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03 January 2014

To: All Members of the Overview & Scrutiny Committee

Dear Member,

Special Overview & Scrutiny Committee
6 January 2014, 18:00hrs
Civic Centre, High Road, Wood Green, N22 8LE

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

6. CALL-IN OF CABINET DECISION - 17 DECEMBER 2013 - CAB575 - HARINGEY OUTDOOR EVENT POLICY (PAGES 1 - 16)

- i) Report of the Monitoring Officer
- ii) Report of the Director of Place and Sustainability

A decision on the above item was taken by Cabinet at the meeting on 17 December 2013. The decision has been called in, in accordance with the provisions set out in the Council's Constitution, by Councillors Wilson, Winskill, Solomon, Allison and Reece.

Yours sincerely

Felicity Parker
Principal Committee Co-ordinator

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Haringey Council

Report for:	Special Overview & Scrutiny Committee	Item number	
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Title:	Monitoring Officer's Report on the Call-In of a Decision taken by Cabinet on 17th December 2013 relating to Haringey Outdoor Events Policy
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Report authorised by :	The Monitoring Officer and Head of Legal Services
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Lead Officer:	Bernie Ryan, Monitoring Officer and Head of Legal Services
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Ward(s) affected: All	Report for Key/Non Key Decision: N/A
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1. Describe the issue under consideration

- 1.1 On 20th December 2013, a call-in request was submitted objecting to the Cabinet decision made on 17th December 2013 in respect of 'Haringey Outdoor Events Policy'.
- 1.2 The call-in request is deemed valid and the Monitoring Officer is required to advise Overview and Scrutiny Committee whether or not the Cabinet decision falls inside or outside the Council's policy or budget framework

2. Cabinet Member Introduction

- 2.1 N/A

3. Recommendations

- 3.1 That Members note the advice of the Monitoring Officer and Chief Financial Officer that the decision taken by the Cabinet was inside the Council's policy and budget framework.

4. Other options considered

- 4.1 N/A



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5. Background information

- 5.1 The Call-In Procedure Rules in Part 4 Section H of the Council's Constitution, provide that any 5 Members may request a Call-In even though they do not claim that the original decision was in any way outside the Council's budget/policy framework. Members requesting a Call-In must give reasons for it and outline an alternative course of action. However it is not necessary for a valid Call-In request to claim that The Cabinet, Leader or Cabinet Member acted outside its powers.
- 5.2 The Call-In Procedure Rules require the Monitoring Officer to rule on the validity of the request at the outset. The Monitoring Officer has ruled that this Call-In request complies with all the 6 essential criteria for validity.
- 5.3 The Monitoring Officer must also submit a report to Overview and Scrutiny Committee (OSC) advising whether each decision of the Executive, subject to Call-In, was inside or outside the Council's policy framework (budget framework advice, when this is relevant, is provided by the Chief Financial Officer). This is still a requirement even when those Members requesting the Call-In do not allege that the Cabinet decision was outside the policy framework. While OSC Members should have regard to the Monitoring Officer's advice, it is a matter for Members' to decide whether the Cabinet decision was inside the policy framework or not.
- 5.4 This decision should be the subject of a separate specific vote and it should be expressly minuted.
- 5.5 It is not every Council policy that forms part of the "Budget & Policy Framework". This framework is set out at Part 3 Section B of the Constitution. It contains the most important over-arching strategies and major service plans. There would have to be a clear contravention or inconsistency with such a Plan before an Executive decision could be ruled to be outside the policy framework.

Details of the Call-In and the Monitoring Officer's Response

- 5.6 The Call-In request form states, under the first heading, that the decision "is not claimed to be outside the policy or budget framework".
- 5.7 The Monitoring Officer agrees that this decision falls within the Council's policy framework. The report explains that the new operational policy for controls on events in Finsbury Park replaces that approved in 2002. It also explains that the fees and charges for events in the parks have been reviewed as part of the redevelopment of the outdoor events policy.

Call-In Procedure Rules



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5.8 Once a Call-In request has been validated and notified to the Chair of OSC, the Committee must meet within the next 10 working days to decide what action to take. In the meantime, all action to implement the original decision is suspended.

