

26 July 2022, Kirkby Stephen Parish Meeting (Appleby Horse Fair)

Convened by the Chairman of the Council

Kirkby Stephen Town Council, Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX

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starting at 6.45 pm at the Upper Eden Rugby Club.

22/067 **Attendance.**

Electors of Kirkby Stephen: 35 Present.

Non-resident observers. 12 Present.

Chairman: Cllr. Paul Richardson (Presiding).

Total: 48

22/068 **About the meeting.**

The Chairman introduced himself and spoke to explain the nature of the meeting according to an accompanying overhead as follows:

1. A Parish Meeting is not a meeting of the Town Council. It is a meeting of the electorate of the Parish.
2. The Chairman of the Town Council, if present, must preside at the meeting.
3. "the poll that can be demanded at a Parish Meeting is a poll of the whole electorate in the Parish and not merely those present in the meeting" (Lord Denning).
4. Only the electorate of Kirkby Stephen may participate and vote in this meeting.
5. The Chairman has a casting vote only.

22/069 **Suggested Structure of the meeting.**

The Chairman sought the consent of the meeting to follow the proposed order of the meeting which had been published online and was available as a hand out in the meeting and to use the OHP breaking the meeting down into three parts as follows:

1. To take residents' views on the annual impact of the Appleby Horse Fair in Kirkby Stephen.
2. To seek constructive suggestions to lessen negative impacts on the Town.
3. A Parish Poll may be demanded at this meeting in line with the provisions of the Local Govt. Act 1972, Schedule 12, Part 3, Paragraph 18 (4 & 5).

One member of the public proposed that the wording of the poll questions proposed by the administrators of the Appleby Fair Communities Facebook page be resolved as the first order of business. The meeting was happy to accept the Chairman's proposal for the management of the business.

22/070 **Part 1. Kirkby Stephen residents' views of the Impact of the Horse Fair Economic Impact**

1. 'You just have to walk around the town to see that it is deserted'.
2. 'Tourists are discouraged, businesses closed and there is damage to the reputation of Kirkby Stephen as a tourist destination'.

Crime and the fear of Crime

3. 'We are all in permanent fear and constantly on edge'.

.....
Chairman's Initials

4. 'We are worried about confrontation and our girls/children on their own'.
5. 'We shut our doors and don't come out'.
6. Stealing (Shop Lifting) and not feeling safe (anticipating crime).
7. Lack of 'respect' for locals.
8. Serious assault on an individual in 2018.
9. Deliberately 'baiting' people by standing in the A685.
10. Theft of a bike near McColl's.
11. Young men asking for fights.
12. Verbal abuse.

Road Safety

13. A685 Encampments.
14. Driving up and down all night.
15. Ignoring red lights, horses going through red lights.
16. Under 16's riding on South Road.
17. 'A foal killed this year, next year, will it be a kid?'
18. Disregard for other road users.

Early Arrivals and Duration of Stay

19. Why can't fairgoers move on to Appleby?
20. Why does KS have to put up with it for the longest time?
21. Police presence 'virtually nil' after the fair starts but encampments remain in the Kirkby Stephen area.

Chairman's summary – 'if the event was for 4 days, as it is in Appleby, then the Town would be happy'.

Local Government Reorganisation

22. Concern was expressed that that Eden District Council who chair MASCG will cease to exist before the horse fair starts in 2023.
23. Cllr Murray noted that Westmorland and Furness Council would come into existence only 6 weeks before the fair in 2023.
24. The agencies involved in MASCG would continue to have the same legal responsibilities.
25. Cllr Dew explained that the membership would remain broadly the same but the issue of Chairmanship needed to be resolved with an agreed nominee from Westmorland and Furness Council likely to be appointed in future. Local Government Reorganisation would impact on MASCG.
26. MASCG Chairman Les Clark was discussing the issue with senior officials and the issue would be addressed in a timely fashion.

