

Appleby Fair 2021 Evaluation Report



1. Introduction

This Evaluation Report for the Appleby Horse Fair 2021 (the Fair) has been developed with input from the agencies and individuals that make up the Multi-Agency Strategic Co-ordinating Group (MASCg). MASCg's principal objective is the preparation, delivery and co-ordination of a multi-agency operational plan to deliver a safe and enjoyable Fair. More details about MASCg and its work are set out in Appendix 1.

MASCg comprises officers from Eden District Council, Cumbria County Council, South Lakeland District Council, Cumbria Constabulary, North West Ambulance Service, RSPCA, Environment Agency and National Highways, three councillors representing the settled community and two representatives of the Gypsy and Traveller communities.

The purpose of this Evaluation Report is to consider whether and to what extent the MASCg has succeeded in its overriding objective of delivering a safe and enjoyable Appleby Horse Fair for local residents, Gypsies, Travellers and visitors.

The 2021 Fair was held against the backdrop of the unprecedented circumstances of the COVID 19 pandemic. This understandably raised concerns about the Fair in the local communities and also prompted debate about the fundamental nature of the Fair and how it is supported by MASCg. This year's Evaluation Report therefore also seeks to answer some significant questions regarding the future nature of the Fair that have been raised.

2. Setting the date for the 2021 Fair

The Fair was not held in 2020. MASCg decided in March 2020 that it could not support holding the Fair that year due to the pandemic. At the time of making the decision restrictions limited outdoor contact to one other person for exercise purposes only, which had only increased to six people by June 2020 so it was legally the correct decision.

The planning for the 2021 Fair was both heavily influenced and significantly complicated by the changing position on COVID regulations and guidance, with the country being subject to cycles of relaxation and tightening of restrictions. The public health risks of COVID were recognised as being the most important issue for the 2021 Fair and the Director of Public Health for Cumbria was co-opted to MASCg to bring specialist insight and advice.

In February 2021 the Government released its 'Roadmap' for the gradual removal of COVID restrictions. The final step in the Roadmap, 'Step 4', included the removal of limits on social contact, but was not expected to be in place until the 21 June 2021. MASCg met on 1 March to discuss the implications for the 2021 Fair. It was agreed that the Fair could not take place at its traditional time which would have started on 3 June, but that a later date would be considered. After much consideration and discussion during which the sometimes conflicting concerns and aspirations of the communities and organisations were vigorously debated, MASCg reached agreement on 20 April that it would support the Fair to take place from Thursday 12 August. This was subject to any subsequent changes in Government regulations and guidance. Reaching this decision required compromise on all sides.

In reaching the decision on August dates, MASCg had to weigh many factors. The removal of COVID restrictions meant that people were free to travel and gather as they wished. MASCg therefore worked with Traveller Representatives who agreed to recommend that people did not come to Appleby except on the date for which MASCg had agreed to provide public services. It was felt that it

was preferable for everyone involved; local settled people, Gypsies and Travellers and the supporting organisations, for the Fair to happen on a set date. Had no date been set, it was felt that there would be an increased likelihood of ad-hoc gatherings which could not be prepared for. Whilst the Government stated that large gatherings could take place from 21 June, it was also felt that a date later into the summer would be preferable.

3. Additional COVID measures for the 2021 Fair

Whilst infection rates were falling in the run up to the Fair, the potential for the Fair to result in increased COVID infection was a key concern particularly amongst the settled community. There was also the risk of transmission to or within the Gypsy and Traveller community, with the potential for that then to seed outbreaks elsewhere. Giving enough time to roll out the vaccination programme to the majority of the population was the major factor driving the Director of Public Health's advice on setting a later date for the Fair.