5.9 If OSC Members determine that the original decision was within the policy/budget framework, the Committee has three options:

- (i) not to take any further action, in which case the original decision is implemented immediately.
- (ii) to refer the original decision back to Cabinet as the original decision taker. If this option is followed, Cabinet must, within the next 5 working days, reconsider their decision in the light of the views expressed by OSC.
- (iii) to refer the original decision on to full Council. If this option is followed, full Council must meet within the next 10 working days to consider the decision. Full Council must either decide, itself, to take no further action and allow the decision to be implemented immediately or it must refer the decision back to The Cabinet for reconsideration.

5.10 If OSC Members determine that the original decision was outside the policy framework, the Committee must refer the matter back to Cabinet with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.

5.13 In that event, Cabinet would have two options:

- (i) to amend the decision in line with OSC's determination, in which case the amended decision is implemented immediately.
- (ii) to re-affirm the original decision in which case the matter is referred to a meeting of full Council within the next 10 working days.

6. Comments of the Chief Financial Officer and Financial Implications

6.1 The call in request states that this decision is not claimed to be outside the budget framework. The Chief Financial Officer agrees with this view. The decision relates to the approval of a revised Outdoor Events Policy and a new scale of fees and charges related to those events.

7. Head of Legal Services and Legal Implications

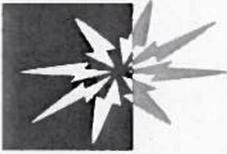


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7.1 As outlined above.

8. Use of Appendices

N/A



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Report for:	Overview & Scrutiny Committee	Item number	
	Monday 6th January 2014		
Title:	Call In – Haringey Outdoor Events Policy		
Report authorised by :	Stephen McDonnell, Deputy Director of Place and Sustainability		
Lead Officer:	Simon Farrow, Head of Client Services		
Ward(s) affected: All	Report for Key/Non Key Decision: Key		

1. Describe the issue under consideration

1.1. The call-in of the Cabinet decision to approve the new Haringey Outdoor Events Policy.

2. Cabinet Member Introduction

2.1. The new Haringey Outdoor Events Policy updates the provision for the management of larger commercial events in parks and, in particular, major events in Finsbury Park. The policy seeks to increase event income with a view to any resultant surpluses being used to provide support for local community groups to hold and develop events in the boroughs parks and to invest in the maintenance and improvement of both Finsbury Park other parks across Haringey.

2.2. The council has consulted on the changes to the controls in Finsbury Park and has amended its proposals where appropriate to reflect the concerns of residents and the concerns raised by Islington and Hackney.



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2.3. The council believes that the new policy will both make a contribution to increasing the cultural offer in the borough and will ensure that income is generated to meet the parks income target, fund community events and provide a source of income for reinvestment back into Finsbury Park and other parks in the borough.

2.4. It is also recognised that in the coming years the council's budget will be under increasing pressure with reductions particularly focussed in non-statutory areas. This new policy and the income it can potentially generate will go some way to reducing such effects and to maintaining and improving the standards in the borough's parks.

3. Recommendations

3.1. That the decision of the Cabinet taken on 17 December 2013 and detailed in the minutes of that meeting be upheld.

4. Other options considered

4.1. As per the report to Cabinet and set out in paragraph 4.1, 4.2 & 4.3 of the report.

5. Background information

5.1. Over the last two years the parks in Haringey have played host to over 160 events, the vast majority organised by community and voluntary organisations. Although commercial events are hosted in a number of parks in the borough, Finsbury Park hosts the most and the largest sized events.

5.2. Controls on the number of large commercial events were introduced in 2002 after the park hosted six events that year. The controls have, however, not been successful in delivering a regular source of income for the park and over the last five years have failed to meet the income target in all but one year.

5.3. The council considered three options: to continue with the current policy; to just update the Finsbury Park controls agreed in 2002; or to develop a new borough wide policy for outdoor events.

5.4. The council undertook public consultation on a new policy for a period of six weeks from 30 September to 10 November 2013. This elicited a range of responses both to the online survey and in written submissions from neighbouring boroughs and other bodies. A full report on the consultation was produced and attached as Appendix C to the Cabinet report of the 17 December 2013.

