options for the relocation of the Market within the city boundary have been explored. However, higher land values and its potential proximity to existing commercial and residential uses means that this is not feasible or economic.
13. Retention of the Market on the current site has also been considered but there are substantial legal risks around the requirement to use “all reasonable endeavours” to yield vacant possession to the landowner. In addition, extensive repair costs, nil income return and existing operational limitations means that this option is not attractive.

Proposed powers

14. The proposed Bill will largely reflect the 1984 Act but will include extended geographical limits on any future relocation of the market. The geographical limits will provide that the relocated market must be located within 16 miles of the current site and within 3 miles of the A140 (Ipswich Road), A11, A47 or 1 mile from the A1270 (NDR).
15. There is a minimum site requirement of 5.5 acres for the market and, by a separate side letter, there will be an obligation on the council to produce an operational plan, setting out the terms of reference for the market operator and any other operator should the site ultimately be used for additional uses to generate additional revenue.

Procedure

16. In order to promote the Bill, the council must comply with the provisions of section 239 of the 1972 Act.
17. The first resolution recommended via this report is to consider whether it is expedient to promote the new Bill. A full majority of the whole of the Council will be required to pursue the Bill (i.e. 20 votes in favour out of 39 councillors). A majority of those present and voting is not sufficient.
18. If a majority is secured, the new Bill will be deposited in Parliament by 27 November 2024 securing Parliamentary time during 2024/25. Failure to secure this timetable would put the Bill back 12 months, deferring the project timeline and exposing the council to greater financial risk of having to undertake major repairs to the current market site.
19. A second council resolution must also be confirmed by a majority at a further meeting convened and held no earlier than 14 days after the deposit of the Bill, confirming that the Council wishes to proceed. This meeting is intended to take place on 16 December 2024.
20. There will be various stages of the Bill process through Parliament which will be facilitated by the council's parliamentary agents, BDB Pitmans.
21. It is hoped that with the support of NLM and the NFU, the Bill should not be contentious and should receive a smooth passage through parliament. Similar market relocation bills undertaken by councils across England and Wales have generally taken between 9-14 months. If successful, the Bill is likely to be enacted by November 2025.

Public consultation feedback

22. In accordance with the requirements of section 239 of the 1972 Act, the council undertook a public consultation exercise between 18 July and 24 August via the Get Talking Norwich website. The council conducted an online survey to capture feedback that was open to all stakeholders and members of the public. The Council received 349 responses.
23. Of the 349 responses, some 50% were from users of the market and the next largest group (32%) were from farmers and members of the NFU. In terms of their geographical location, 99 were from South Norfolk, 77 from Norwich, 42 from the Broadland area and 42 from Suffolk with other respondents being from much further afield. Importantly, the consultation showed that of all the respondents, 93% were from the Norfolk area, indicating the importance of the market to the Norfolk area.
24. From the responses received, 73% supported the councils' proposals to secure a new Bill for the relocation of the market outside the city boundary. 16% were in opposition to the relocation and 11% were unsure.
25. Support for the relocation focus on the need to deliver improve facilities, increase accessibility, improve adjacency to major road networks, additional parking, improved animal welfare and bio-security facilities and improve waste management facilities to meet new environmental requirements. Issues of food security, food provenance and reduced food miles were also highlighted given

that the next equivalent markets are now in Kent and Leicestershire reinforcing the importance of the market to producers within East Anglia.

26. A new market would also provide an important hub for the rural community improving mental wellness for remote workers and allow the exploration and potential development of new income streams currently prohibited within the existing market.
27. Respondents were asked how far a new market should be from Norwich. The average response was around 10.7 miles reinforcing the connection between the rural community and the markets traditional heart close to the city.
28. As set out in the Appendix, most respondents acknowledged the significant opportunity on social, economic, animal welfare, transport connectivity grounds presented by a relocation, and generally endorsed the parameters of the Bill.
29. Of the 53 of 349 respondents who sent opposing views, their feedback broadly fell into three areas of concern which are set out further in the Appendix. The council, and the committee in making the decision to endorse the proposal must consider them, and they are summarised as follows:
 - a. accessibility and inconvenience;
 - b. heritage and tradition; and
 - c. economic and community impact.
30. Some respondents generally thought that the current market was already accessible and moving it could lead to further disruptions and increased travel times. Directors of NLM and the NFU, and most respondents, however, believe that a relocation of the market should increase the markets connectivity and accessibility with existing market users and new customers from the south and west of the region.
31. On heritage and tradition, some respondents were concerned that relocating the market would result in loss of tradition and identity. In common with other market relocations around the country, increased connectivity to major roads is seen as key to delivering a financially viable business for the future. The market will continue to have close links and proximity to the city and the council will continue to retain a major interest in the market by way of its statutory obligation. The current site on Hall Road is also not the original location of the market which was previously held in the city centre.
32. In relation to economic and community impact, some respondents expressed concern that the current facility should be refurbished. The leasehold interest held by the council and its restrictive covenants prohibit the market from expanding into new more viable business areas which would provide additional value for money for the council, and which would provide additional resilience to market operations. In addition, investment in the current site would not deliver any return to the Council.
33. Of those who objected, respondents also expressed concern about the potential costs of relocation. The council are seeking to partner with other business organisations to share these costs reducing the financial burden on council taxpayers, and as noted their significant financial implications of keeping the site in situ. Others were concerned that the council would transfer

its ownership to another authority. The statutory duty will ensure that the council will continue to have the primary duty to facilitate a market even if this is relocated to within a different administrative boundary.

34. Finally, concerns were expressed about the availability of suitable infrastructure particularly if the market was close to residential areas. The council is not asked to endorse a particular location as part of this decision, and any new site would require a full planning application and be subject to all relevant planning policy considerations including in relation to impacts on residential areas and it will meet all legal building, waste and environmental requirements.
35. As the project develops, more detailed plans will be made available which will address many of the concerns raised above.
36. In summary, the responses to the consultation were overwhelmingly supportive of the proposals. The councils' legal advisors in consultation with the NLM, NFU and wider farming community have also engaged on the location of any new market.

