

EXTRA-ORDINARY MEETING OF THE WITNEY TOWN COUNCIL

Held on Monday 18 April 2016

At 6.30pm in the Council Chamber, Town Hall

Present:

Councillor J S King (Chairman)

Councillors:	S E Bartington	H B Eaglestone
	AD Harvey	D S Enright
	C Brown	C Holliday
	H W Chirgwin	T J Morris
	B J Churchill	L M Price
	P J Dorward	C E Reynolds
	J Doughty	CK Woodward
	Officers:	Town Clerk
	Responsible Finance Officer	Works Contracts Supervisor
	Democratic Services Officer	

Also present: Mr Eric Marshall – Witney Music Festival
3 members of The Synapse Events Group
Mr Gavin Hopkins – Consultant, G H Safety
1 member of the public

169 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

170 **DECLARATIONS OF INTEREST**

Cllr Morris declared a non pecuniary interest as he was a member of the Carnival Committee, Cllr Churchill declared a non pecuniary interest as she knew a member of the music festival committee, and Cllrs Churchill and Woodward declared non pecuniary interests as they were members of the Corn Exchange Shadow Trust.

171 **Public Participation**

Mr Eric Marshall – Witney Music Festival

Mr Marshall thanked the Council for the opportunity to address members and also for the meeting that had been held earlier that evening. Councillors' concerns had been discussed and it had been a very productive meeting.

He explained that the event had never been about raising money for charity but was about promoting music – this was a very clear objective. However, the event did provide a platform for charities to raise money. The cost of the event in 2016 would be £37,000 and all of this money would be needed to cover the health and safety requirements.

The intention was for the festival to become as famous for music as Edinburgh was for comedy. All hotels in the town were sold out for the weekend.

Mr Marshall had had discussions with the District Council's Tourism Officer and Business Development Officer who were both excited. The Music Festival was asking for the Town Council to get behind the event and to give the use of The Leys for free.

A member asked what else the Council could do to get behind the event other than give free use of the land. A member of The Synapse Events Group (TSEG) replied that the Council could plan the event with them next year. It was planned for the event to continue to grow every year.

A member asked exactly how many people would be on The Leys. A member of TSEG said the license was for 5,000 public and 999 staff. They planned to enclose the whole site and would operate a one out, one in policy.

A member asked what would happen if 10,000 people turned up to the event. TSEG replied that a "Disneyland" style queue would be introduced and if necessary they would call on the emergency services to help.

Another member queried car parking arrangements. TSEG explained that they would be erecting signage for car parks and setting up taxi drop off points. It had not been a problem in the past. They were also sending out letters to everyone within a 350m radius of the event providing them with contact numbers to ring if they had any issues.

It was explained that they were allowing 1.5m of space for every person within the event site. The fireworks would take place at 22.50 for three minutes and would be low noise. The speaker system this year would be improved so that the music was actually quieter. There would be 30 toilets on site this year which was industry compliant.

A member proposed to exclude the press and public in order to receive advice from the Council's consultant, Gavin Hopkins, and that the meeting be re-opened to the press and public after this. Members agreed.

RESOLVED: that in accordance with section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960, and as extended by Schedule 12A of the Local Government Act 1972, the public, including the press, be excluded from the meeting because of the confidential nature of the following business to be transacted.

172 Witney Music Festival

Mr Hopkins had been asked to attend the meeting to answer questions from Members and provide any additional information further to his report which had been previously circulated to members along with the report of the Facilities Manager on events in general.

Mr Hopkins commented that clearly events in the town were getting bigger year on year and the Council needed to ensure that it was doing what was legally expected of it. In previous years the event plan of such events had been scrutinised by the SAG but this was no longer an option due to WODC cuts. This meant that the Town Council now had responsibility. He highlighted the Shoreham Air disaster as a case in which the local authority may be looking at corporate manslaughter charges as they had given permission for the event.

Mr Hopkins had concerns with the music festival's event plans. He also gave advice about the Council's legal responsibility in the context of the event. The Town Clerk asked Mr Hopkins if the music festival organisers could in theory underwrite the Council's liability as this is what the event organisers has alluded to at the meeting prior to this one. Mr Hopkins advised that legally no liability could be exonerated by another organisation.

The Facilities Manager advised members that the Council needed a robust policy not just for the music festival but for all large events taking place on Council land in the current year.

RESOLVED: that the meeting be reopened to the press and public.

A member felt that as WODC officers had shown interest in the event, there was room to go back to them and ask them to help with the event management in the form of the SAG. This would avoid employing an external consultant.

Another member emphasised that the Council were keen to see the event go ahead but it must be indemnified from responsibility for accidents.

The Chairman suggested that the event plan could be given to the Council's Consultant to check over. This would cost money and another member asked if the Music Festival would cover this cost.