5.5. The council amended its proposals and updated the draft policy in light of the feedback from residents and others.



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5.6. A joint deputation was made to Cabinet at its December meeting by the Stroud Green Residents Association and the Friends of Finsbury Park against the proposals set out in the Cabinet report. The Cabinet Member responded to the deputation and the Cabinet subsequently agreed the report recommendations which have now been called in.

6. Call In Reasons and Responses

6.1. There are eight reasons provided for the call in. Responses to these are as follows:

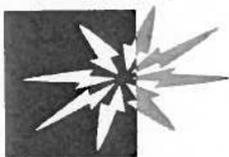
1. *Residents opposed the plans for more concert days in Finsbury Park and the consultation response clearly shows local people are against the changes. 79% of Haringey residents do not support or strongly do not support increasing events for example. Ignoring residents is not being customer focused.*

Response – 79% of Haringey residents who responded to the consultation did oppose the plans for increasing the number of events from 5 to 6. However 47% of responding Haringey residents did support or strongly supported keeping the number of events at 5. The council's original proposal was to extend the number of events from 5 to 6 and for those events to be of 1, 2 or 3 days. After receiving the feedback from the consultation the council amended its proposal to keep the number of events at 5 and for those events to be of 1, 2, or 3 days.

2. *The Stone Roses concert led to an increase in anti-social behaviour, left streets strewn with rubbish and caused serious disruption to local residents in addition to causing potential harm to children at the local school. Allowing more concerts will not lead to cleaner, greener, safer streets around Finsbury Park; in fact, it will have the opposite effect.*

Response – Any major event will cause disruption to the local surrounding area. The organisers of the Stone Roses concert trialled an alternative ingress and egress plan to those used previously for concerts in Finsbury Park. This plan, although having some merits, will not be used again. There were many lessons learnt from this event which have now been built into the event management planning for future events. The lessons have also informed conditions imposed on the most recent premises licence granted for Finsbury Park. For example:

- Typically people will exit an event the way they came in. Therefore a single entrance approach through the Finsbury Park gate will be used to access the event area and then exit people out of the park in similar fashion on to Seven Sisters Road. This will avoid people accessing the park through Oxford Road in particular, will reduce



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the potential for any conflict with the school prior to an event and will stop people exiting into residential areas after the event. The route to and from Finsbury Park Station will be stewarded by the event organiser's team. In addition, when an event takes place on a Friday during the school term, additional stewarding will be provided at Stroud Green School, where this is deemed necessary.

- In responding to residents' concerns about litter arising from events, the council is entering into discussions with Hackney and Islington about increasing the level of street cleansing on event days. In addition, event organisers will be responsible for the cleansing of the route to and from Finsbury Park, as well as a number of the surrounding roads.
- Finsbury Park Station will be very busy from around 10pm on event nights and London Underground and London Buses do and will give advance warning of this and alternative travel routes.

3. *Jeremy Corbyn MP has said that generating income is not a good enough justification for the increase in the number of concert days. He stated in his consultation response that "even in these straightened times the council should not enable any expansion of major events" and "In my view it is not acceptable that it should be taken out of public use for more than a few days every year".*

Response – In response to the consultation the number of events is to be retained at 5, although event days could have the potential to increase from $5 \times 1 = 5$ to, as a maximum, $5 \times 3 = 15$ i.e. an increase of 10 days but this would only occur if all available event days are booked. This, however, appears unlikely based upon recent booking experience. The set up and take down timescales will not vary with event length and are, therefore, no different for five single day events as compared to five 3 day events.

The council is facing further significant budget reductions in the coming years and has to make difficult decisions. In order to protect the maintenance of the park and to be able to maintain a level of investment in the future, a limited number of major events are deemed to be acceptable. Due to the size of Finsbury Park it can accommodate an event for 50,000 people while still allowing public access to around 75% of the park, an area larger than the most of the other parks in the borough.

The new policy gives commitments to improved public notification to ensure the public are aware of any forthcoming disruption and to the



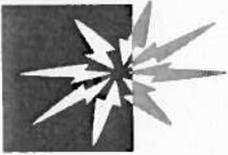
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active involvement of local group representatives in both the pre-planning and monitoring of those events.

