

FOR IMMEDIATE RELEASE

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Farmers' market sues London Borough of Hammersmith and Fulham Council for almost £50,000 for Covid-19 power abuses

A small trader has filed claims against London Borough of Hammersmith and Fulham Council seeking damages of almost £50,000 arising out of its closure of his weekly farmers' markets. The Council has obtained an injunction preventing him re-opening those markets and is using Covid-19 as a reason for this move, despite other outdoor markets and concessions being allowed to continue in the Borough.

Ross Spurrier of RMS Markets organises weekly farmers' markets in Bishop's Park and Ravenscourt Park in Hammersmith and Fulham. At the start of this year, the Council informed him that he was no longer allowed to trade, owing to lockdown 3 and alleged concerns about footfall in the park.

In March, he was told that he would be allowed to resume organising markets from 12 April in line with the reduction of national restrictions. However, about a week prior to restarting the markets, he was e-mailed by the Council and informed that it had changed its mind and that he would no longer be allowed to open, owing to alleged concerns about increased footfall in the parks as a result, and an alleged desire to prioritise sports usage of the parks. On 30 April, following objections to the Council's actions by Mr Spurrier, he was served with an injunction preventing him from operating any events in the Council's parks.

On 05 May, the Council commenced formal proceedings against Mr Spurrier seeking to make the injunction permanent. It is also seeking to make him pay its legal costs.

On 21 June, Mr Spurrier filed and served his Defence and Counterclaim, seeking damages of just under £48,000 (plus interest and legal costs) for the losses that he has suffered as a result of the Council's closure of his business.

Mr Spurrier notes: "Most local businesses have returned to almost full operation, and in less than a month the Government intends to remove the final social distancing restrictions. Despite that, the Council apparently thinks it right to take out injunctions to stop open-air traders from operating in its parks because of supposed coronavirus concerns. I don't think that is fair or a good use of public money. My business has suffered terribly as a result of what the Council has done to me and other small businesses like mine, and I have been left with no choice but to defend my rights."

Mr Spurrier has set up a recent petition (https://www.change.org/p/hammersmith-fulham-council-reopen-bishops-park-ravenscourt-park-farmers-markets?source_location=topic_page) to re-open the markets that has received over



1,900 signatures, and he says that local people and businesses have donated generously to his legal fighting fund. Through his barristers Robert Griffiths QC and Nicola Strachan of 6 Pump Court, and through his law firm Spencer West, Mr Spurrier has been disputing the Council's conduct.

Mr Griffiths, a leading public and commercial QC who has also become a distinguished consumer champion and who has successfully taken on similar cases against Camden Council and other local authorities, comments: "Local authorities have to accept the consequences of their actions, and appreciate that the failure to comply with the Coronavirus No.3 Regulations relating to COVID-19 and the closure of business sounds in damages."

Paolo Caldato, Commercial Dispute Resolution Partner at Spencer West, explains: "It has become clear that London Borough of Hammersmith and Fulham Council has acted without any regard to the Regulations, and has produced no real evidence that it acted on the basis of any public health advice. The Council has made clear that it intends to put the farmers' markets concession out to tender, and that they will resume once that tendering process is complete. A desire to change its commercial arrangements should not have played a part in the Council's decision-making process in this case, under the cover of purported concerns about COVID-19."

The case raises an issue of major public importance regarding local authorities' approach to maintaining a proper balance between the application of the coronavirus regulations and the carrying out of legitimate trading activities by small businesses.

The injunction was obtained *ex parte*, without notice and Mr Spurrier is seeking to set it aside. Mr Spurrier's legal costs crowd-funding page is at <https://www.justgiving.com/crowdfunding/rms-market-appeal>.

Ends

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