

# Public Document Pack

## NOTICE OF EXTRAORDINARY COUNCIL MEETING - 26 MAY 2016

Dear Councillor,

A meeting of Cambridge City Council will be held in the Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ on Thursday, 26 May 2016 at **3.00 pm (or at the Conclusion of the Annual Meeting)** and I hereby summon you to attend.

Dated 18 May 2016

Yours faithfully

A handwritten signature in black ink, appearing to read 'AP Jackson', with a large, stylized initial 'A'.

Chief Executive

### **Agenda**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Public Questions Time - see at the foot of the agenda for details of the scheme**
- 4 To consider the following Notice of Motion, notice of which has been given by:**

**Councillor Dryden (Mayor):** The motion:

That this Council strongly urges Councillor Johnson to reverse the Executive Decision taken by him on 22<sup>nd</sup> March 2016 to remove the funfair element from Cambridge Midsummer Fair. The Council also urges Councillor Johnson to instruct officers to find forthwith a way in which the full fairground can be held at that historic and popular local event.

# Information for the Public

## Location

The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

## Public Participation

Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

Speaking on Planning or Licensing Applications is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

Further information about speaking at a City Council

meeting can be found at:

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**Filming, recording and photography**

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

**Facilities for disabled people**

Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Queries on reports**

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To: Members of the Council  
Report by: Chief Executive  
Relevant scrutiny committee: Council 26/5/2016  
Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge  
East Chesterton King's Hedges Market Newnham  
Petersfield Queen Edith's Romsey Trumpington  
West Chesterton

### MIDSUMMER FAIR 2016

#### Not a Key Decision

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## 1. Executive summary

1.1 The Mayor of Cambridge Councillor Robert Dryden has brought forward a motion for debate by the Council. The motions states:

*“That this Council strongly urges Councillor Johnson to reverse the Executive Decision taken by him on 22<sup>nd</sup> March 2016 to remove the funfair element from Cambridge Midsummer Fair. The Council also urges Councillor Johnson to instruct officers to find forthwith a way in which the full fairground can be held at that historic and popular local event.”*

1.2 This report outlines the background to the issue, decision-making to date and the officer recommendations.

## 2. Recommendations

Members of the Council are requested to note:

- a) The background and rationale for the decision made to remove the funfair at Midsummer Fair in 2016.
- b) Advice from officers outlining that by holding this major event at short notice the Council could not ensure public safety.
- c) Arrangements for the Midsummer Fair market in 2016
- d) That the final proposals for the 2017 event will be brought to Community Services Scrutiny Committee for discussion and approval before they are agreed.

### 3. Background

3.1 Midsummer Fair is a 10 day event which involves a traders' fair and in modern times, a funfair. The 800 year old historic fair originally provided a concourse of buyers and sellers as a seasonal traders' market. Currently it is the largest event held on Midsummer Common covering a significant area of grass and many paths. The funfair involves over 80 separate contractors who are on the site for 10 days. This year the event is due to be held between 22<sup>nd</sup> and 27<sup>th</sup> June.

3.2 The Midsummer Fair is referred to in an historic charter, which gives the Council rights to hold the event. However, the Council is under no legal obligation to hold a funfair, which forms no part of the historic Midsummer Fair. Provisions relating to Midsummer Fair are now incorporated in the Cambridge City Council Act 1985 which gives the Council rights to change the location of the Fair and to define the extent of land to be set aside for the Fair.

3.3 In recent history the Fair has been organised directly by the City Council. The arts and events team undertaking this work transferred to Cambridge Live on 1<sup>st</sup> April 2015 and the new arts charity is now contracted to deliver this and other Council events, known as 'City Events'.

3.4 On 4<sup>th</sup> November 2015, a member of the public was injured during the set-up of the funfair for Bonfire Night. A Health & Safety Executive (HSE) investigation is still underway and as part of this, Cambridge Live was issued with a Notice of Contravention and an Improvement Notice in December 2015. Both Cambridge Live and the City Council have been advised by the HSE to refer to its guidance on temporary workplaces in order to inform arrangements for vehicular movements and the safety of employees and pedestrians at future events on parks and open spaces. In the light of the guidance Cambridge Live reviewed its arrangements for Midsummer Fair. They approached the Council in February 2016 to discuss their concern that they would not be able to deliver the Fair as it had been delivered in previous years and comply with the guidance.

3.5 In reviewing the implications with Cambridge Live, the Council concluded that due a number of factors, a fundamental review of the Midsummer Fair event was required.