4. *Islington Council have also clearly stated in their consultation response that they are opposed to "intensifying the number of events to address this [funding] gap, it is of grave concern and we oppose it" Those concerns are echoed by Hackney Council. Not enough has been done in the revised policy to meet the concerns of residents and neighbouring boroughs about transport, safety concerns, the use of a DPO. Nowhere has the issue of clashes with events at the Emirates stadium and Clissold Park been addressed given the obvious problems this would cause.*

Response – Whilst Islington and Hackney both raised concerns about the council's plans to increase the number of events in Finsbury Park, the council has listened to their concerns and the limit on the number of events remains at 5. The council has been in dialogue with colleagues from the other boroughs and officers from Islington and Hackney and councillors from Islington have recently attended meetings as part of the planning process for the currently scheduled 2 events in 2014. In addition in the report and policy document the council has given specific commitments to:

- Ensuring, where required, each event has a travel management plan, see para 6.5.1. of the Haringey Outdoor Event Policy. As part of the Premises Licence a travel plan also has to be agreed in conjunction with the Police and London Underground, London Buses and Transport for London.
 - Community safety concerns are covered in Section 7 of the Events Policy. There are also specific conditions under the Premises Licence and the Safety Advisory Group will agree proposals for each event. Hackney and Islington colleagues have been asked to contribute to the event planning process.
 - The council has agreed to greater liaison with Hackney and Islington to ensure major events are not held at the same time as at the Emirates Stadium and Clissold Park (Para 7.5 of the Events Policy and proposal 7&8 of the report).
 - The council also fully accepted Hackney and Islington's request to consider implementing a Designated Public Place Order (DPPO) and gave a commitment to do so in the last para of 7.5 in the Cabinet report.
5. *Residents have also repeatedly and clearly said they think the concerts should be limited to only certain parts of Finsbury Park. This policy*



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seems to give event promoters free rein to take over the whole park if they want to.

Response – Haringey officers will continue to control the area to be used for an event; this will not be dictated by the event organiser. Typically large events have been and will continue to be limited to the bandstand area of the park. The council, however, included in its consultation the scope to vary the area used depending on the need of each individual event. The council believes this is a sensible approach which will provide flexibility in seeking to limit the impact of events in the park and to respond to residents' concerns.

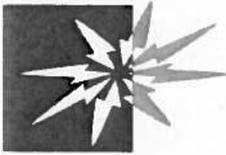
The council will always seek to limit the area of the park used for an event and to maintain public access to the majority of the park. The council has also committed in the policy to ensure that all tennis, skateboarding, basketball and children's play facilities will remain available whilst major events are taking place (Para 5.2.2 Events Policy).

6. *The risk of damage to the park from over-intensive use for major events as happened in Hyde Park and Victoria Park seems not to have been considered by the council.*

Response – The council, in setting out its consultation proposal for up to six major events in any one year, took into consideration a range of factors including potential damage to the park from each event. Six events were considered to be the logistical maximum that could be sustained in any one year, allowing for the park to recover for a number of weeks prior to holding the next event. As a result of the consultation the number of events has however continued to be limited to 5.

Any outdoor events will be subject to the prevailing weather conditions and an event can be affected by both extremes of hot or wet weather. Given the design and layout of Finsbury Park, large vehicle movements on the grass are limited. Where this is needed the ground is protected with metal road trackway. There is a risk that the audience area of the park could become trampled and muddy during inclement weather. Should this happen then any necessary repairs would be undertaken at the event organiser's expense. It is accepted that following repairs access to affected areas of the park may need to be limited to allow the repaired areas to fully recover.

The council has provision to cancel an event should it be clear prior to the event that significant damage will occur. The event organiser has to have in place insurance to cover any loss if the council has to cancel an event. In the longer term it may be beneficial to reinforce the grass in this part of the park, as they have done in places such as Stonehenge,



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to reduce the impact of foot traffic on the grass sward. Surplus income in excess of the income target could be a source of funding for such works.

