

Individual Decision

The attached report will be taken as an Individual Portfolio Member Decision on:

Thursday, 1 September, 2011

Ref:	Title	Portfolio Member(s)	Page No.
ID2345	Review of the Annual Michaelmas Fair and Arrangements to Reduce Anti-Social Behaviour and Noise Disturbance	Councillor Hilary Cole	1 - 6



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Individual Executive Member Decision

Title of Report:	Review of the Annual Michaelmas Fair and Arrangements to Reduce Anti Social Behaviour and Noise Disturbance
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	01 September 2011
Forward Plan Ref:	ID2345

Purpose of Report: To review arrangements for hosting and managing the Michaelmas Fair and to make recommendations which aim to reduce noise disturbance and anti social behaviour.

Recommended Action:

1. That West Berkshire Council includes the requirement for additional stewarding in the legal agreement with the Showman's Guild for this year's event (October 2011)
2. That the Council writes back to Mr Wyper in response to his concerns
3. That Officers review the effectiveness of these additional measures following this year's event at a meeting with the Showman's Guild

Reason for decision to be taken: To take action in response to a complaint

Other options considered: Move the Fair to another location. To no longer host the Fair.

Key background documentation: None

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Contact Officer Details	
Name:	Stewart Souden
Job Title:	Grounds Maintenance Manager
Tel. No.:	01635 519553
E-mail Address:	ssouden@westberks.gov.uk

Implications

Policy:	None
Financial:	None
Personnel:	None
Legal/Procurement:	The legal agreement with the Showman's Guild will need to be updated
Environmental:	The recommended action will reduce noise disturbance and anti social behaviour associated with the Fair, specifically late at night.
Partnering:	The recommended action has been agreed with the Showman's Guild
Property:	None
Risk Management:	The recommendations will improve public safety and reduce damage to property as a result of anti social behaviour.
Community Safety:	The recommended action will reduce late night anti social behaviour.
Equalities:	None

Consultation Responses

Members:

Leader of Council:	Cllr G Jones
Overview & Scrutiny Management Commission Chairman:	Cllr B Bedwell
Ward Members:	Cllrs A Vickers, G Mason, R Hunneman, D Allen
Opposition Spokesperson:	Cllr R Longton
Local Stakeholders:	Thames Valley Police
Officers Consulted:	Paul Hendry, Steve Broughton
Trade Union:	

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by O&SMC or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Supporting Information

1. Background

- 1.1 Each year, the Michealmas Fair is attended by several thousand people. In most years Council Officers receive up to 5 or 6 complaints during the event. These complaints tend to be about noise from the Fair itself or from people entering or leaving the site. Although excessive noise and some limited anti social behaviour have been attributable to the Fair in previous years, previous discussions with the Showmen's Guild have brought about significant improvements.
- 1.2 Further complaints about noise were received in 2010 following a late night disturbance. Mr A Wyper, who lives directly adjacent to Northcroft Park, made a formal complaint to the Council to request that the Fair be stopped or moved on the basis of late night disturbances during both the set up and running of the Fair. Mr Wyper also raises additional concerns about parking, and safety measures, as well as concerns about funding measures in place.
- 1.3 The Police also raised concerns about anti social behaviour in and around Northcroft related to the Fair.
- 1.4 These factors appear to suggest increased anti social behaviour despite their being no significant increase in the total number of complaints.

2. Historical Context

- 2.1 A Charter for the various fairs in Newbury was issued in 1596. It was widely considered that this Charter establishes a right for the fair to be held in the Town. This is not the case as the Charter does not specifically mention the Michaelmas Fair. However it is considered that the Showman's Guild could challenge any cessation of the event on the basis of a right to hold the event by evidence of long established use. The Fair took place in Market Place up until WWII, but moved to West Berkshire Council's Northcroft Park sometime after that period.

3. Current Arrangements

- 3.1 Each year the Council and the Showman's Guild of Great Britain enter into a legal agreement which covers:
 - (a) The date of the fair
 - (b) Opening hours
 - (c) Fees
 - (d) Layout
 - (e) Rides and stalls
 - (f) Insurance
 - (g) Health and Safety Certification and risk assessments
 - (h) Stewarding
- 3.2 In recent year's officers have worked with the Showman's Guild to address residents and customer concerns and therefore to improve this event in the following ways:

- (a) Provision of temporary toilets
- (b) Improved First Aid which is provided by the St Johns Ambulance Service
- (c) Provision and more sensitive location of noise dampened generators to reduce noise disturbance before, during and after the Fair closes
- (d) Provision of pedestrian barriers on Northcroft Lane and reduced parking on Northcroft Lane so as not to inconvenience users of Northcroft Leisure Centre.
- (e) A much more rigorous risk assessment process and scrutiny of safety and other certificates.
- (f) Greater Liaison with the Police and the Showmens Guild before the Fair is established

3.3 Mr Wyper's complaint provides an opportunity to review the Fair and the suitability of its current location.

4. Options

4.1 The options to be considered are:

- (a) To no longer host the Fair.
- (b) To move the Fair to another location
- (c) Make further improvements to mitigate impact on local residents and reduce antisocial behaviour.