However it was recognised that significant risks did remain and more measures were introduced to mitigate them:

- Vaccination. This was identified as the key control measure. Vaccination rates amongst Appleby residents were high so from May efforts concentrated on pushing out messaging to the Gypsy and Traveller community promoting vaccination uptake. Public Health officers in Cumbria worked with colleagues particularly in Northumberland and County Durham to promote vaccination at the campsites in their areas. A mobile vaccination unit located on Salt Tip Corner was also available on the 12 and 13 August for people wanting vaccination whilst at the Fair.
- Testing. Two weeks in advance of the fair test kits were distributed around various transit sites that are used on the way to the Fair, again working with neighbouring authorities and encouraging a "test before you travel" message. Testing was also available to people during the Fair.
- Contact tracing. Whilst using the NHS App or the physical recording of contact details at venues was no longer enforceable by law by the time of the Fair, this was still encouraged at the camping fields, pubs and other venues. Free public Wi-Fi around camping fields was funded to make it easier for people to check in with the App.
- Marshalling. The Director of Public Health funded additional door staff for the pubs in the town and surrounding area to act as COVID marshals to help the pubs to manage the crowds and to help keep those areas as safe as possible.

4. Community Engagement and Communications

Engagement with the public in the build up to, during and after the Fair followed the same approach as in 2020. A public meeting was held at Appleby Public Hall before the Fair on 22 July which assisted in the final phases of operational planning. Numbers were limited and places had to be pre-booked for COVID safety reasons.

Community Action Groups (CAGs) which allow community members to discuss any worries or issues they have with Police, Councillors and other agencies were held regularly between the 3 and 11 August. This year these were held outside due to COVID at:

- Appleby, Kirkby Stephen, Alston – daily
- Great Asby, Warcop - 3, 6, 9 August

- Soulby - 4, 7, 10 August
- Brough - 5, 8, 11 August
- Ravenstonedale - 9 August
- Melmerby - 10 August

A daily telephone conference CAG open to all communities was also introduced this year over these dates. A post Fair public meeting was held on 2 September again in Appleby Public Hall. There were many questions raised about managing the Fair as an organised event. This issue is covered in detail in section 9 below. The www.applebyfair.org website continues to be the main outlet for communicating information about the Fair, with an increased emphasis on the use of social media this year.

5. Supporting the Fair

The approach to supporting the Fair followed the usual three stages but reflecting the mid-August date rather than the normal early June date:

Phase 1 – travel to the Fair which started in late July/early August 2021;

Phase 2 –the Fair itself from 12 to 15 August 2021; and

Phase 3 – leaving the Fair which commenced on 16 August 2021.

Phase 1

In advance of Phase 1, the ‘don’t arrive too soon message’ was issued on 15 July. The availability of stopping places has reduced over the years and for the 2021 Fair, the closure of Watter Yat, a well-used temporary stopping place in recent years for caravans, was considered of particular significance. However Phase 1 of the Fair went well, with no significant issues including the adequacy of stopping places. Early indications were that numbers travelling to the Fair were down on previous years. This was positive in the sense that people were complying with the messaging, but perhaps gave a false impression compared to the number of people that came to the Fair during Phase 2.

The Public Space Protection Orders introduced in 2019 were in place to regulate drinking in public places in Appleby, Kirkby Stephen and Long Marton and there were no significant anti-social behaviour issues experienced during Phase 1.

Due to the date of the Fair changing to August, a temporary Traffic Regulation Order with the same measures as implemented in 2019 was put in place. County Council Highways installed posts restricting verge parking and camping in the same locations as 2019, but with the addition of Warcop and Melmerby following feedback from those communities. A 40 mph limit on the A685 which had previously been advisory rather than legally enforceable was also included.

Phase 2

The facts and figures on the key operational interventions and outcomes during Phase 2 are set out in Appendix 2.

In terms of numbers attending the Fair, the number of caravans counted in the Eden area has previously given a reasonable indication of how busy the Fair is. The number for 2021 at 1,210 was only up 38 or 3% on the number in 2019. However, whilst numbers of people could not be counted, it was perceived that more people attended the Fair in 2021 than in 2019. MASCG’s view is that this probably was a result of more day visitors than usual, which is perhaps a growing trend. A more accurate way of measuring attendance at the Fair would be advantageous. These increased numbers of visitors resulted in the decision

being taken to close The Sands early on Thursday in the interest of public safety.

