

## MASCG Sub-Group held on 4 November 2021

**Present:** Karen Lowthrop, Appleby Town Council (Chair)  
Bill Lloyd, GRT Representative (apologies-Bill left for a medical appointment)  
Cllr Phil Dew, CCC  
Kellie Bradburn Sims, CCC  
Damian Lavictoire, Cumbria Police  
Katie Callon, Cumbria Police  
Cllr Karen Greenwood, EDC  
Emma Brass, EDC Principal Environmental Health Officer  
Nick Atkinson, EDC Planning Services Development Manager

**Apologies:** Andrew Connell

The Chair welcomed everybody and thanked all present for attending, and introduced Nick.

1)

*The purpose of the meeting was to investigate the current Planning Permissions and Licenses for the seven camping and caravanning sites within 1.5km of Appleby, and find out if and how it would be possible to reduce the numbers of people coming to the Fair. The question was asked - are these permissions written in stone?*

The Chair explained the context for this: the feedback from the Post Horse Fair public meeting was there were too many people coming to Horse Fair, the increase of the numbers of caravans and campers put too much pressure on resources, and the Market Field needed to be reduced in size and regulated.

### **Planning Permission**

Previous to 2008 there were only two sites that had Planning Permission for the Fair. There were informal arrangements with the owners of five sites, but without Planning Permission EDC could not insist on the provision of adequate toilet, refuse collection or site license standards.

In 2008 MASCG agreed that a 1.5 km radius would be drawn from Fair Hill and the sites within that boundary would need to apply for planning permission, and be licensed under the 1960 Caravan Act. There are now seven sites with Planning Permission and Licenses for Horse Fair. The Planning Permissions are permanent and not time limited. They do not have dates. They state that they are for the Period of Appleby Horse Fair, beginning with the Thursday of Appleby Horse Fair. The agreement for Fair Hill states that it will start on 4am on the Thursday of Horse Fair.

Planning Permissions have been issued since 1966 with the first for Fair Hill. Followed by 1972, 2008, 2011 and 2012.

## **Food Safety Certificate of Lawfulness**

Emma explained that every food business that comes to Appleby Horse Fair is checked out in advance with their home authority, and inspected by the EDC team. EDC run an informal permit system with the agreement and cooperation of Mr Winter. When a food business is approved they receive a coloured sticker with that year's date on it.

## **Caravan Site Licenses**

There is no legal requirement for Market Stalls to be licensed. There is no restriction on the number of Market Stalls on Mr Winters Field. The following was explained:

The number of caravans on a site depends on the campable area deemed appropriate, and these standards are the same everywhere. It depends on the size of the field. There are two sites whose planning permission does not allow market stalls. Emma gave a breakdown of the six sites whose fields allow for a maximum of 1,515 caravans. A seventh site does not take any campers and hasn't done for many years.

However the capacity, generally, over the seven sites is underused, and owners can decide not to fill their fields to capacity, if they choose. Landowners could, if they chose, apply to vary their Planning Permissions and Licenses, to increase or reduce their numbers etc, but that would be their choice.

There is no legal mechanism to remove a licence or planning permission, when it has been granted lawfully, and complied with. EDC do not have the power to vary licenses or permissions retrospectively.

It was pointed out very clearly by Officers that the approach to treating all matters to do with Appleby Horse Fair is the same as any large gathering such as Winter Droving or Kendal Calling. The law applied to Horse Fair and businesses is equitable and fair and the same all over the district.

## **Operational matters to do with the Fair**

Questions were put by group members to Officers:

about the number of caravans and the number of people who come. EDC keep a log of numbers of caravans who come to the Fair, and are resident on the Saturday, and that has been kept up over the last 10 years. It records Caravans and Bow tops. It records Stalls on the Market Field. It has categories of stall eg Kitchenware, CD's, bedding, food etc. It does not record tents or vans or other ways people come to the Fair. Because it is consistent year on year it is a useful piece of data for comparing what is happening over time. (but it cannot give accurate numbers of campers who stay)

CCC Trading Standards officers do usually attend Horse Fair to check on the legality of the products on the Market Field and enforcement of the law. Counterfeit or illegal goods will

always be seized and businesses prosecuted where found.

Kellie explained that the businesses who traded at the 2021 Fair were outdoor businesses, and as such were exempt from the tight COVID-19 regulations which were placed on the Town's (indoor) businesses during and after the recent pandemic lockdowns.

2) The Chair introduced part 2 of the meeting which is to discuss Could the Fair be an organised ticketed event?

The paper written by Andrew Connell, (see attached) summarising the historical attempts by many (knowledgeable and competent) people over the previous twenty years to answer this question, was considered by the group and discussed. The issues to do with liability and insurance, and the very nature of the gathering and its purpose, were all considered.

