

**CAMBRIDGE CITY COUNCIL**  
Record of Executive Decision

<b>MIDSUMMER FAIR 2016</b>
----------------------------

<b>Decision of:</b>	<b>Councillor Richard Johnson,</b> Executive Councillor for Communities
<b>Reference:</b>	16/URGENCY/CS/04
<b>Date of decision:</b>	26 May 2016 <b>Recorded on:</b> 27 May 2016
<b>Decision Type:</b>	Non Key Decision
<b>Matter for Decision:</b>	Request by the Showmen's Guild that the Council proceed with the funfair at Midsummer Fair and should circulate documents to other agencies to facilitate this
<b>Why the decision had to be made (and any alternative options):</b>	<p>The Executive Councillor is recommended to reject the request made by the Showmen's Guild to the Council to facilitate the funfair event at Midsummer Fair.</p> <p>Officers advise that the correspondence received from the Showmen's Guild on 16<sup>th</sup> May should not persuade the Executive Councillor to reconsider his decision taken on 22<sup>nd</sup> March to cancel the funfair at Midsummer Fair in 2016. The rationale for this is as follows:</p> <ul style="list-style-type: none"><li>▪ There is insufficient time to plan and consider a major event such as this.</li><li>▪ The paperwork from the Guild lacks any detail that would support a review of his stated position on this matter</li></ul>
<b>The Executive Councillor's decision(s):</b>	To reject the request made by the Showmen's Guild to the Council to facilitate the funfair event at Midsummer Fair.
<b>Reasons for the decision:</b>	See the appended background information.
<b>Scrutiny consideration:</b>	The Chair and Spokesperson of Community Services Scrutiny Committee were consulted prior to the action being authorised.
<b>Report:</b>	None
<b>Conflicts of interest:</b>	None
<b>Comments:</b>	None

## Background

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 22nd and 27th June.
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. 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 1st April 2015 and the new arts charity is now contracted to deliver this and other Council events, known as 'City Events'.
4. On 4th 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.
5. 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.
6. 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.
7. 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
8. 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.
9. 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.

10. 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.
11. 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.
12. In summary, the assessment of these reached the following conclusions:
13. 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 would 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
14. 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.
15. 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 22nd 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.
16. 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.

17. The Showmen's Guild (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.
18. 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.
19. The Guild asked for a meeting with the Council. This was held on 30th 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. On 4th 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 13th May the High Court struck out the application and awarded costs in favour of the Council.

26. At the High Court hearing on 13th 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 16th 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."
27. 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".
28. Officers reviewed the documents and found them to lack specificity and detail. The company that provided the documentation for the Guild advise their client that:  
"Finally, and as previously discussed during our telephone conversation we would highly recommend and note your intention for these documents to be expanded on to form a comprehensive Event Management Plan EMP. In addition to the attached we would envisage the following being included in the EMP:
- Crowd Management Plan
  - Medical Risk Assessment
  - Construct Phase Plan
  - Child Protection (Safeguarding) Policy
  - Incident Management and Emergency Procedures
  - Accident and Incident Reporting Procedure
  - Adverse Weather Management Plan
  - Manual Handling Information
  - CoSHH Information (Control of Substances Hazardous to Health)
  - Lost / Found Property Arrangement
- Please note, this is not an exhaustive list but maybe a useful guide should the event take place."
29. The Council requires at least 3 months lead in for a major event such as this 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.
30. The officers' advice is that these documents do not provide a justifiable basis for the Executive Councillor to reconsider his decision.

Debbie Kaye Head of Communities, 26.5.16