4.2 Option (a) To no longer host the Fair. Before considering whether there are other locations for the Event, there is of course the option to no longer continue hosting the Fair.

4.3 The Michaelmas Fair is a long standing feature of Newbury's public events calendar and gives pleasure to thousands of local families and young people who visit it each year. In most years there are very few public complaints about anti social behaviour and the actions listed above have in the most part improved the experience of those living in the general locality. On balance therefore officers consider that it would be unreasonable to stop the event without giving the organisers sufficient opportunity to address concerns raised by the public.

4.4 It should however be noted that ultimately the police have the power to close public events on the grounds of public disorder should the need arise and the Showman's Guild have been made fully aware of this and adequate warning given.

4.5 Option (b) Move the fair to another location in Newbury. Officers have examined other locations in and around but sufficiently close to Newbury Town Centre. Some of these have been suggested in previous years. Four possible options present themselves; the Newbury Showground, Newbury Racecourse, Victoria Park and Stroud Green Common. Having spoken to the Showmen's Guild, they are unwilling to consider either the Showground or the Racecourse on the grounds that neither of these locations presents an economically viable option and Victoria Park, being close to residential properties offers no significant advantage over the current location. In addition the Council do not have control over these locations and therefore they are discounted as options.

4.6 Stroud Green, on the basis of its size and proximity to the Town remains the only other possible location. Again however Stroud Green is close to residential

properties and is close to a busy main road and therefore officers have discounted this site as it offers no significant advantages over the current location.

- 4.7 Option (c) Make further improvements to mitigate impact on local residents and reduce antisocial behaviour. It is clear that further improvements to this event have to be implemented to address the concerns of local residents.

5. Reducing Anti Social Behaviour at his Event.

- 5.1 Following the concerns raised by the Council, the Showman's Guild and the Council's Grounds Maintenance Manager met to discuss the future of the Fair and associated antisocial behaviour. They were most concerned at officer's suggestion that the Fair could be stopped, either by the Council or the Police if there were further complaints and to this end have agreed to employ 2 additional stewards during the Fair to help deal with excessive noise and antisocial behaviour. These stewards will provide cover from 9pm-2am during set up of the Fair and from 4pm-3am on the days that the Fair is in operation (Friday to Sunday).
- 5.2 These stewards have a specific remit to be visible at all times and to patrol the site and will ask anyone involved in anti social behaviour or criminality to stop and move on. Should those involved refuse to do so, then the Police will be called for further action to be taken.
- 5.3 CCTV camera surveillance will be provided by the Guild at their expense.
- 5.4 Officers also considered asking for increased Police cover during the Fair and to recharge this directly to the Showmens Guild, however the Guild produced evidence from case law which suggests that it would be considered unlawful for Thames Valley Police to charge for Policing the Fair. This evidence has been accepted by Thames Valley Police (Appendix 1). Thames Valley Police have nevertheless indicated that it will patrol the event as usual in 2011.
- 5.5 Officers will meet with the Police and the Showmans Guild in advance of the event to discuss any further measures which can be taken to improve matters.

6. Other issues related to the Fair

- 6.1 Mr Wyper raised additional concerns about parking and safety arrangements. Officers consider that current health and safety and risk management arrangements are sufficient. Risk assessments are carried out before the event each year and all the usual certification and insurance arrangements are checked and verified in advance of the start of the Fair.
- 6.2 As far as parking issues are concerned officers will work closely with colleagues responsible for the multi storey car park at Northcroft Lane to ensure this car park is available for use and that adequate signage is in place. Car parking and storage of vehicles related to the Fair is no longer permitted in Northcroft Lane and this has improved matters for visitors to Northcroft Leisure Centre.
- 6.3 The Fair generates a small income for the Council and any damage Northcroft Park is made good from a deposit laid down by the Guild. The Council make no financial contribution directly.

7. Recommendations

- (1) That West Berkshire Council includes the requirement for additional stewarding in the legal agreement with the Showman's Guild for this year's event (October 2011).
- (2) That the Council writes back to Mr Wyper with the result of this review and in response to the concerns raised in his letter at the time.
- (3) That Officers review the effectiveness of these additional measures following this year's event at a meeting with the Showman's Guild and report back to Members.

Appendices

There are no Appendices to this report.