Ongoing engagement

37. In addition to the recent public consultation exercise, there has been extensive discussions with NLM, its directors, shareholders and the wider farming community. Additionally, there have been extensive briefings with the Leader of the council and the portfolio holder for Economic Growth. Given the wider impact on rural communities, the Leader of the County Council and lead on Economic Growth have also been briefed and offered their support. Finally, briefings have been conducted with Clive Lewis MP, Alice Macdonald MP and all Norfolk MP's have been formally briefed by letter to secure their support to the promotion of the Bill.

Implications

Financial and resources

38. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2024-29 and budget.
39. This report focuses on the need to secure full council approval to the section 239 resolution permitting the council to deposit the Bill in parliament. Previous cabinet reports deal more specifically on land acquisition and cost forecasts for the project. A report to cabinet in July secured budget to progress this phase of the project.

Legal

40. This report focuses on the requirements of Section 239 of the LGA 1972. All public notices required have been complied with.
41. The council has undertaken a public consultation exercise as required under the guidelines. The feedback was supportive of the project proposals and highlights the benefits a new market could deliver to the farming community. All notices required under the S.239 resolution have been served.

42. In addition to the councils' legal advisors, NPLaw, it has appointed parliamentary agents, BDB Pitman to provide specialist advice on the submission of the new Bill.

43. The recommendation is for members to authorise the promotion of the new Bill to modify the terms of the existing 1984 Act and give the council the option of relocating the market outside the city boundary.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	No material implications at this stage, this will be considered further as part of a more detailed business case.
Health, social and economic impact	If the Bill is secured it will allow the Council to develop a wider business case which will be presented to the Council for consideration. This will consider the health, social and economic impacts of any proposal in greater detail at that stage. This recommendation secures the ability to identify a relocated site outside the administrative boundary.
Crime and disorder	The recommendation with this report will allow for a new site to be identified outside the administrative boundary of Norwich. A purpose built facility has the ability to be designed to minimize the risk of crime and disorder and this will be considered further at future stages of the project.
Children and adults safeguarding	It is not considered there are any impacts on children or adults safeguarding arising from this decision.
Environmental impact	The recommendation with this report will allow for a new site to be identified outside the administrative boundary of Norwich. A purpose built facility will meet current standards for the treatment of waste from animals and is anticipated to therefore have less impact upon the environment than the existing site and will help improve nutrient neutrality.

Risk management

Risk	Consequence	Controls required
Legal risk of not securing the new private bill.	<p>Failure to secure the new bill would lead to reputational risk with NLM and the NFU who have been supportive of the relocation.</p> <p>The council could also risk some form of financial claim from the landowner for failure to vacate the existing site.</p> <p>The council would also need to invest in the existing site to bring it up to standard.</p>	Currently there is support from NLM and the NFU and the wider farming community. The councils' legal advisors are confident that if the S.239 resolution is passed, the passage of the new bill should be straightforward with minimal risk to the council.

Reasons for the decision/recommendation

44. Securing the S.239 resolution is a pre-condition to serving the petition for the new private bill which would allow the council to consider relocating the market outside the city's administrative area.
45. The proposed bill will facilitate relocation of the market outside of the city boundary. Options for relocation of the market within the city boundary have been explored and are not currently economically feasible. Retention of the market on the existing site is not economic and operationally effective and could result in legal challenges from the current landowner.
46. A more detailed business case for a new facility is being progressed and will be reported through to cabinet in due course. This resolution is essential to facilitate the wider project.

Background papers:

Appendices: Appendix A – Feedback from public consultation

Appendix B – Draft copy of the new Bill

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Appendix A

Norwich Livestock Market

Feedback from the public consultation

Norwich City Council ran this consultation over a 5-week period between 18 July and the 26 August 2024. The consultation was hosted on the council's consultation and engagement platform, Get Talking Norwich (<https://gettalking.norwich.gov.uk/>). The council conducted an online survey to capture feedback that was open to all stakeholders and members of the public.

To maximise participation and feedback the consultation was actively promoted through various channels. This included a public notice in the local paper, social media promotion, a feature in Citizen magazine, targeted emails to relevant stakeholders and in person promotion at the market. A summary of promotion and a breakdown of response sources is provided below:

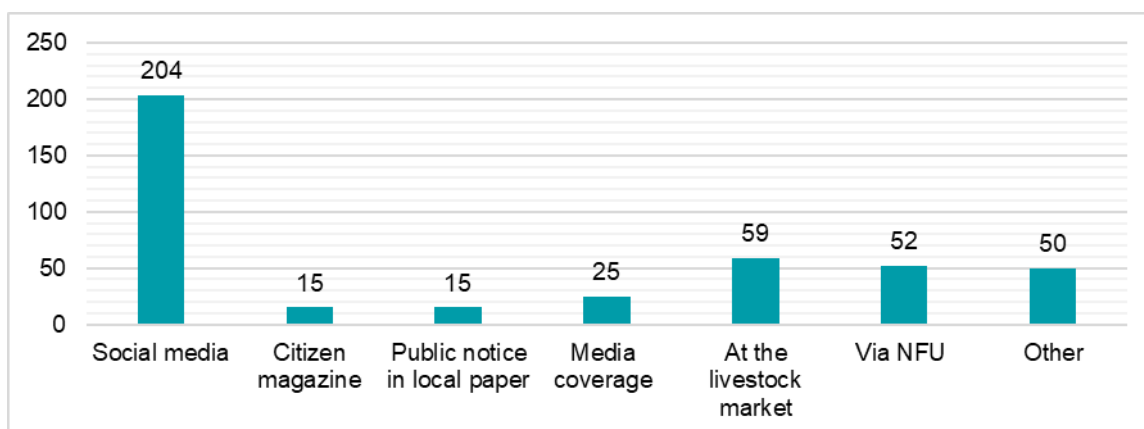


Figure 1: A summary of communication methods and response sources.

Analysis and responses

The responses to the consultation were collated and analysed. An inductive thematic analysis was used, whereby codes are generated from a large body of data to allow patterns and themes to emerge. This is a simple and flexible form of qualitative analysis commonly used in social research. Each of the qualitative question responses were read, analysed, coded and assigned to a theme or themes relevant to the question asked. The percentage figures have been rounded to the nearest whole number and as a result not all responses may equal 100%. The response rates to each question varied and therefore figures for each question have been included.