3.6 The key factors that present particular issues for Midsummer Fair (in contrast with other events that use the common) are as follows:

- The significant scale and footprint of the event
- Its 10 day duration



- The complexity of routes across the Common that would require vehicle/pedestrian separation (with any footpath closures requiring consent and approval by the County Council)
- The complex contractor arrangements involving two different events and 80 separate contracts with showmen

3.7 It was also clear that the layout required to prevent the mixing of pedestrians and vehicles had the potential to create new risks around crushing, mass evacuations, and fire, all of which would need to be considered, and which required input from the full range of emergency services.

3.8 The Council agreed with Cambridge Live that due to these issues and their interdependencies, it was not feasible in the remaining time available to guarantee the work could be concluded to HSE/local agency requirements and thus ensure public safety.

3.9 The City Council has also reviewed its processes for all other events on public open spaces whether organised by Cambridge Live or other event providers to ensure they comply with the HSE guidance. All large-scale outdoor events are routinely referred to the Safety Advisory Group for consideration. This is a multi-agency forum made up of statutory agencies. Organisers of major events are expected to submit plans three months in advance. In the case of Midsummer Fair, the City Council, Cambridge Live, the County Council and the local SAG all need to have full confidence in the event management plans and each party's ability to implement these.

3.10 Because of the considerations outlined in 3.6 and 3.7, the City Council and Cambridge Live did not believe they could deliver the scale of changes required in time. Both organisations began to examine other options, including not running the event at all, and operating a smaller funfair.

3.11 In summary, the assessment of these reached the following conclusions:

- The Traders' market was still deliverable. The Council recognised the traditional traders market was the basis of the charter fair and is an important calendar date for travelling communities and would want to support this event if there was demand from traders to do so.
- A smaller funfair at the event was not deliverable in 2016 for the following reasons:
  - The time needed to undertake a fair and transparent process to select a smaller funfair from 80 independent showmen
  - The redesign work required to the footprint to ensure pedestrian and vehicle separation could require footpath closures which required consultation and could not be guaranteed

- Confidence that revised plans could be developed in time that were adequately compliant with HSE guidance, meet with SAG approval and guarantee safe access across the Common

3.12 Following discussion at the SAG, Cambridge Live was asked to plan for a traders' market only. This was felt to be the only option with certainty of safe deliverability in the timescale. The SAG reviewed the option and saw no reason not to proceed with this option. Therefore Cambridge Live has been planning for a traditional traders' market organised alongside a cultural programme and incorporating the usual civic proclamation of the Fair.

3.13 Whilst the event is organised by Cambridge Live, the decision to change the format of the Fair needed to be taken by the Council. The decision is an Executive decision for the Executive Councillor for Communities. On 22<sup>nd</sup> March 2016, following consultation as required under the constitution, the Executive Councillor for Communities took the following decision:

- a) The funfair aspect of the Midsummer Fair will be cancelled in 2016.
- b) The Council will consult with the traditional traders' market to see if they wish to proceed with an event this year.
- c) If the traders do not wish to proceed the event will not take place at all in 2016
- d) The whole event will be reviewed – in discussion with stakeholders - for 2017.

3.14 In communication about this decision with those affected and the wider public, the Council highlighted its disappointment in not being able to hold the usual large funfair, recognising this would be a blow to showmen, traders and families who attend the event.

3.15 The Showmen's Guild<sup>1</sup> (the Guild) was not consulted in advance of the decision but was informed immediately prior to its publication. The decision provided almost 3 months' notice, giving showmen time to consider attending other locations for the June week. The Council outlined its commitment to work with all stakeholders to plan a safe and successful event in 2017.

3.16 Consultation about the traders' market progressed and subject to refinement and discussion with the traders and various agencies involved on the detail, it will be held on the same dates as was originally planned for the fair.

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<sup>1</sup> The Showmen's Guild of Great Britain is the Trade Association for the Travelling Funfair Industry  
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3.17 The Guild asked for a meeting with the Council. This was held on 30<sup>th</sup> March. The representatives of the Guild expressed disappointment in the decision and highlighted their wish to have been consulted at an earlier stage. They asked whether their expertise and support could help ensure a funfair did take place in 2016.

3.18 The Executive Councillor for Communities attended the meeting and acknowledged the tradition and cultural importance of the funfair and the disappointment felt by all involved - but reiterated that the decision was not taken lightly, and was made purely on the basis of the complexity of this specific event in light of recent health and safety advice.

