

 EXECUTIVE 3 DECEMBER 2008		Agenda Item No.
Title	Horse Fair, Kenilworth	
For further information about this report please contact	Chris Elliott	
Service Area	Chief Executive	
Wards of the District directly affected	Kenilworth	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors' relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	17.11.08	Bill.Hunt
Chief Executive	17.11.08	Chris Elliott
CMT	17.11.08	All
Section 151 Officer	17.11.08	Mary Hawkins
Legal	17.11.08	Peter Oliver
Finance	17.11.08	Mike Snow
Portfolio Holder(s)	17.11.08	Cllrs Grainger, Bunker, Hammon and Kinson
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report. Warwickshire Police, Kenilworth Town Council, Warwickshire County Council, Warwickshire Fire and Rescue Authority,		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
Consider any application likely to be received.		

1. SUMMARY

- 1.1 This report sets out a proposed policy for dealing with an application to hold a Horse Fair on Thickthorn, Kenilworth under the Warwick Market Charter. This follows the impact on the local community of a combined Horse Fair and Traveller Christian events in July and a subsequent Horse Fair in September 2008. The policy seeks to set out the parameters for agreeing to grant an application in the light of previous events this year.

2. RECOMMENDATION

- 2.1 The policy for considering granting an application under the Warwick Market Charter for a Horse Fair at Thickthorn, Kenilworth as set out at Paragraph 3.4 of this report be agreed.
- 2.2 The landowner (of the land at Thickthorn) should be informed of the policy and be invited to make an application under the Warwick Market Charter should another Horse Fair planned to be held on that site.
- 2.3 The expenditure agreed by the Chief Executive under emergency powers totalling £3,375 funded from the contingency budget be agreed retrospectively.

3. REASONS FOR THE RECOMMENDATION

- 3.1 In July 2008, a Horse Fair was held on land adjacent to Thickthorn traffic island, on the outskirts of Kenilworth. There have been 8 events held previously (one day only) but on this occasion it was followed immediately by a Traveller Christian event arranged at the last minute which lasted for a week. The consequence of this dual and longer event was that there were a large number of people from the Traveller community in and around Kenilworth for a significant period of time. During this time there was an illegal occupation of Abbey Fields and a number of other incidents were reported. A number of people and local Councillors felt exposed and that neither the Police nor the Local Authorities had adequately prepared nor responded appropriately.
- 3.2 Meetings were arranged involving Councillors from the Town, District and County Councils, Council Officers, the Police and staff from other agencies to assess what had happened, what could be learned and to prepare in advance of another Horse Fair planned for late September 2008. As part of those preparations it was agreed that as the site fell within the area of the Warwick Market Charter, that it offered the possibility of exercising some control. This was established by translating the Latin version of the Charter. Subsequently, the landowner was invited to make an application to hold a Horse Fair under certain conditions. Approval was granted under the delegated authority of the Head of Legal Services.
- 3.3 The event in late September passed very largely without incident. However, the Police had significantly increased its staffing presence to both reassure the local community and to offset the possibility of any incidents. This resulted in a cost to the Police Authority in the same way as other events represent a cost the council taxpayer. There is no accurate cost specifically available. The District Council undertook some additional security measures to its open space landholdings at a cost of approximately £1,800. Both this the translation costs (£600) and the Counsel's opinion (£975) were agreed under the Chief Executive's emergency powers as had been agreed by an informal meeting of the Councillors, to be funded from the contingency budget of £121,400 which requires retrospective approval.

- 3.4 Following that event, another meeting of Councillors, officers and the Police was held to learn further lessons in October. The consensus of that meeting was that the following policy should be adopted:

That an application to hold a Horse Fair at Thickthorn, Kenilworth should only be approved if:

1. No vehicles or caravans are parked within 20 metres of Thickthorn Close/Jordan Close and other houses to the North West;
2. Parking is provided on site and if required the evening before the Fair is held;
3. The site within which the Fair is to be held is defined on a map beforehand;
4. The date for the Fair is agreed beforehand but in any case shall not be 14 days before or after any other event on the site. The Council will agree at a maximum of only one event at a time and shall review this policy after each event in order to make sure of its continued relevance;
5. The landowner agrees to make the financial contributions equivalent to that which the statutory bodies incur in managing the event both on and off site;
6. There should be adequate sanitary facilities provided on site. The landowner should also make prior paid arrangement with the Council to dispose of any waste or litter on site or should provide documentary evidence that an alternative contractor is in place to carry out the same work;
7. The spacing standards of caravans and vehicles necessary to allow the Fire and Rescue Service appropriate access;
8. The landowner has public liability insurance in place for the event;
9. A Health and Safety Assessment is undertaken and appropriate mitigating measures are put in place as agreed with the Environmental Health officers.

Any application should be submitted at least two months before the date of the planned event. Details requested above including of the health and safety assessment; siting of noisy equipment; standards for toilets; insurance provision must be submitted and agreed at least one month before the event, otherwise the event should not take place.

There should be no publicity for any event prior to its approval by this Council.

- 3.5 The landowner should be informed if this policy is agreed so that if another event is planned he has adequate time to discuss matters with the relevant authorities and to prepare an application for consideration.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The alternative is not to agree a policy on the use of the Warwick Market Charter. This would not give the Council or local community an opportunity to exercise control over the event.

- 4.2 The Council could seek to also use an Article 4 Direction under its planning powers which would make the Horse Fair subject to planning permission but it is felt that the Market Charter is a more appropriate mechanism.

5. **BUDGETARY FRAMEWORK**

- 5.1 The cost to the Council taxpayer for the event from a District Council perspective is relatively small (£3,375) and can be provided for from the remaining Contingency budget of £121,400 but should be compensated for future events as should the cost to the Police.
- 5.2 There is a risk that if the Council's reliance on the Warwick Market Charter is challenged then it may require Court action and additional legal costs. Whilst there is always some difficulty in estimating such costs officers advise that provision of £15,000 may need to be allowed for at a later stage.

6. **POLICY FRAMEWORK**

- 6.1 The approach that has evolved is one that recognizes the diversity amongst people but which seeks to ensure that the corporate objective of making neighbourhoods feel safer is attained.