Responses to the questions

In total the consultation received 354 responses. 335 were received online and 19 were received as paper copies. As of 02/09/2024, there have been 1,400 visits to the Get Talking Norwich project page. 50% of responses (176) came from customers of the market. The next largest groups were farmers and members of the NFU with 115 responses and residents with 114 responses.

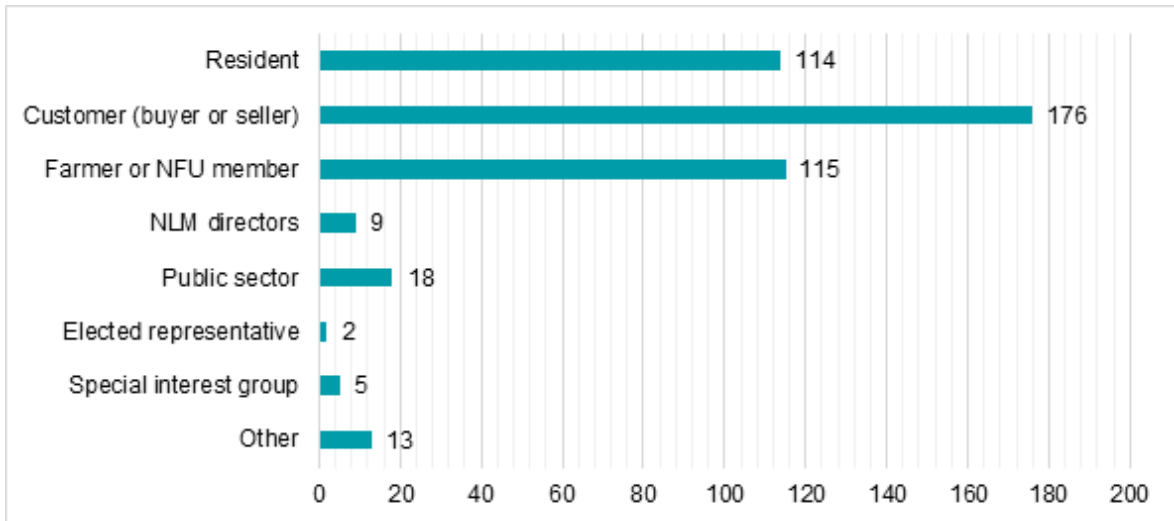


Figure 2: Response raters per stakeholder group.

Demographic data on age, gender and ethnicity was not collected. Respondents that identified as ‘other’ included customers of British farms, supporters of local agriculture, sheep keepers, Norfolk County Council trading standards and other interested parties.

344 responses provided partial postcodes. The following chart is a breakdown of responses received by district based on the available data:

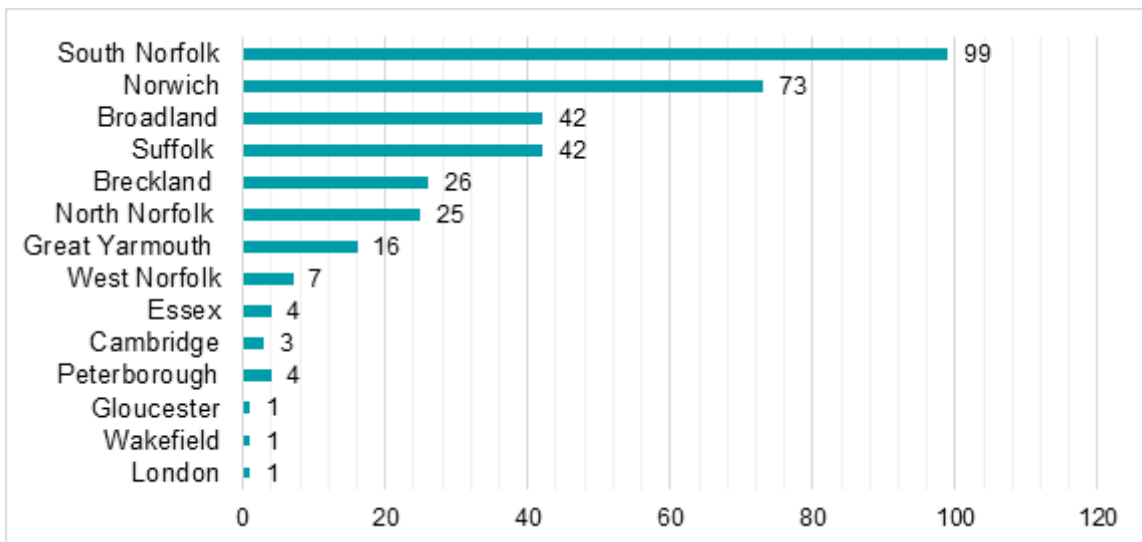


Figure 3: A breakdown of responses by district based on partial postcodes.