3.19 Officers explained arrangements for all events were being reviewed, however Midsummer Fair was the most complex event the Council held on Midsummer Common and it was on the site for over ten days. The site plan needed to be completely reconfigured to make this work safely and with more than 80 separate contractors involved this is not an easy or simple task. Whilst acknowledging the spirit of the proposal made by the Guild, the Council reluctantly had to decline it. Officers did not – and still do not - believe that in the relatively short time remaining, all factors could be satisfactorily addressed to ensure the event can be run safely - even with extra help.

3.20 The Executive Councillor reiterated that the Council was absolutely committed to the long term future of Midsummer Fair. The absence of the funfair was for one year only and Cambridge Live would work with the Guild and all the people involved in Midsummer Fair to put in place a long term and sustainable approach to delivering the fair from 2017 onwards.

3.21 Since the meeting, the Guild has continued correspondence with the Council, seeking clarification on aspects such as further background behind the decision, and the constitutional basis of it.

3.22 The Guild also requested permission to hire Midsummer Common for the Midsummer funfair. This was considered but refused, primarily due to the lack of time needed to plan and assess a major event, particularly one which the Council had already decided required a major review. In the response to the Guild, the Council outlined the rationale for the refusal, but offered the option of having a funfair at a later stage in the summer or early autumn, giving more planning time.

3.23 On 4<sup>th</sup> May, the Norwich & Eastern Section of the Showmen's Guild of Great Britain issued an application for an injunction against the Council in the High Court. The application was for an order that the Council "must not prevent the Claimant from asserting their statutory right to hold the

Midsummer Fair on Midsummer Common". On 13<sup>th</sup> May the High Court struck out the application and awarded costs in favour of the Council.

3.24 At the High Court hearing on 13<sup>th</sup> May, lawyers acting for the Guild handed the Council's lawyers an Event Management Plan for Midsummer Fair prepared on its behalf by a third party. The Guild sent an email to the Chief Executive 16<sup>th</sup> May, sending a range of documents and requesting that the Council circulate them to other agencies so that the funfair could go ahead. An attached covering letter from the third party responsible for preparing the documents stated:

"Whilst these documents are a first draft I believe they go some way to demonstrate your desire to run the site in an appropriate and safe manner and to this end I hope they will prove to be useful."

The letter also acknowledged that the documentation was not complete and stated that "all will need to be subject to amendment". The event fire risk assessment was described as being "merely a template at this stage" and the letter pointed out that "each supplier and contractor will need to provide their own risk assessments, method statements and insurance details to you (as the organiser) should the event go ahead as planned".

Officers reviewed the documents and found them to lack specificity and detail. The Council requires at least 3 months lead in for a major event in order that the detailed plans can be assessed by the Council (if landowner) and the SAG. The late submission of documents, even if they were complete and of good quality would still fail to comply with the Council's protocol of managing major events safely. The officers' advice is that these documents do not provide a good basis for the Executive Councillor to reconsider his decision.

3.25 Insofar as this year's Midsummer Fair traders' market is concerned, Cambridge Live has been promoting the event with traders through a variety of channels. The Midsummer Fair Market is planned to take place during 22<sup>nd</sup> – 27<sup>th</sup> June and to include the civic proclamation of the fair.

3.26 Cambridge Live and Council officers are planning the review of the Midsummer Fair, and this will involve all stakeholders including the Guild. Final proposals for the 2017 event will be brought to Community Services Scrutiny Committee for discussion and approval.

3.27 The motion asks that officers are instructed to ensure the traditional "full fairground" is provided at the 2016 Midsummer event. This report has outlined the unique issues of Midsummer Fair event and why a full review with a range of stakeholders is required in order that public safety can be assured. Due to the number of issues and their interdependencies, officers

remain of the view that this review cannot be undertaken and the necessary assurances provided in the time available.

#### **4. Implications**

**(a) Financial Implications**

Covered in the notice of decision (see 5)

**(b) Staffing Implications** (if not covered in Consultations Section)

None

**(c) Equality and Poverty Implications**

An equalities impact assessment was carried out to inform the Executive Councillor's decision to cancel the Midsummer Fair funfair in 2016.

**(d) Environmental Implications**

None

**(e) Procurement**

None

**(f) Consultation and communication**

Covered in the notice of decision and this report (see 5)

**(g) Community Safety**

The proposals have been discussed by the Safety Advisory Group and this has informed the Event Management Planning process

#### **5. Background papers**

These background papers were used in the preparation of this report:  
The notice of decision (and accompanying background paper) to cancel the funfair at Midsummer Fair in 2016 is at this link:

<http://democracy.cambridge.gov.uk/ieDecisionDetails.aspx?ID=3792>

#### **6. Appendices**

None

#### **7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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