In respect of Policing and public order, the Police put increased resources into the Command and Control Room and during the 2021 Fair answered 75% of calls to 101 within 1 minute and 90% within 5 minutes. Increased options for online reporting, such as webchat, were also available. The policing style employed continued to follow the ethos of community policing and engagement.

The 13 arrests made by the Police in 2021 was an increase of 5 (60%) compared to 2019, although 7 of these arrests related to one incident. Crimes were also up by 5 (19%) to 25, with over a quarter of crimes being road offences. The number of reported incidents however at 86 were down by 17 (17%) compared to 2019.

On 14 August the Police implemented a Section 60 Order. The Section 60 (Criminal Justice and Public Order Act 1984) authority gives the Police the right to search people in a defined area during a specific time period when they believe, with good reason, that serious violence will take place or that a person is carrying a dangerous object or offensive weapon. This power was used during the Fair to target known individuals who had indicated they were intent on attending the event to engage in violence. Only 3 searches were carried out under this power and whilst no arrests were made the 3 individuals were dispersed from the area under other police powers.

The Licensing Charter for pubs, restaurants and take-aways in Appleby and Kirkby Stephen during the Fair that has been developed over previous years continued to be applied, with an agreed closing at 11.30pm which generally worked well. However fewer pubs opened this year. During the planning for the Fair, of the 15 pubs most frequented by people attending the Fair in and around Appleby, 5 decided to close during the Fair, 8 remained open and 2 notably The Grapes were open but only serving drinks outside.

The higher number of people gathering at The Sands resulted in increased anti-social behaviour which impacted on people and property. A number of toilets were moved from Fair Hill in response, but proved inadequate so toilet provision in the centre of Appleby will be addressed in the actions for next year's Fair.

In respect of cleansing, operations generally went well but some areas were not able to be cleaned the same day as some roads had traffic restrictions in place beyond the contractor's normal operating hours. This will also be addressed in the actions for next year's Fair.

On highways matters, National Highways identified that their resurfacing programme on the A66, with significant restriction in the vicinity of Appleby, coincided with the revised Fair dates. This would have increased the risks to road users and National Highways recognised this and suspended the works and removed the restrictions during the Fair period. The measures in the temporary TRO proved effective as did the restrictions on verge parking and camping. One exception was on and around Salt Tip Corner where some cars were able to park between the posts.

The River Eden was relatively low in the run up to and during the Fair and the RSPCA helped to identify a significant risk to people and horses caused by protruding metal bars on a structure on the river bed on The Sands near the bridge. This was cordoned off for the duration and safety warnings issued.

In respect of the work carried out by the RSPCA, instances where they offered advice and assistance was up 43 or 33% to 174 in 2021 compared to 2019. The RSPCA also removed 29 dogs or puppies in 2021. This may have been under-reported in previous years and the national trend for people keeping dogs that

has increased over the COVID lockdowns could also have contributed.

It was also a busier Fair than last year for the Ambulance Service with the number of injuries at 44, almost doubling from 2019.

Concerns were brought to our attention of non-residential traffic accessing restricted streets within the town and additional signage was installed to facilitate the Police Enforcement.

Phase 3

People left the Fair and travelled away without any significant issues. The clean-up following the Fair in both public spaces and on private went well as in previous years.

6. Action Points for Planning for the 2022 Fair.

The key operational actions identified at this stage for planning for the 2022 fair are:

- continually review plans in the light of changing national regulations and guidance on COVID;
- continue to engage with communities to minimise impact on Platinum Jubilee Celebrations;
- review the number and type of toilet provision in the centre of Appleby to increase available capacity and procure as necessary;
- additional resources will be made available to assist in the clean-up of the transit sites;
- an additional clean-up after the normal 6pm main clean of The Sands is being considered;
- investigate an appropriate method of measuring the number of people coming to the Fair including day visitors;
- review the availability and adequacy of stopping places and transit sites used in Phase 1 of the Fair;
- review the robustness of relevant risk assessments where they are required;
- altering the spacing of the posts on and around Salt Tip corner to reduce the risk for dangerous parking;
- consult on changes to the TRO to include emergency and temporary measures introduced in 2019 and 2021 including:
 - Prohibition of the passage of Motor Vehicles, Horse Drawn Vehicles and Ridden or Accompanied Horses (Except for Access) Castle Bank and Bridge Street Appleby;
 - Prohibition of the passage of Horse Drawn Vehicles and Ridden or Accompanied Horses The Sands, Appleby; and
 - 40mph speed limit along the A685 between Appleby Road and Brough.

7. The Cost of the Fair

The total cost for the 2021 Fair to the agencies on MASCG was £496,535. This is broken down by agency in Appendix 3. This cost has increased from £255,550 in 2019, a rise of 94%. This is due mostly to an increase in costs borne by the Police, and at £344,464 is three times that spent in 2019, although this is partially offset by reduced spend by some agencies. This rise in Police costs is attributed

to changing accounting methods which now more accurately reflect the actual cost of the Fair to the Police and therefore the cost of the Fair in total.

MASCG had intended to commission an Economic Impact Study for the Fair and had discussions with Lancaster University about carrying this out. However this could not be implemented due to the pandemic but will be given further consideration.

8. Setting the date for the 2022 Fair.

The fact that the traditional dates for the Fair starting the first Thursday in June clashes with the date Queen's Platinum Jubilee in 2022 was raised during the public engagement on the 2021 Fair. MASCG considered this as a matter of priority shortly afterwards. MASCG announced in October 2021 that agreement had been reached to support the Fair starting Thursday 9 June 2022, which falls in the week following the Jubilee celebrations.

This decision centred on reaching a compromise that enabled both the settled communities of Appleby and the surrounding areas and the Gypsy and Traveller communities to arrange and enjoy both celebrations. To reinforce the traditional period of the Fair, a delegation of representatives from the Gypsy and Traveller Community will gather in the Fair field on Wednesday 8 June.

MASCG are engaging with those communities that normally accommodate people travelling to the fair in the days before to ensure that the impact on their Jubilee celebrations is minimalised. A strong 'Do not come early' message used in previous years will also be made.

9. The Future of the Fair

A Working Group was established by MASCG to explore whether the Fair should become an organised, ticketed event which was raised by several members of the public at the public meeting on 2 September 2021 as well as a 'Proposal for The Peoples New Fair', submitted to the local Councillor representatives on 9 October by a group known as Peoples New Fair.

In essence the proposal was:

- that the Fair should become 'a ticketed, managed event managed centrally with agreed maximum capacity'. A capacity of 10,000 people was suggested.
- that it should be 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, eg The Sands.
- that Appleby Town Council should either take ownership 'or/and enlist an events company to manage' the Fair.

The findings of the Working Group are covered in more detail in Appendix 4 but can be summarised as:

- there does not appear to be the legal basis on which to restrict access to public open space in the town to only paying visitors;
- similar proposals have been explored in detail previously and found to be unrealistic;
- people's willingness to pay for an informal gathering is questionable;
- Appleby Town Council does not have the resources to run the Fair as an organised event (A proposal from the Peoples Fair that the Town Council "take control of Fair Hill and take ownership of the Horse Fair" was considered and declined at full meeting of the Town Council on 20 October 2021);

- it was suggested that the Town Council is liable for what happens during the Fair. This has been tested legally and is not correct. The Town Council (or any other body) would be liable if it were an organised event; and
- it is improbable that an events company would consider the Fair viable for these reasons.

The conclusion that can be drawn from these findings is that the Fair continues in its current form as a gathering of people rather than an organised event.