Key findings

A. Public awareness of the current market and the legal obligations of the council

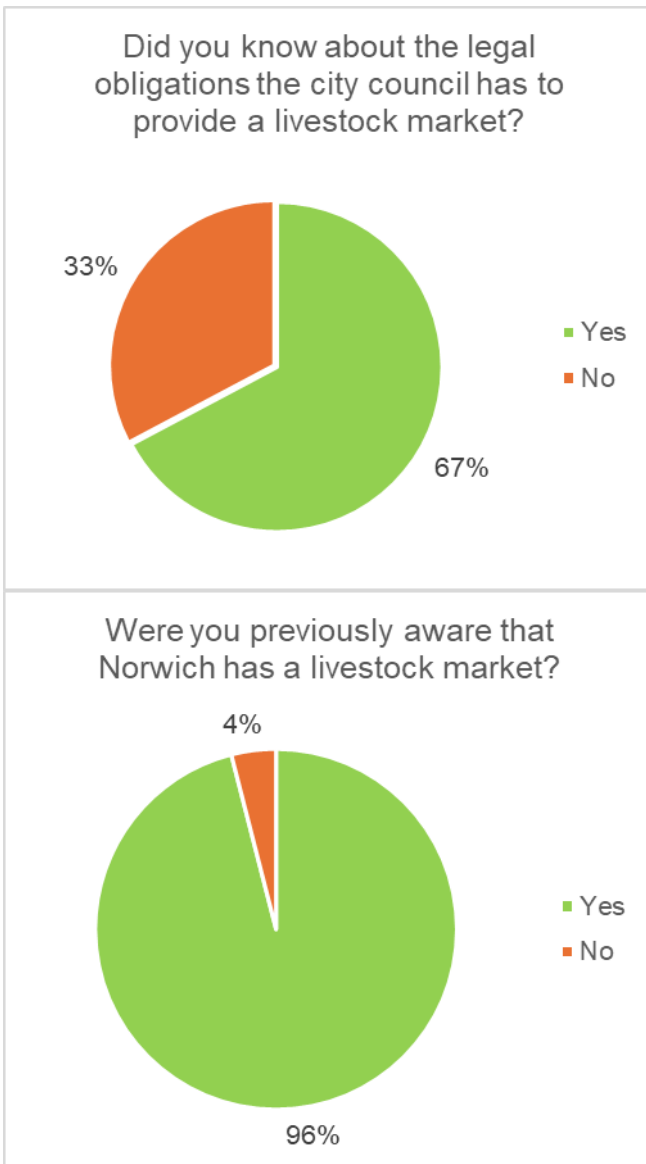


Figure 5: Previous awareness of legal obligations

Figure 4: Previous awareness of the market

96% of respondents (337) were previously aware of Norwich's livestock market, while 4% (14) were previously unaware. 67% of respondents (236) were aware of the City Council's legal obligation to provide and maintain a livestock market and 33% (115) were unaware.

B. Levels of support for the proposal

73% of respondents (258) support the proposal for the council to seek legal permission to be able to relocate the market outside the city boundary. 16% were in opposition (55) and 11% (39) were unsure.

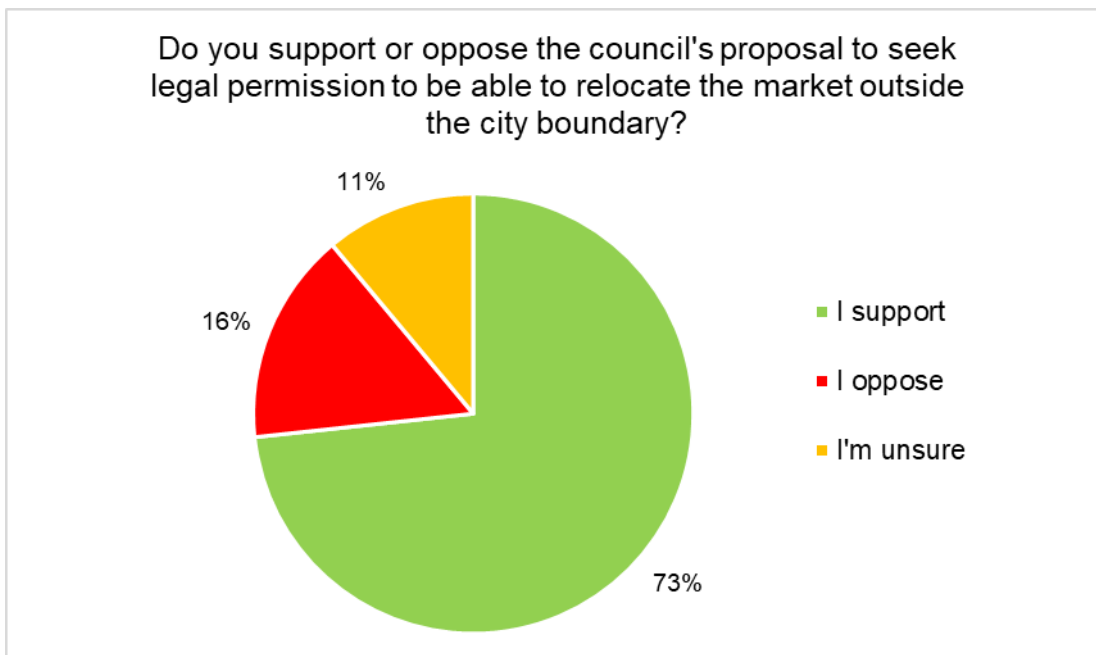


Figure 5: Public sentiment of the proposal to relocate the market

C. Reasons for support

Respondents primarily supported the proposal due to the potential benefits of a 'new, modern, accessible and fit-for-purpose facility'. Key reasons centred around the current facility's shortcomings in terms of accessibility, animal welfare, and economic benefits. 248 comments were received and are summarised below:

Accessibility and transport

- **Urban location:** The current facility's urban location poses significant accessibility challenges, impacting both market users and surrounding businesses.
- **Limited space:** Insufficient parking and space for the current demand, coupled with high traffic levels, create bottlenecks and inconveniences.
- **Vehicle access:** Larger vehicles face difficulties due to limited space and access points, hindering market operations.
- **Environmental impact:** The market's location contributes to traffic congestion, noise, odour, and pollution, negatively affecting the surrounding area.

Animal welfare and biosecurity

- **Declining conditions:** The lack of investment in the current facility has led to deteriorating conditions, negatively impacting both users and animals.
- **Outdated facilities:** Participants expressed concerns about the outdated infrastructure, overcrowding, and potential disease risks.
- **Enhanced biosecurity:** A new location with improved biosecurity measures was seen as crucial for safeguarding animal welfare.

Economic and community benefits

- **Revitalisation:** Respondents emphasised the potential for a new market to revitalise related businesses and create a thriving social and agricultural trade hub.
- **Economic growth:** This would not only benefit the local farming community but also generate economic growth and community development.
- **Social connectivity:** The market could be designed to foster stronger social connections within the farming community, recognising its role as a valuable gathering space.

