

 <b>Executive</b> <b>3<sup>rd</sup> September 2014</b>		<b>Agenda Item No. 5</b>
<b>Title</b>	Warwick Mop Review	
<b>For further information about this report, please contact:</b>	Cllr Stephen Cross Richard Jones	
<b>Wards of the District directly affected:</b>	Warwick West	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No Appendix 4 <i>is</i> confidential, due to the legal advice contained within and therefore this is included separately in the confidential section of the Executive agenda as item 20.	
<b>Date and meeting when issue was last considered and relevant minute number:</b>		
<b>Background Papers:</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes 625
<b>Equality &amp; Sustainability Impact Assessment Undertaken:</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	11/08/14	Andy Jones
Head of Service	03/08/14	Tracy Darke
CMT	18/08/14	CMT
Section 151 Officer	06/08/14	Mike Snow
Monitoring Officer	11/08/14	Andy Jones
Portfolio Holder(s)	18/08/14	Stephen Cross, Susan Gallagher, John Hammon
Consultation & Community Engagement		
Consultation was carried out with local residents, business and key stakeholders		
Final Decision		Yes
Suggested next steps (if not final decision please set out below)		

## **1. SUMMARY**

- 1.1. This report seeks approval to make changes to the Warwick Mop Fair licence following a public consultation exercise. It brings forward the recommendations given by the Members' Panel formed to review the licence. These recommendations take into account the results of the public consultation exercises, the legal elements of the fair and the opinions of key stakeholders.

## **2. RECOMMENDATIONS**

- 2.1. That the Executive approve the list of changes to be made to the Warwick Mop licence (as detailed in Appendix 1). These are to be incorporated into the new licence in time for it to be re-let in the spring of 2015.
- 2.2. That the Executive delegate to the relevant Head of Service, in consultation with their Portfolio Holder, the authority to implement the changes detailed in Appendix 1 and any others as necessary, so long as they do not prejudice the approved principles of the re-letting of the licence.
- 2.3. That the Executive note the results of the soft market testing exercise (to be given as an addendum), and that they accept the advice of the Procurement Manager and Portfolio Holder in relation to the tendering of the Mop licence.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1. The Warwick Mop Fair is an historic part of Warwick town. It has played a part in the culture and heritage of the town and the wider area since the 14<sup>th</sup> century and forms part of the cultural heritage of Warwick.
- 3.2. This list of recommendations has been assembled based upon the feedback received from the consultation exercises and upon legal advice received. It is considered that they represent the best way forward for the Mop at this time and that they best serve the public good. These recommendations have been agreed upon by the cross-party panel of Members.
- 3.3. Delegated Authority is sought as there are potential changes that may need to be made to the recommendations in Appendix 1. For example, the naming of the most appropriate health and safety legislation. The working group and legal teams need to be able to make small adjustments to the licence terms as required without returning to the

Executive for minor amendments. None of these changes will prejudice the options offered in this report.

- 3.4. A soft market testing exercise has been initiated upon the advice of the Procurement Manager and County Legal Services. The intent of this testing is to gauge the appetite of the market for running such a specialist event. The testing period is due to end just before the 3<sup>rd</sup> September Executive; at this point the Procurement Manager will be able to provide a recommendation on whether to run a full tendering exercise or to waive the process if there is no relevant interest beyond that expressed by the current licence holder.

This recommendation will be available on the afternoon of Tuesday the 2<sup>nd</sup> September and copies will be sent to all Warwick District Councillors at that time.

#### **4. POLICY FRAMEWORK**

- 4.1. **Fit for the Future:** The Mop Fair has formed a part of the culture of Warwick for the past few centuries. Allowing such an historic fair to continue helps to contribute toward the Council's vision of making the district a great place to live work and visit.

The recommendations outlined in this report seek to serve the public good over the good of individuals or groups.

#### **5. BUDGETARY FRAMEWORK**

- 5.1. The review of the Mop licence has no impact upon existing budgets or arrangements. No income is generated for the Council, and any costs incurred in the running of the event are reimbursed in full by the licence holder.
- 5.2. The licence holder is required to provide an upfront bond of £25,000 to the Council to cover any and all costs associated with the event. In the interest of efficiency, any street cleaning, repairs, etc. are initially resolved by WDC and are then recharged to the licence holder.
- 5.3. After reimbursements are accounted for, the bond is returned to the licence holder.

#### **6. RISKS**

- 6.1. Should the recommendations be approved by the Executive, the following risks should be noted:
- 6.1.1. There is a small but very active group of Warwick businesses who are strongly against the Mop being run in the town centre. The recommendations in this report do nothing to move the location of the fair. It should be noted that most of these businesses support the Mop in principle but take umbrage with the traditional location.

In an attempt to mitigate this element, the recommendations do include a requirement for the licence holder to work with local residents and business *within reason* to reduce any disruption resulting from the Mop. It is important to note, however, that this is not an invite to review the Mop each and every year.