7. *We are also concerned that the consultation did not state that the council wants a far higher income target than originally proposed. The only reference to this in the consultation was the phrase "additional income". Nowhere does it say the council has an income target of £245k as stated in the Cabinet papers, which is far more than previously proposed income target. People's responses may have been different if they had been given accurate information. In our view this means the consultation is flawed.*

Response – The £245,000 figure for 2014/15 in the Cabinet papers relates to the income target for all parks, not just Finsbury Park. The consultation text on the website included the following paragraph:-

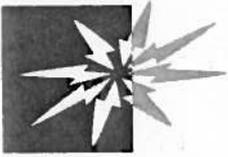
"However, following successful events this year, interest in using the Park has increased and therefore in the current financial climate the council wishes to benefit by generating increased income. This will help the council to meet the income target for 2014 of £165,000, provide the funding for the community festival and ensure income is available to fund improvements in the park's maintenance over the coming years".

Income targets are set by the council as part of its annual budget process. Current targets were set in February 2013 and are:

Park/Year	2013/14	2014/15
Finsbury Park	£120k	£165k
All Parks	£200k	£245k

The Financial Planning Report 2013/2014 containing these figures is in the public domain and was provided to consultees who attended the Area Forums and asked about this.

The £80,000 difference between the Finsbury Park and All Parks figures is the income generated by other activities in all parks, including Finsbury Park. As the consultation made reference to the Finsbury Park Policy of 2002, the Finsbury Park figure of £165,000 was used. The figure of £245,000 is the figure for all parks. These figures have not changed during the consultation and were as set in February last year. The consultation was also quite explicit in that the council wished to generate increased income to meet the income target, provide funding to support community led festivals in parks and for the maintenance and improvement to both Finsbury Park and other parks in Haringey. Therefore, the council believes that the consultation was not flawed.



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Actual income levels over the past five years have averaged only £41,500 p.a. This demonstrates how volatile the events market is and the need for policy flexibility if the borough is to successfully compete in the market and to have surplus income to reinvest in the maintenance and improvement of both Finsbury Park and the borough's other parks.

The significance of seeking to generate additional income was highlighted at the Cabinet meeting when it was reported that the present annual maintenance spend at Finsbury Park is around £350k and in all parks around £1.8m. The current target income, if achieved, would contribute less than 50% to the present maintenance of Finsbury Park and only around 9% to the overall maintenance of all parks.

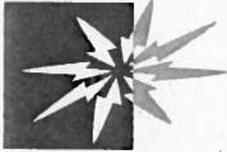
8. It also undermines the following corporate priorities:

- *To provide a cleaner, greener environment and safer streets*
- *To ensure the whole council works in a customer focussed way*

Response - This suggestion is refuted. The Cabinet report set out clearly in Section 13 how the Outdoor Events Policy would contribute to the Corporate Plan's four principal outcomes.

It is further evident from the responses given above that:

1. The new policy is designed to assist the council to increase its events' income with any surplus income used to specifically maintain and improve both Finsbury Park and the borough's other parks.
2. The council will continue to seek to ensure that public access is maintained to the majority of Finsbury Park (around 75%) during large events.
3. The council has sought to learn lessons from the large concert last summer and has undertaken to work in tandem with the two neighbouring boroughs, and the various statutory stakeholders in both the planning and management of future events.
4. The consultation on the new policy was extensive and the council has responded positively to many of the suggestions made both by local residents and neighbouring councils.
5. The council will be seeking greater stakeholder involvement both in the planning and monitoring of future events so that any anticipated issues can ideally be avoided or at least minimised, and any necessary lessons learnt and taken forward in the planning of future events.



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7. Variation of Action Proposed and Responses

7.1. The Call In seeks six actions, the responses to which are set out below:

1. *The council should listen to residents and other neighbouring councils. The council should maintain the current cap on the number of concert days at Finsbury Park and restrict the area of the park in which concerts can be held to the current area.*

Response – As noted above, the council has listened both to residents and neighbouring councils. It has kept the number of events at five and only permitted the duration of events to be varied. It has also taken on board concerns from neighbouring authorities. The council will continue to seek to limit the area of the Park used for any event and to maintain public access to the majority of the Park. While large events will typically be limited to the bandstand area of the park, the council wishes to retain the flexibility to vary the areas used in response to resident's concerns. As stated above even during large events the majority of the Park will remain available for public use.