Other Issues

27. Concerns were raised as to littering & human excrement at Jubilee Park and on street drinking in the town centre, the Chairman assured the meeting that the area had been cleaned.
28. A resident spoke in favour of the event being an organised (ticketed) event pointing out that fair hill is organised and that a similar event in Scarborough is organised and ticketed.
29. A member of the public said that the fair should not impact on surrounding villages and towns.
30. The Police and Crime Bill was raised - a member of the public described the bill as a direct 'despicable' attack on democracy.

31. It was noted that the Bill did not come into force before this year's fair. However, Police interpretation of the legislation was said to focus more on permanent encampments than short stay stops. Police were said to be working through the detail.
32. A member of the public said that the provisions in the bill regarding excessive littering and other issues seemed to apply directly to the situation in Kirkby Stephen.
33. Concern was expressed over the approach taken by Cumbria Police and that the law was not equally applied to the GRT and Settled Communities.
34. Residents don't feel supported by Police.
35. Laws that were already in place were not being enforced.
36. Cllr Murray noted that in 2019 it had been noticeable that Police had been present in the Town Centre at all times. This year the Town had not been patrolled in the same way in the lead up to the fair.
37. A comment was made as to the impossibility of making a distinction between 'real' Gypsies and 'others'.
38. A comment was made that 'we should not need the police'.
39. Several members of the Public said that they felt that fairgoers were 'laughing at the Police'.
40. A member of the public recounted an incident involving a coach operator in which the driver and passengers had been obstructed for a considerable time, noting that the driver had had to get out of the cab and negotiate passage with fairgoers.
41. A member of the public referred to being caught in a 'road block' on the A685 noting that Police had not got out of their vehicle to address the situation.
42. A member of the public had checked registration plates on the DVLA website and discovered that some were not taxed and insured.
43. 'It needs to be a professionally organised event including security and cleaning up. Fair hill itself is charged for it's the rest that isn't'.

22/071 **Part 2, Constructive suggestions from residents to lessen negative impacts of the fair**

1. How could policy affect the fact that the fair has become a two week event for Kirkby Stephen and a four day event for Appleby?
2. A suggestion that Kirkby Stephen could hold an exclusive Bow Top event to attract visitors.
3. A resident shop owner commented that they would like to see Police patrols pop into shops and ask if everything was OK.
4. A local trader made a suggestion that to combat a worsening relationship between the Town, Gypsies and Police. Gypsy representatives might be nominated/invited to patrol in the town with Police Officers in the lead up to the fair. The increase of mistrust between Gypsy and settled communities needed to be addressed and an initiative like this - if it could be implemented - could help with that process.
5. More robust policing policy was required - once it was known that action (for example) on vehicles without an MOT was being taken. People intending to travel in such vehicles would be discouraged.

6. Cllr Dew made the point that MASCG needed to act in a way that was lawful, reasonable, proportionate and appropriate. It was necessary to act in a fashion that was right and moral. Noting that although the public couldn't tell the Police how to Police, there was a legitimate question to be asked about their 'style' of Policing.
7. A member of the public noted that Police can only act on reports. If the public did not raise police issues directly on the record then the extent of any crime associated with the fair was likely to be understated. It was important that members of the public used services like 101. Police and researchers can interpret the lack of crime reports to show that the fair has been law-abiding and successful.
8. Police could not be expected to provide security for private property.
9. It was agreed to ask Police to establish what the exact legal position was about the riding of sulkies/horses in the Town Centre.
10. A member of the public said that if it was not legal for fairgoers to stop (on the verges of the A685) they should not be there. It was said that the Police worked to an encampment protocol and the fall-back position was that they would be left in situ unless they were causing a problem/obstruction. MASCG met daily to consider the situation that day. In order for Police to move fairgoers on from unsuitable sites they had to have somewhere to move them on to.
11. The bunding of verges of the A685 to prevent inappropriate and unsafe areas from being occupied by encampments should be reconsidered.
12. It was proposed that 'tolerated stopping' could be replaced or augmented by 'negotiated stopping'. It was felt that more needed to be known about how negotiated stopping could be transacted. Who determined the terms and conditions of any negotiation and how was agreement reached? Good Practice needed to be identified.
13. A member of the public said that the event was growing and that the situation was untenable. A single organisation was needed to take responsibility for an event of this scale. Cllr Dew said that MASCG had discussed a change to the organisation of the fair including ticketing options last year and had acted on a Barrister's advice which had led them to conclude that this would not be possible. However, following the intervention of a knowledgeable individual, it had been agreed to look at this issue again. A brief to suitable consultants was being prepared which would seek to: 'Identify the relevant legislation pertinent to the Fair becoming an organised event, and provide an evaluation of if and how these laws could be applied in the specific context of the Fair'
14. A member of the public spoke about the historic relationship between the area and the annual horse fair. In the past when the fair had had a smaller scale there had been a better relationship between the community and fairgoers. There was value in the tradition and culture of the fair and its growth from the droving tradition. They proposed that the community could host locally an event that celebrated the tradition and culture of horse drawn travel, especially bow tops but which was not open to modern caravans, 4 X 4's and cars. They expressed the view that whatever was proposed really needed to come from and be 'owned by' the GRT community but that a clear signal that the local community would welcome a horse drawn event could go some way to repairing a currently damaged relationship. They said, to applause, that the community would welcome a