A member added that all the Council had to do was satisfy itself that the event and all associated documents had been checked by qualified people. The Council did not have time to train its staff to do this but it had to prove due diligence. He proposed taking option 4 in the Consultant's report – to employ outside expertise – this year, and that the costs should be incorporated into the charge of hiring The Leys. This should be the same for all events over a certain size. The Council had resolved to charge the Music Festival half rent – therefore the costs for the outside expertise would be covered by the rent rather than via an additional charge on top of the rent. Option 2 – to continue to press the District Council for more proactive and direct involvement - could be pursued at the same time.

RESOLVED:

- 1) that the report of the Facilities Manager and the Council's Health & Safety Adviser be noted;
- 2) that option 4 as detailed in the Consultant's report (to employ outside expertise) be agreed this year, and that the costs should be incorporated into the charge of hiring The Leys. This would be the same for all events over a certain size. The costs for the outside expertise would be covered by the rent rather than via an additional charge on top of the rent.
- 3) that the Facilities Manager continues to pursue Option 2 – to continue to press the District Council for more proactive and direct involvement.

RESOLVED: that in accordance with section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960, and as extended by Schedule 12A of the Local Government Act 1972, the public, including the press, be excluded from the meeting because of the confidential nature of the following business to be transacted.

All members of the public left the meeting.

The Town Clerk asked to raise an issue before moving onto the next agenda item. She highlighted that no income was received by the Council from the Libfest or the Carnival who were charitable events. The Council had now made a resolution to employ outside expertise to scrutinise event documents and to pass on this charge via a cost for rental of the land. However, the Council had previously made resolutions meaning that Libfest and the Carnival did not pay a fee for use of The Leys. She asked if the charge would apply to these events.

Members felt this would be unfair, particularly to Libfest. The RFO reminded members that money was available in the subsidised lettings budget that could be used to cover the costs for these two events. A member proposed the RFO's suggestion and members all agreed.

RESOLVED: that the subsidised letting's budget be used to cover the costs of employing outside expertise to scrutinise event plans for Libfest and the Carnival.

The Facilities Manager expressed concern that a small council sports facility was being used to host huge events. The Works Contracts Supervisor asked what constituted a large event. The Chairman replied that that would have to be decided by the relevant committee. The Town Clerk commented that the terms and conditions of hire would now need to be updated, given the changes to policy made this evening.

A member felt that other venues should be explored to host large events.

173 Corn Exchange

Members agreed that as they had been clear in declaring interests, Cllrs Churchill and Woodward could remain in the room although they were Trustees on the Shadow Trust.

Members received and considered the confidential documentation pertaining to the future management of the Corn Exchange and the Town Clerk's confidential report.

Further to advice from the Council's solicitor, the Town Clerk advised that she had sought clarification legal advice from the National Association of Local Councils (NALC), regarding compliance with S.127 and S.128 of the Local Government Act 1972, and consequently General Disposal Consent (England) 2003. Members were requested to consider the advice and decide whether the lease and wider support complied with the legislation, specified as:

- a. *the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;*
 - i *the promotion or improvement of economic well-being;*
 - ii *the promotion or improvement of social well-being;*
 - iii *the promotion or improvement of environmental well-being;*
- and
- b. *the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000.*

Members were confident that leasing the Corn Exchange to the Trust would meet criterion i and ii, however they felt that professional advice should be sought on b.

Cllr Woodward left the meeting at 8.20pm.

RESOLVED: at 8.30pm to suspend standing order no 48 to allow the meeting to continue past two hours duration.

Members voted on a proposal for the following resolutions. 14 members voted for the proposal. 3 members voted against. Cllr King asked that it be recorded that he voted against the proposal.

RESOLVED:

1. that the Council considers that, in line with Local Government Act 1972 General Disposal Consent (England) 2003, the disposal of the Corn Exchange via a lease to the Corn Exchange Witney Trust was *likely to contribute to the achievement of*

i the promotion or improvement of economic well-being;

ii the promotion or improvement of social well-being;

in respect of the whole or any part of its area, or of all or any persons resident or present in its area.

2. with regard to 1.b *the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000*, that the Council commissions a valuation of the lease over the 30/60 year period to ensure the disposal does not exceed this value.

3. with regard to the lease, the terms proposed by the CEWT as amended by the letter from the Shadow Chair dated 8 April 2016 are agreed with the inclusion of a break clause to protect both the Trust and the Council from any issues that may arise in future years.

4. with regard to the CEWT Business Plan, consideration of on-going funding/financial support from the Town Council as set out in the financial projections be discussed at a meeting of the Public Halls Committee.

5. to agree to release a further £5,000 to the CEWT so that they can progress a grant and cover other sundry expenses for the set-up costs.

The meeting closed at 9pm.