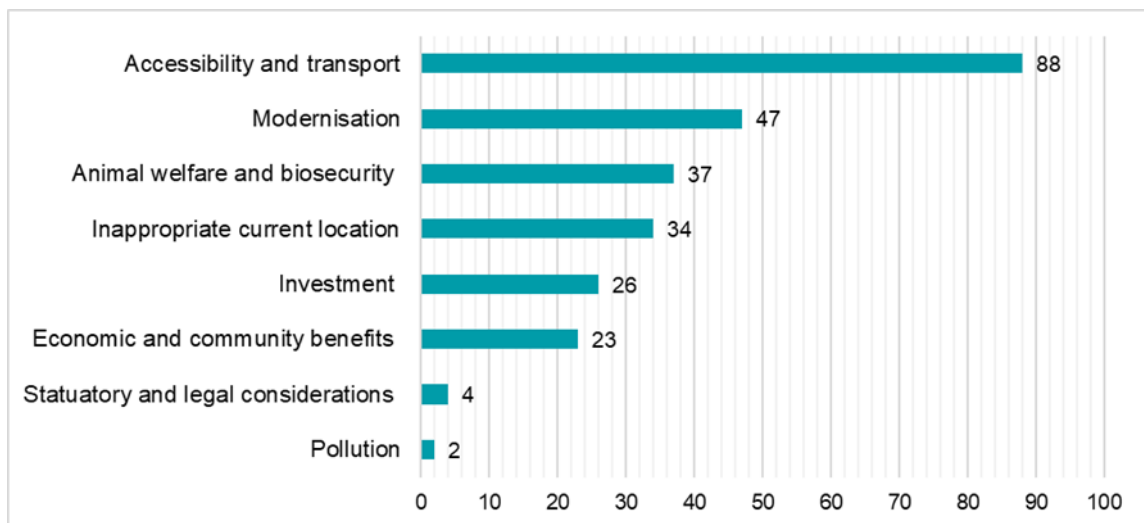


Figure 6: Coding categories and frequency of codes assigned

D. Reasons for opposition

Respondents presented key concerns and arguments against the potential relocation of the livestock market in Norwich. The analysis is structured around the three most prominent themes: accessibility and inconvenience, heritage and tradition and economic and community impact 53 comments were received and are summarised below:

Accessibility and convenience

- **Current location:** Respondents generally agreed that the market's current location is accessible and convenient due to its proximity to major roads.
- **Disruption and increased travel time:** Relocating the market could lead to disruptions and increased travel times for farmers, market users, and nearby residents.

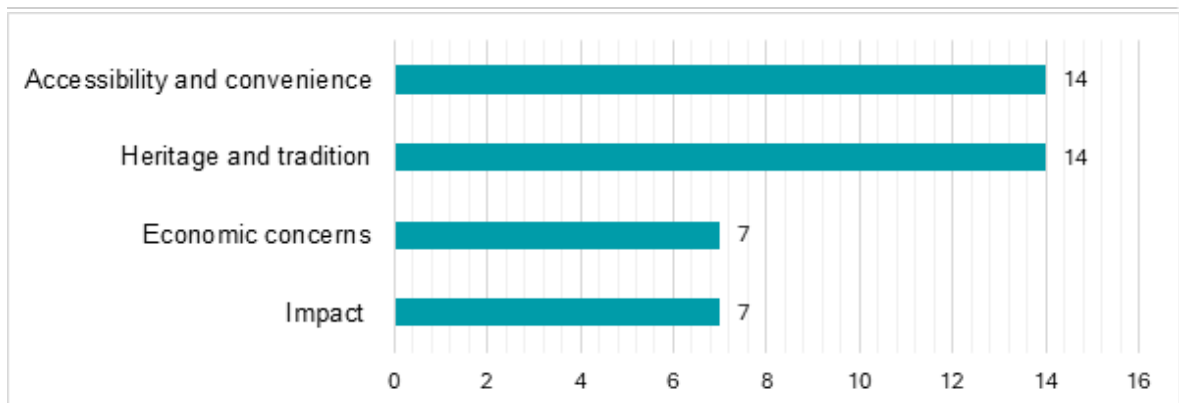
Heritage and tradition

- **Historical significance:** Respondents highlighted the historical and cultural importance of the livestock market within Norwich. Some argued that relocation would result in a loss of tradition and identity.

Economic and community impact

- **Upgrading the current site:** Some believed that the current site could be upgraded and maintained at a lower cost.
- **Relocation costs:** Respondents expressed concerns about the high cost of relocation, arguing that it would burden Norwich residents and disrupt residents and businesses. Increased costs for farmers and job losses in the city were also noted.
- **Shift of responsibility:** Some argued that relocation would transfer the responsibility for maintaining the market to another authority, reducing local control. The legal obligation to maintain a market within the city boundary was emphasised.

Figure 7: Coding categories and frequency of codes assigned



- **Infrastructure, facilities and impact:** Concerns were raised about the availability of suitable infrastructure and facilities at potential new locations. Some respondents expressed concerns about potential noise, smell, and traffic issues if the market were relocated to a residential area.

36 comments were also received to provide reasons for being unsure on the proposal. Many respondents expressed uncertainty about the proposed relocation due to a lack of specific details regarding the new location, potential costs, and the impact on the market's operations.

C. Benefits, challenges and preferred distances.

The proposed relocation of the livestock market offers significant potential benefits, including improved access, facilities, and animal welfare, as well as reduced environmental impact and conflicts. 331 comments were received and are summarised below:

Improved access and transportation

- **Easier access:** A new location could provide better access for farmers and buyers, potentially reducing travel times and improving efficiency.
- **Reduced traffic congestion:** Relocating the market outside the city could alleviate traffic congestion and reduce disruptions to local residents.

Enhanced facilities and animal welfare

- **Modern facilities:** A new market could be constructed with modern facilities, including improved pens, loading areas, and auction rings.
- **Improved animal welfare:** Updated facilities can help to enhance animal welfare by providing more comfortable and hygienic conditions.

Environmental and community benefits

- **Waste management:** A new market could implement better waste management practices to minimise environmental impact.
- **Community benefits:** A suitable and practical space for farmers to meet and connect as outlined previously.

Cost and reduced conflicts

- **Fewer complaints:** Relocating the market to a less populated area could reduce the number of complaints related to noise, traffic, and odours.
- **Reduced legal issues:** A new location may help to avoid or mitigate potential legal disputes with local residents or businesses.
- **Long-term viability:** A new market could be designed to be more cost-effective in the long term, reducing operating expenses and ensuring the market's sustainability. Acquiring land outside the city may be more cost-effective than expanding the current market site.