It was agreed that for all of these reasons and their implications, it was unrealistic and impracticable to pursue the idea that the Fair could be an organised ticketed event.

The Chair thanked all officers for their hard work, and to all group members for their input.

It was agreed to recommend to MASCG that the questions had been investigated and answered, and that the group had reached journeys end on this.

End of Report

## MASCG Working Group October 2021

1. The Working Group was convened by MASCG as a consequence of the public meeting at Appleby Public Hall on 2 September 2021, at which several speakers from the floor expressed the view that Appleby Fair should become ‘an organised, ticketed event’ and the Chair of MASCG agreed that this would be given consideration.
2. Although there were other issues relating to the future conduct of Appleby Fair that members felt should be discussed, the Group agreed to focus on the above proposal taking as a working document, the ‘Proposal for The Peoples New Fair’, submitted to Cllrs Greenwood and Dew on 9 October and subsequently circulated. The body the authors said they represented, ‘Peoples New Fair’ is believed since to have changed its name and not to have a Chair; but this remained the ‘final document’.
3. In essence the proposal is that Appleby Fair should become ‘a ticketed, managed event managed centrally with agreed maximum capacity’, confined to Fair Hill and the town centre. A ‘wrist band scheme with tickets could allow access to pubs and other local businesses or areas, e.g. The Sands, river, Fair Hill’. It is suggested that Appleby Town Council should either take ownership ‘or/and enlist an events company to manage’. The ambition is not only to reduce numbers coming to the Fair, but also make it ‘self-funding’ and ‘not paid for by local tax payers. It is suggested that 10,000 people might pay £25 per head and further claimed that ‘it is clear the travellers have no objection to paying their way’.
4. The Working Group noted that these were not new proposals. In 2002 Appleby New Fair Ltd, whose two directors were experienced Appleby town councillors, was established with the objective of making the Fair an organised event, profitable for the local economy. With funding from the North West Development Agency (NWD A) ANF Ltd went on a fact-finding mission to Ballinsloe Horse Fair in Ireland and then commissioned Jura Consultants of Edinburgh to produce an Economic Impact Study and Development Plan, on the strength of which ANF Ltd drew up plans to transform the Fair, and applied for funding from Rural Regeneration Cumbria, a branch of NWD A. The plans were adjudged unrealistic, the application failed and in 2005 ANF Ltd was wound up. A further study was done by Salford University in 2008, the year that MASCG was established.
5. It was noted that Appleby New Fair does not have a programme of entertainment. It is a gathering of people who come to meet mingle and, in some cases, trade. This raises the questions of what people would be buying tickets for, and whether they would be willing to pay for social mingling or exercising horses in the river that they previously enjoyed without charge.
6. There are also questions of legality. The Ombudsman decision 14 015 131, referring to the Manchester Pride event of 2014 was that Manchester Council had ‘no legal basis in which to restrict pedestrians from accessing premises ... even if the person did not have a wristband, accreditation or a resident or visitor pass’. The Department for Transport confirmed that ‘pedestrians wishing to access premises that can only be accessed from restricted roads must be granted entry to these roads’. As to Fair Hill, although this is the private property of Appleby Town Council, it was conveyed for ‘public recreation’. Although people can be charged to bring in vehicles, camp or set up stalls there, neither the Council nor a tenant can or could deny free access to pedestrians.

7. Appleby Town Council had already made it clear that it, even if it considered the proposition viable, as a parish council it does not have the infrastructure to assume ownership of the Fair, something that historically it has never done; the suggestion in the document that it would thereby ‘take back control’ is supported by no evidence. There is no reason to think that either District or County Council – both about to be re-organised out of existence, would take a different view.
8. A further issue is that of liability. The authors of the document are under the impression that claiming ownership of Appleby Fair would ‘protect the Local Council from liability’, whereas ‘in current format should there be a serious incident the council would likely be held liable’. The 2009 High Court Judgement in *Glaister v Appleby-in-Westmorland Town Council* indicates that the opposite is the case. Councils that facilitate traditional gatherings in public spaces do not ‘expose themselves to legal liability for the negligence of other bodies participating in the event’; but they would if they had charged for admission.
9. For all these reasons it is improbable that ‘an effectively equipped and experienced large scale event company’ could be found willing to take charge of Appleby Fair. If it could, it would require a substantial fee from the Local Authority for its services. It seems highly unlikely that funds would be generated that would reduce anyone’s Council Tax, and not improbable that were such an arrangement to be made the burden on the public purse of managing Appleby Fair would be greater than it currently is.