- 6.1.2. As above, a significant group of town centre residents have expressed their concern with the central location of the Mop and the disruption it causes for two weekends of the year.
- 6.2. Should the recommendations of the Panel be rejected, the following additional risks are also presented:
- 6.2.1. As much as some local residents and business dislike the current format of the Mop, there are a greater number of locals who support the current format. Should alternative recommendations be brought forward by the Executive, there is a risk of causing ire with these groups who actively support the Mop.
- 6.2.2. Linked to the above, there were many responses in the public consultation expressing clear disappointment at the notion that the licence may be altered to the detriment of the fair. Some of the rejected alternative recommendations may be seen to lead to the 'homogenisation' and 'gentrification' of Warwick at the expense of its unique traditions and culture.
- 6.2.3. It is currently assumed that, regardless of to whom the licence is re-let, some members of the Showmen's Guild will, in some form, continue be involved in the running of the Mop. As such, regardless of who actually holds the licence, it is likely that the same families will continue to be a part of the Mop fair tradition. There is a risk that any counter-recommendations that significantly alter the format of the Mop will cause problems within the guild.

Below are a set of risks linked to the potential impact upon the

Showmen, should they be successful in the licence re-tender;

- 6.2.4. Legal advice indicates that the Showmen may have legal grounds on which to object to changes via a judicial review.
- 6.2.5. Some of the rejected recommendations may have a negative effect upon the livelihoods and way of life of the Showmen families.
- 6.2.6. There is a risk that any changes that marginalise the Mop and the Showmen set a precedent for other parts of the country when councils find themselves under pressure from local groups. Such a situation will further exacerbate any negative impact upon the Showmen's way of life.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1. Alternative options can be found in Appendix 2. This includes a summary of the pros and cons of each choice, along with commentary on the legal implications and the reasons for the Panel rejecting the option.

## **8. BACKGROUND**

- 8.1. The Warwick Mop Fair has been held in the town since the 14<sup>th</sup> century. Warwick District Council holds the rights to run or to licence the Mop Fair.
- 8.2. The current Mop licence is held by the Showmen's Guild of Great Britain and has been in place for the past decade. The current licence expires following the 2014 Runaway Mop.
- 8.3. In October to December 2012, feedback was received on the Mop as part of the Warwick Town Centre Plan consultation. This, combined with the current licence drawing to a close, led the formation of a cross-party panel of Members whose task it was to review the current Mop licence and arrangements. The Panel Members are as follows (with the Council they are representing):
  - Cllr Stephen Cross (Warwick District Council)
  - Cllr Gerry Guest (Warwick Town Council)
  - Cllr John Holland (Warwick Town Council)
  - Cllr Anne Mellor (Warwick District Council)
  - Cllr Nick Pittarello (Warwick District Council)
  - Cllr Jerry Weber (Warwick District Council)
- 8.4. A series of consultation exercises were carried out in the winter of 2013, the headline results of which can be found in Appendix 3. These consultations sought opinions from residents, local businesses, Fair-

goers, and a series of key stake holders (including the Showmen's Guild, the Police, Warwick Racecourse, Warwick Chamber of Trade, Warwick Town Council, Fire and Rescue, County Highways and WDC staff involved in facilitating the Mop).

- 8.5. Legal advice has also been sought on the implications of making changes to the Mop and the rights of the Showmen whose families have run the Mop Fairs for generations. As well as current advice, the Panel also drew upon advice taken from Counsel in 2005 when the licence was last reviewed. A short summary of the extensive legal advice can be found in Appendix 4.
- 8.6. Key to any decisions on the Mop is the notion that any changes to the Mop arrangements must be shown to be for the 'benefit of the public', i.e. the benefit of the public as a whole.
- 8.7. The consultation exercises showed general support for the Mop, but with a number of suggestions for improvements that could be made to help mitigate its impact on the town. All of these options were considered by the Panel, but some were deemed unfeasible due to other constraints. Others were considered to be management issues and so not appropriate for inclusion within a legal document. These have been passed to the Events Team and Development Services and will form part of the ongoing management of the Mop.
- 8.8. Should the soft market testing exercise reveal a lack of a market and/or interest in running the Mop, an exception to the Procurement Code of Practice will also be recommended to the Executive. The results of the soft market testing exercise will be provided as an addendum as noted in 3.4.

## **9. APPENDICES**

- 9.1. Appendix 1: Recommendations for Changes to the Licence
- 9.2. Appendix 2: Alternative Options Considered
- 9.3. Appendix 3: Consultation Summaries. Please see online at [http://www.warwickdc.gov.uk/info/20246/arts\\_and\\_entertainment/509/fairgrounds](http://www.warwickdc.gov.uk/info/20246/arts_and_entertainment/509/fairgrounds)
- 9.4. Appendix 4: Legal Summary