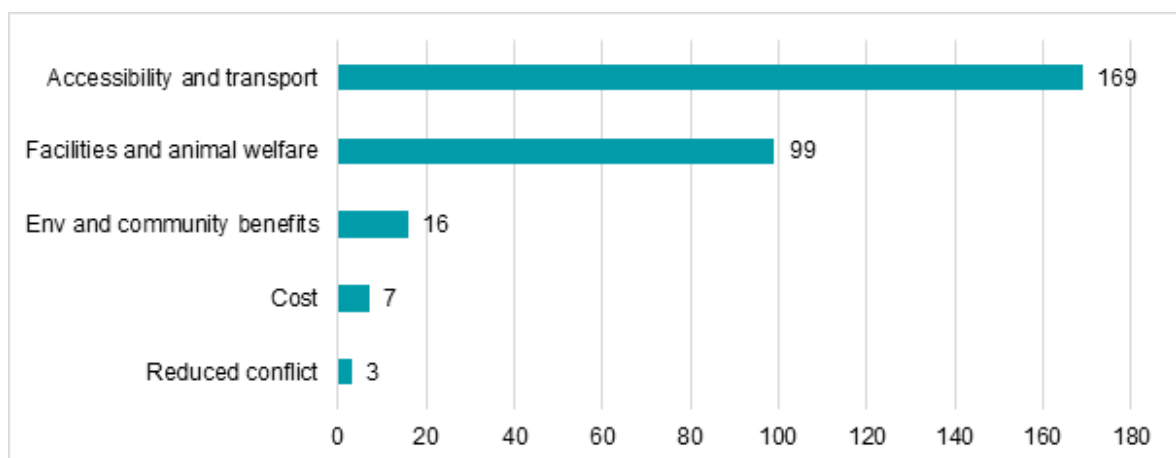


Figure 8: Coding categories and frequency of codes assigned

While the proposed relocation of the livestock market offers significant benefits, it is essential to carefully consider and address the potential challenges outlined in the consultation feedback. 315 comments were received, and the following key challenges identified are below:

Disruption and transition

- **Economic impact:** The relocation may have economic implications for businesses and jobs associated with the current market location.
- **Opposition:** Opposition from special interest groups could hinder the progress of the project and potentially halt its implementation.
- **Planning process:** A thorough planning process will be necessary to address potential issues and ensure the successful implementation of the project. The relocation may face regulatory challenges, such as zoning restrictions, environmental permits, and heritage preservation requirements.
- **Communication and stakeholder engagement:** Effective communication and engagement with stakeholders, including farmers, residents, and local businesses, will be crucial during the transition period to address concerns and build support.

Cost and funding

- **Financial burden:** The relocation project may involve significant costs, including land acquisition, infrastructure development, and construction.
- **Funding sources:** Identifying appropriate funding sources to support the project will be essential.

Finding a new site

- **Infrastructure requirements:** The new location may require significant infrastructure investments, such as improved roads, utilities, and waste management facilities.
- **Separation from the community:** The relocation could lead to a sense of separation from the wider community, particularly if the new market is located in a more remote area.
- **Cultural heritage:** There may be concerns about preserving the cultural heritage associated with the existing market.

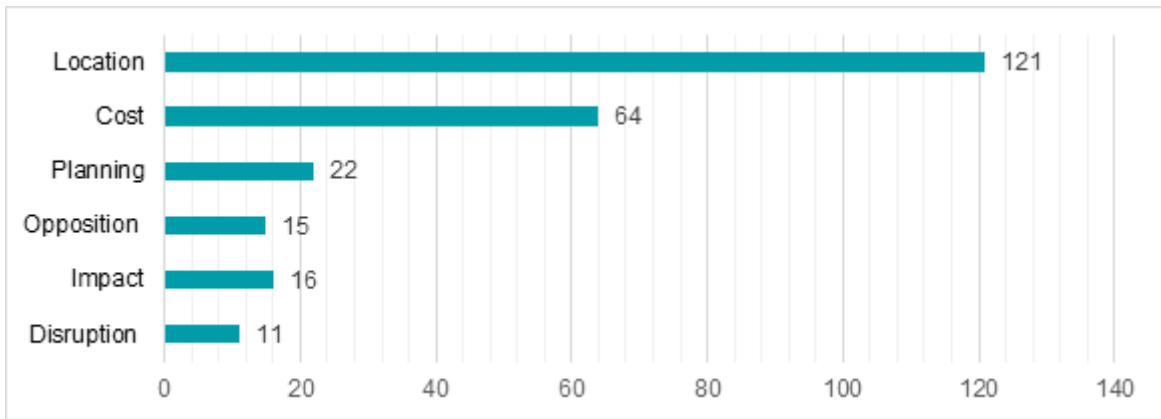


Figure 9: Coding categories and frequency of codes assigned

Preferred distance from the current facility

290 respondents provided a preferred distance in miles from the current facility. The majority preferred a relocation within a reasonable distance from the current market, with a mean distance of 10.7 miles.

Accessibility from major roads and the welfare of livestock were key factors in determining the preferred distance. While some respondents wanted to maintain the market's close proximity to Norwich, others were more focused on ensuring accessibility for farmers from across the region. The key themes are summarised below:

- **Accessibility:** Respondents prioritised accessibility from major roads (A47 and A11) to ensure ease of access across the region.
- **Proximity to Norwich:** Many respondents preferred a relocation within a reasonable distance from the current market, emphasising the importance of maintain its connection to the city.
- **Livestock welfare:** Concerns about the welfare of livestock during transportation influenced the preferred distance. Many wanted to minimise travel time to reduce stress on animals.
- **Market identity:** Some expressed a desire to maintain the markets association with Norwich, suggesting that relocation should not be too far away from the current location.

DRAFT NORWICH LIVESTOCK MARKET BILL

NOTE: THIS IS A DRAFT PREPARED FOR THE MEETING OF NORWICH CITY COUNCIL HELD PURSUANT TO SECTION 239 OF THE LOCAL GOVERNMENT ACT 1972, AND IS SUBJECT TO APPROVAL.

EXPLANATORY MEMORANDUM

This Bill is promoted by Norwich City Council (“the Council”).

This Bill provides for the relocation of Norwich Livestock Market (“the Market”) to a new site and for connected purposes.

