

REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: TOMMY WILSON'S FAIR

BRIEF STATEMENT OF SUBJECT MATTER: Proposal to settle current litigation brought by Wilson's Amusements (Redditch) Limited against Redditch Borough Council for compensation based on a contractual commitment to facilitate the Fair in the town centre, in a Conveyance of 1962.

DECISION: It is RESOLVED that:

1. The Council pays £25,000 in full and final settlement of the Claim;
2. Insofar as it is within its powers, the Council agrees to allow Wilson's (Amusements) Redditch Limited access to those areas of Church Green, Alcester Street and Market Street shown edged red on the attached plan, without charge, for the purposes of holding a Fair for a period of 3 days commencing on the first Thursday after the 10 September each year until 2036, which agreement will replace the historic Covenant; and
3. That during a two week period falling within the Easter school holidays, as agreed on an annual basis, the Council will allow access to the Arrow Valley Park to Wilsons Amusements (Redditch) Limited, free of charge for the period of 3 years 2017 – 2019, and a further two years, at a nominal rate to be agreed with the Council, which concession shall be subject to a Waiver of the Council's Contract Procedure Rules.*

GROUND FOR URGENCY: Civil proceedings initiated by Mr Wilson are due for Trial at Telford County Court on 14 and 15 November 2016 and an agreed settlement is urgently required to settle the matter and avoid both the costs of trial and potential third party costs.

DECISION APPROVED BY:

(Deputy) CHIEF EXECUTIVE

EXECUTIVE DIRECTOR FINANCE & RESOURCES
(if financial implications)

.....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX)

.....
(Signature) (Jayne Pickering)

Date: 8 November 2016

* Since the Decision was made, the proceedings have now been settled, incorporating the first two elements of the Decision. The third part has not been included and will not need to be activated. This is because it was part of broader negotiations, which were ultimately unsuccessful.

The case had been listed for hearing on Monday and Tuesday next 14 and 15 November 2016 and will not now go to hearing, saving considerably on the costs of a trial.

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER	LEADER / LDR LABOUR Group	DEPUTY LEADER CONSERVATIVE Group (in the Group Leader's absence)	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.