The Working Group also considered the question of whether the existing licences/planning permissions for campsites used during the Fair could be changed to reduce capacity and thereby limit the number of visitors coming to the Fair. There are seven sites with planning permission and licenced under the 1960 Caravan Act for the period of the Fair. Together these have a total capacity of 1,515 caravans. The Working Group found that Eden District Council as the relevant planning and licencing authority does not have the legal power to vary licences or planning permissions retrospectively, so they cannot be changed to limit numbers. The Working Group also confirmed that there are no restrictions on the number of market stalls in these permissions. However as indicated in Appendix 2, numbers do not vary greatly and have been reducing over the last two Fairs.

10. Conclusion

Holding the Fair in 2021 was always going to be controversial. After the roadmap for lifting COVID restrictions was announced by the Government in February 2021, it became clear that once this happened many of the people who would normally come to the Fair would gather in and around Appleby whether the Fair was announced or not. MASCG therefore had a choice; either to accept gathering on an ad hoc basis and be unplanned and unsupported, or try and encourage people to gather on specific dates when the usual support could be provided. There was heated debate about this, with very strong concerns raised by the representatives of the local communities. In the end all of the agencies and representatives that make up MASCG agreed that they would support the Fair going ahead during August. It is clear that the Fair going ahead against the backdrop of COVID resulted in heightened tensions between and amongst communities. The fact that the Fair did not go ahead in 2020 and that people had been locked down for much of the previous year contributed to increased numbers attending and some serious, if isolated acts of unacceptable behaviour. Having said that, whilst the large numbers and added complications raised a number of challenges, the Fair was safe and enjoyable for the vast majority of those that came.

These circumstances have also led to the fundamental nature of the Fair being questioned and that it becomes an organised event. This has been tested, and the conclusion drawn is that the unique nature of the Fair is such that it is hard to see how it could change significantly. The planning for the Fair in 2022 is progressing along the traditional lines, and MASCG remains committed to its role of helping to ensure that the Fair, as far as possible, is safe and enjoyable for everyone.

Les Clark

Chairman of Appleby Fair Multi-Agency Strategic Co-ordinating Group

Appendix 1 – Background to MASCG

MASCG had an involvement in the 2008 Fair through its various partners' statutory functions but took over the responsibility for the co-ordination of community leadership and engagement of the statutory community safety and regulation roles of Appleby Fair from July 2008. The 2009 Fair was the first under the co-ordination of the group. However, it should be noted that while MASCG had overall control of community leadership and regulation issues, it did not and does not have direct responsibilities for the Fair itself. The Fair is a gathering of people from the Gypsy and Traveller communities with visitors and tourists coming to witness it.

People coming to the Fair arrive in Cumbria days and sometimes longer before which does cause challenges for local communities prior to, during and after the Fair. From 2008, MASCG produced an Evaluation Report of the way the Fair had operated and developed. From that an improvement plan was produced to inform the work to be carried out in preparing for and servicing future Fairs.

As an innovation from 2011, daily meetings take place with the community representatives from the residents, businesses and Gypsy and Travellers to update information that was needed in order to continue every day to improve the actions being taken.

One of Eden District Council's main tasks during the Fair is the monitoring of food outlets and Environmental Health Officers inspect all food outlets. Once satisfied that a food stall meets hygiene standards a permit is issued. Sometimes it takes more than one visit before this is issued. Officers thoroughly examine the operator's cleanliness, cooking techniques, food storage arrangements and hand washing facilities. In addition, Trading Standards officers from Cumbria County Council check the legality of products on sale on market stalls and, if necessary, confiscate counterfeit goods and prosecute offences.

The RSPCA lead on matters relating to the wellbeing of horses and other animals. They contribute to key decisions on river safety, inspect horse passports, advise on the provision of tethering and watering points and are present to help and advice as well as enforce where necessary.

MASCG actions are designed to support the safety of Appleby and outlying areas. Whilst the Fair in any year is bound to have some impact on daily life for residents its aim is to minimise the effect on the normal pattern of daily life in Appleby and outlying areas such as Kirkby Stephen, Sedbergh, Kirkby Lonsdale, Alston and other villages.