Clause 1 gives the short title of the Bill and provides for the date on which the Act comes into force.

Clause 2 defines certain expressions used in the Bill.

Clause 3 enables the Council to relocate the Market subject to certain conditions. Clause 3 is partially based on section 4 of the Hereford Markets Act 2003.

Clause 4 provides a power for an authorised person (including a constable or a person authorised by the Council) to give traffic directions on a new site. *Subsection (2)* provides that a fine may be issued for any failure to comply with a direction under clause 4.

Clause 5 provides a power for the Council to determine that land forming any part of a new site which is not required for the purposes of the Market should no longer form part of a new site and fix a date when this is to happen; and from that date the land is released from any restriction, right or obligation due to its status or use as a market. However, this is subject to *subsection (2)*, which provides that this must not result in the area occupied by the market facility at the new site being smaller than the area occupied by the market facility at the existing site, taking into account any land incorporated under clause 6.

Clause 6 is a power for the Council to incorporate adjoining land into a new site.

Clause 7 provides the Council with powers to operate and regulate a new site. *Subsection (1)* provides that the Council’s rights in relation to the existing site shall continue to have effect in relation to a new site. *Subsection (2)* provides that Part III of the Food Act 1984 is to apply to a new site. (Part III of the Food Act 1984 provides for the general operation of markets). *Subsection (3)* provides the Council with powers to develop a new site. It also allows the Council to grant leases or licences in respect of a new site or sell or otherwise dispose of a new site, so long as such sale or disposal is consistent with the operation of the Market, and enter into a composition with any person with respect to the payment of any charges due under Part III of the Food Act 1984. *Subsection (4)* gives the Council power to appoint another person to operate or manage a new site, and to delegate in writing functions consequential on such an appointment, to such extent and subject to any conditions or restrictions that the Council considers appropriate. Clause 7 is substantially based on section 3 of the Hereford Markets Act 2003.

Clause 8 provides a power to issue fixed penalty notices for traffic offences on roads within a new site or for breach of any byelaws made under the Norwich City Council Act 1984, with certain notice requirements detailed in *subsections (3)-(5)*. *Subsection (6)* provides that no proceedings may be taken against a person to whom a fixed penalty notice is issued within 14

days of the notice being issued and that such a person cannot be convicted if a fixed penalty is paid before the end of that period. *Subsection (7)* provides that the amount of the fixed penalty is to be prescribed by the Council and *subsection (8)* prescribes the form of evidence applicable to the proceedings.

Clause 9 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of committing an offence under section 4 or acting in breach of byelaws made under the Norwich City Council Act 1984, to give their name and address so that enforcement action may be taken against the person. *Subsection (2)* provides that it is an offence to fail, without reasonable excuse, to provide such information.

Clause 10 provides that nothing in sections 4 and 8 of the Norwich City Council Act 1984 affects the operation of the Bill and that the provisions of that Act are to have effect subject to the Bill.

DRAFT

EUROPEAN CONVENTION ON HUMAN RIGHTS

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NORWICH LIVESTOCK MARKET BILL

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to make provision for the relocation of Norwich Livestock Market; and for connected purposes.

WHEREAS—

- (1) Norwich City Council (“the Council”) is empowered to hold and regulate markets in Norwich City (“the City”) by virtue of a Royal Charter granted in [●]:
- (2) The Council is responsible for markets and fairs in the City pursuant to the Norwich City Council Act 1984:
- (3) In exercise of these powers, various markets are held in the City, including a livestock market held at Hall Road, Norwich, Norfolk, NR4 6DW (“the Market”), principally taking place on Saturdays:
- (4) The location and physical constraints of the existing site of the Market, together with concerns for animal welfare, render that site ill-suited for the purposes of the Market:
- (5) It is expedient that the Market should be relocated to a new site where facilities that meet modern market needs and practices can be provided:
- (6) The location of transport connections and the availability of suitable alternative sites means it is expedient to relocate the Market outside of the City:
- (7) The Council’s power to hold markets under the Norwich City Council Act 1984 is, under section 4 of that Act, limited to markets within the City:
- (8) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (powers of joint and local authorities to promote Bills) have been observed:
- (9) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Citation and commencement

This Act may be cited as the Norwich Livestock Market Act 202[●] and comes into force on the day on which it is passed.

2. Interpretation

In this Act—

“animal welfare officer” means an officer of a local authority who executes and enforces the provisions of the Welfare of Animals at Markets Order 1990 (or any substituted Order for equivalent purposes);

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

(i) is an employee, agent, contractor or sub-contractor of the Council; or

(ii) is authorised by the Council to exercise one or more of its functions under this Act; or

(b) a constable, a Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004, a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, a traffic officer or an animal welfare officer, each acting in the course of that person’s duties;

“the City” means the city of Norwich as defined in an order under section 7 of the Local Government and Public Involvement in Health Act 2007 from time to time;

“the Council” means Norwich City Council;

“existing site” means the site of the Market;

“lease” means the grant of a right to the exclusive possession of land for a determinable period of time;

“the Market” means the livestock market (the “Cattle Market” as referred to in the Norwich City Council Act 1984) which at the time of the passing of this Act is held at Hall Road, Norwich, Norfolk. NR4 6DW;

“the Market Act” means the Norwich City Council Act 1984;

“market facility” means any market place, market house, building, land or other facility used or intended to be used for the purposes of agriculture and associated services (including the Market); and

“new site” means a site to which the Market is relocated in accordance with section [3].

3. Relocation of the Market

(1) Subject to the conditions in subsections (2)-(4), the Council may from time to time—

(a) relocate the Market to a new site at any place outside of the City; and

(b) in connection with the relocation, discontinue the use of any land for the purposes of the Market.

(2) The conditions referred to in subsection (1) are that a new site must—

(a) be at least 5.5 acres in size;

(b) provide a market facility comparable to that provided at the existing site; and

(c) either be—

(i) within 16 miles of the existing site and within 3 miles by road of the A11, A47 and A140, or

(ii) within 1 mile of the A1270.