2. *The council should ensure that neighbouring boroughs are informed of plans to hold concerts in Finsbury Park well in advance and that large events are not held at the same time as events at the Emirates stadium and in Clissold Park.*

Response – The council has agreed to greater liaison with Hackney and Islington to ensure major events are not held at the same time as events in neighbouring boroughs. Events at the Emirates Stadium take place in a defined window each year and for 2014 it is 16 May – 8 June. One major event planned for 2014 falls within this window and that is the Arctic Monkeys concerts on the 23rd and 24th May. The concert diary for the Emirates Stadium is controlled by the organiser of the Arctic Monkeys concerts and therefore this will not result in a clash. Hackney do not have any events planned at the time of the two major events in Finsbury Park in 2014.

3. *The council ensures that large events finish well in advance of the local tube stations closing.*

Response – Final finish times are set as part of the granting of a premises license in the first instance. At this stage information is provided to the Licensing Committee by the Police and other statutory bodies as to a safe operating time. In general the key piece of information relating to finish times is tube capacity on any given day. Secondly, as part of the agreeing the event management plan for any



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given event, the Safety Advisory Group will take advice from TfL, London Underground and London Buses before finalising the event times for each day of an event. The Safety Advisory Group is managed by the council's emergency planning service and comprises key senior officers across the council concerned with safety matters together with representatives of the emergency services.

4. *The council should ensure that for large events in all parks enough toilets are provided, there is proper stewarding and that residents are informed that an event will be taking place well in advance.*

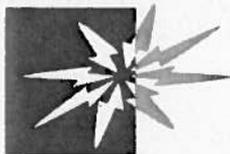
Response – The provision of suitable and sufficient toilets, including additional toilets outside the event area is covered in para 6.7 of the new Haringey Outdoor Events Policy. It is also subject to control under the premises licence and national event management guidance applies to the type and number required for a particular event. This is currently being updated and the guidance levels have been increased by 25%. Similarly proper stewarding is covered in Section 7 of the policy, is also covered in the premises licence and forms part of the event management plan to which the Police and other key statutory bodies, such as TfL, London Underground and London Buses have input. Para 5.2.4 of the policy sets out a range of ways the council will inform the public about forthcoming events. In addition specific conditions will be applied to event organisers regarding advising the public of forthcoming events.

5. *The Cabinet Member should not be able to authorise additional large events in Finsbury Park.*

Response – The ability to authorise events is already part of the portfolio responsibility held by the Cabinet Member for the Environment. This particular recommendation was very specific in its application, in that there would need to be demonstrable community support for such an event. It is envisaged that this would be demonstrated through a positive consultation outcome.

6. *The council should ensure that in future residents are properly consulted about the events policy and any changes and are given full information about charges and income targets.*

Response – The council believes it did consult properly both on the 2002 and 2014 events policies. Although there is no statutory obligation to consult, the council believes that it is good practice to consult on such matters and therefore would do so again in the future. The council normally publishes its general fees and charges when changes are proposed. The council annually consults on its budget proposals and this year has chosen to use an online tool. In previous



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years road-shows have been held around the borough for this purpose. The council did provide information about the income target for Finsbury Park as part of the consultation and would provide relevant information again in the future.

8. Comments of the Chief Financial Officer and Financial Implications

8.1. The comments of the Chief Finance Officer have already been provided in the report to Cabinet for decision.

9. Head of Legal Services and Legal Implications

9.1. The comments of the Head of Legal Services in relation to the original decision have already been provided in the report to Cabinet for decision. In relation to the suggestion that the consultation was flawed (in paragraph 6.1.7 above) the opinion of the Head of Legal Services is that the absence of information about an increase in fee levels and/or the specific fee increases to consultees in the consultation document does not render the consultation process legally flawed.

10. Equalities and Community Cohesion Comments

10.1. As provided in the report to Cabinet for decision.

11. Head of Procurement Comments

11.1. Not applicable.

12. Policy Implications

12.1. As provided in the report to Cabinet for decision.

13. Use of Appendices

13.1. None.

14. Local Government (Access to Information) Act 1985

14.1. As provided in the report to Cabinet for decision.