celebration of tradition and that Fairgoers would come anyway. If the community opposed fairgoers staying in the area they would be creating a problem for everyone.

15. The lack of use of the Cote Moor site was discussed. It was said that this historic stopping place had not been used in recent years because of the lack of Wi-Fi and mobile signal - could these be provided? It was said that fairgoers liked to be visible at the roadside and this was part of the appeal of the verges of the A685. Cllr Dew noted that residents of Cote Moor would be unlikely to welcome increased use of the site.
16. The activities of MASCG in facilitating the fair was discussed. It was said that MASCGs policies and activity had had the effect of building capacity for fairgoers. 'If you build a four lane highway you will get four lanes of traffic'.

22/071 **Part 3, Parish Poll (Key Issues)**

The meeting moved on to the discussion of a 'Parish Poll' as referred to in correspondence addressed to the Town Council by correspondents using a template letter published on the Appleby Fair Communities Facebook page and using the prepared and circulated overhead projection.

Eden District Council's Head of Legal Services had clarified that the questions would need to be relevant and actionable within the powers of the Town Council as follows:

1. The meeting should 'be mindful that the question [on the poll card] fell within the definition of 'a parish matter' to ensure that it meets the requirements of lawful spending."
2. "This is likely to vary from parish to parish so the question would have to be relevant to adhere to that requirement."
3. "It would be worth considering what the practical application of the outcome of the poll could be?"
4. "It is also important to note that each parish would be liable for the costs of undertaking the poll"
5. "that the outcome of the poll is advisory and not legally binding"

The Chairman advised that the cost of the poll if demanded (and accepted) was likely to be between £1k and £2k. It was clarified that if carried out the Poll would take place by ballot in person at a date and place to be determined by the Returning Officer between 4:00pm and 9:00pm. Approximately 1,500 people would be eligible to vote.

A member of the public asked what message would be sent if Kirkby Stephen decided not to have a Parish Poll and other parish meetings acting in response to the template letter provided by the administrators and members of the Appleby Fair Communities Facebook Group did demand a Poll? Would Kirby Stephen be 'letting the other parishes down' if they chose not to go ahead?

Cllr Lancaster read out a message sent to the administrators of the Appleby Communities Facebook Page by the Returning Officer prior to a Poll being demanded at a Parish Meeting in Appleby and shared in their private group indicating that the proposed questions as worded would not be accepted for a Parish Poll.

Specifically, the need for the questions to have practical application and to be a Parish matter.

It was proposed by a member of the public that a vote/resolution taken at this meeting might have a more positive effect and after brief discussion the following wording was agreed:

“This Parish Meeting believes that the events that comprise the Appleby Fair would benefit from an organising authority.”

A vote was held with 31 residents voting in favour and 1 abstention. (Three people had left the meeting before the vote.) Non-resident observers were not included in the tally.

A member of the public spoke to ask that the Town Council acknowledge that the meeting would like the negative impact of fairgoers on the Town to be reduced.

A member of the public asked if the Town needed to link with other parishes over the issues.

As no Parish Poll was demanded the meeting broke up to applause.

<ends 21:30>