- (3) The Council must not relocate the Market under this section—
 - (a) without first consulting the market traders at the existing site, and any other person that appears to the Council to be likely to be affected by the proposed relocation;
 - (b) until the new site is laid out and available for use as a livestock market ensuring the continuity of the market facility; and
 - (c) unless it has fixed by resolution a date on which the Market is to be relocated and that date must be at least 90 days after the date of that resolution.

4. Traffic Regulation

- (1) Any authorised person may give directions as to the use of a new site by members of the public or as to the movement, stopping, parking or placing for loading or unloading of any vehicle in a new site, on production of that person's authority if required by any member of the public or driver of a vehicle being so directed.
- (2) A driver of any vehicle or member of the public who fails without reasonable excuse to comply with a direction given under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5. Power to determine that land is not to be part of a new site

- (1) Subject to subsection (2), the Council may determine by resolution that any part of a new site which the Council considers is not required for the purposes of the Market is to cease to be a part of the new site from such date as it determines.
- (2) A determination by resolution may not be made under subsection (1) where it would, taking into account any land incorporated into the new site by way of determination under section 6, mean that the market facility at the new site is not at least 5.5 acres in size.
- (3) From such date as the Council determines under subsection (1)—
 - (a) any restriction, right or obligation that attaches or relates to the land to which the determination relates, by virtue of it being part of the Market, ceases to apply, and
 - (b) references in this Act to a new site are to be read accordingly
- (4) In subsection (3), “any restriction, right or obligation”—
 - (a) means any restriction, right or obligation that attaches or relates to the land by virtue of this Act or any other enactment, or otherwise, by reason of the land's status or use as a market facility, but
 - (b) does not include such a restriction or obligation imposed by a lease.

6. Power to incorporate land into a new site

- (1) The Council may determine by resolution that designated land will form part of a new site from such date as it determines.
- (2) From such date as the Council determines under subsection (1)—
 - (a) the designated land to which the determination relates will form part of a new site, and
 - (b) references in this Act to a new site are to be read accordingly.

- (3) In this section “designated land” means land—
- (a) which adjoins a new site, and
 - (b) in respect of which the Council has—
 - (i) a legal estate, or
 - (ii) the written agreement of a person who has a legal estate in the land, that the new land will form part of the new site, and whose agreement is necessary to operate a market on that land.

7. Operation and regulation of the market facility at a new site

- (1) Subject to the provisions of this Act, where the Market is relocated to a new site in accordance with section [3], all rights vested in the Council in relation to the Market at the existing site are vested in the Council in respect of the Market at the new site
- (2) Following relocation of the Market to a new site in accordance with section [3], Part III of the Food Act 1984 (c. 30) applies to the Market at the new site as if the Market had been established at that site under section 50 of that Act.
- (3) Without prejudice to any other powers available to it, the Council may—
- (a) use, lay out and develop a new site for the purposes of a market facility, or for any other purpose that is consistent with the operation of a market facility;
 - (b) maintain and hold a market at a new site;
 - (c) provide, maintain, alter or improve any market facility belonging to it;
 - (d) permit any market facility belonging to it to be used for such purposes as it sees fit (without prejudice to section 3(2)(b) of this Act);
 - (e) grant a lease or licence for any period upon such terms and conditions as it determines in respect of—
 - (i) a new site or any part of a new site (including any market facility belonging to the Council); or
 - (ii) the right of selling or holding sales of things authorised to be sold at a new site;
 - (f) where such a letting is entered into, transfer to the lessee, on such terms as it sees fit, any functions of the Council or of any of its officers in relation to a new site;
 - (g) sell, lease, exchange or otherwise dispose of a new site, or part of it, in such manner and for such consideration as it determines but only insofar as the sale, lease, exchange or disposal is consistent with the operation of a new site; and
 - (h) enter into a composition with any person with respect to the payment of any charges which the Council may demand under Part III of the Food Act 1984 (c. 30).
- (4) The Council may—
- (a) appoint another person to operate a market facility on the new site or manage a new site, and
 - (b) delegate in writing any of its functions consequential on such an appointment to that person,
- to such extent, and subject to such conditions and restrictions, as the Council considers appropriate.

8. Fixed penalty notices

- (1) An authorised person may issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence under section [4] or contrary to byelaws made under section 60 of the Market Act.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to be convicted of the offence to which the notice relates by payment of a fixed penalty to the Council.
- (3) A fixed penalty notice must be in writing and state—
 - (a) the particulars of the circumstances alleged to constitute the offence to which the notice relates;
 - (b) the amount of the fixed penalty;
 - (c) the effect of subsection (6);
 - (d) the name and address of the person to whom payment of the fixed penalty may be sent; and
 - (e) the permissible methods of payment.
- (4) A fixed penalty notice may be issued in person or by post and must identify by name the person to whom it is issued, unless the authorised person cannot reasonably ascertain the person's name.
- (5) Where a fixed penalty notice is issued by post, it is deemed to have been issued to the person to whom it relates on the second business day after it was posted.
- (6) Where a person is issued with a fixed penalty notice—
 - (a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days, beginning with the date on which the notice was issued; and
 - (b) the person may not be convicted of that offence if the fixed penalty is paid before the end of that period.
- (7) The amount specified under subsection (3)(b) is to be an amount prescribed by the Council, which—
 - (a) may prescribe different amounts in relation to different classes of cases, but
 - (b) may not prescribe an amount exceeding level 1 on the standard scale.
- (8) In any proceedings, a certificate that—
 - (a) purports to be signed by or on behalf of the officer responsible for the Council's financial affairs; and
 - (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate;is evidence of the facts stated.

9. Power to require name and address

- (1) An authorised person who has reason to believe that a person ("P") has committed an offence under section [4], or contrary to byelaws made under the Market Act, may require P to give P's name and address with a view to—
 - (a) the service of a summons on P, or
 - (b) the issuing of a fixed penalty notice to P under section [8].
- (2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

10. Application of the Market Act

- (1) Nothing in sections 4 or 8 of the Market Act affects the operation of this Act and without limitation the provisions of the Market Act have effect subject to this Act
- (2) Without limitation to subsection (1)—
 - (a) a relocation under this Act is not to be construed as a closure or discontinuance under section 8 of the Market Act; and
 - (b) a market held at a new site is not to be construed as being held under section 4(1) of that Act.

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