Appendix 2 – Interventions and Outcomes

Agency	2021	2019	2018	2017	2016	2015
South Lakeland District Council						
Number of temporary toilets*	9	57	55	57	31	31
Number of skips provided	2	2	4	4	4	4
Tonnes of waste collected	1.3	2.14	4.5	5	5.94	5.5
Eden District Council						
Total caravans and bow tops in Eden area	1,210	1,172	1,191	991	1,103	1,297
Number of bow tops included in the total figure	137	171	172	176	153	202
Number of outlying encampment caravans and bow tops included in total figure	235	246	179	269	281	262
Number of market stalls (market fields)	223	237	250	243	276	241
Number of unlicensed street traders	0	0	0	0	0	0
Number of licensed street traders	6	6	6	6	6	6
Tonnes of waste removed including litter	27.5	26	27	25	33	29
Number of skip loads from outlying stopping places (from 2018)	-	-	6	-	-	-
Number of litter bins	40	41	43	43	41	41
Number of temporary toilets	58	57	55	57	31	31
Cumbria Constabulary						
Arrests	13	8	8	17	10	11
Crimes	25	21	17	12	11	24
Drug Offences	1	0	0	1	1	1
Incidents	86	103	115	76	65	61
Fixed Penalty Offences	58	51	22	18	30	71
Dispersal Orders	6	4	12	4	77	8

Agency	2021	2019	2018	2017	2016	2015
RSPCA						
Incidents where owners of animals were given advice or assistance	174	131	198	168	274	151
Verbal warnings	11	5	14	12	13	10
Police cautions	0	0	0	0	0	0
RSPCA adult written caution	0	0	0	0	0	0
Cases reported for summons	2	3	2	1	2	4
Animals referred for vet treatment	0	Unknown	Unknown	Unknown	0	0
Equines put to sleep	0	1	2	1	0	2
Puppies put to sleep	0	0	0	0	0	0
Equines transported away from the Fair	6	10	9	8	6	9
Stray dogs taken in by Eden District Council	0	1	0	0	1	2
Dogs/Puppies taken in by RSPCA	29	0	0	1	0	0
North West Ambulance Service						
Recorded injuries	44	23	34	42	96	59

*The lower numbers of temporary toilets in 2016 and 2017 did not include those provided at the transit sites.

Appendix 3 - Financial Information

The external costs of the various activities undertaken as part of the operational plan have been met by the relevant agency. A number of services were provided in partnership.

The breakdown of external costs for the 2021 Fair are as follows:

Organisation	2021 (£)	2019 (£)	2018 (£)	2017 (£)	2016 (£)	2015 (£)
Eden District Council	42,038	33,300	31,023	30,134	26,756	27,835
South Lakeland District Council	3,167	2,421	2,310	2,430	2,390	2,551
Cumbria County Council	33,326	50,000	45,375	62,488	46,513	69,607
Environment Agency	966	1,500	1,200	2,100	1,200	1,500
Cumbria Fire and Rescue	800	800	300	1,238	814	858
NWAS/PCT (joint cost)	11,604	11,653	13,681	16,000	14,159	9,925
MASCG media spend (joint cost) ¹	0	944	1,200	1,500	1,200	1,230
Cumbria Constabulary ²	344,464	115,000	81,003	78,440	74,400	65,600
RSPCA ³	51,129	39,932	37,851	35,760	14,479	12,740
Public Health	9,041	-	-	-	-	-
Total	496,535	255,550	213,943	230,090	181,911	191,846

¹ Costs previously included in individual agency budget

² Change in accounting for costs

³ Funded by charitable donations rather than public funds

Appendix 4 – Findings of the Working Group on the Future of the Fair

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 to Appleby Fair Communities Group 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, eg 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. The proposal that 10,000 Travellers should each pay £25.00 per head to meet the costs of the fair is based on a misunderstanding. Although the precise number and ethnic origin of visitors to the fair is uncertain, the Gypsies and Travellers are greatly outnumbered by (non-Gypsy) tourists and sight-seers. It is not only unreasonable to expect Gypsies and Travellers to bear the cost of public services for those many thousands of tourists, but it is also unenforceable and considered discriminatory.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.