

NOTICE OF MEETING

CABINET MEMBER SIGNING

Friday, 23rd March, 2018, 2.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillor Peter Mitchell – Cabinet Member for Environment

Quorum: 1

1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. URGENT BUSINESS

The Leader/Cabinet Member will advise of any items they have decided to take as urgent business.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

4. APPLICATION BY THE LABOUR PARTY TO HIRE WHITE HART LANE RECREATION GROUND FOR THE 'LABOUR LIVE' EVENT IN 2018 (PAGES 1 - 26)

5. APPLICATION BY THE GREAT RUSSIAN CIRCUS LTD TO HIRE DUCKETTS COMMON FOR THE INTERNATIONAL CIRCUS IN 2018 (PAGES 27 - 38)

6. URGENT BUSINESS

As per item 2.

7. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the remainder of the meeting as the items contained exempt information, as defined under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

8. APPLICATION BY THE LABOUR PARTY TO HIRE WHITE HART LANE RECREATION GROUND FOR THE 'LABOUR LIVE' EVENT IN 2018 (PAGES 39 - 40)

To consider exempt information relating to item 4.

9. APPLICATION BY THE GREAT RUSSIAN CIRCUS LTD TO HIRE DUCKETTS COMMON FOR THE INTERNATIONAL CIRCUS IN 2018 (PAGES 41 - 42)

To consider exempt information relating to item 5.

10. EXEMPT URGENT BUSINESS

As per item 2.

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Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Wednesday, 14 March 2018

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Report for: Cabinet Member decision – 23 March 2018

Item number: n/a

Title: Application by the Labour Party to hire White Hart Lane Recreation Ground for the 'Labour Live' event in 2018

Report authorised by : Stephen McDonnell, Interim Director – Commercial and Operations

Lead Officer: Zoe Robertson, Head of Commissioning & Client
zoe.robertson@haringey.gov.uk, 020 8489 2223

Ward(s) affected: Woodside Ward

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks a determination of an application made by the Labour Party to hire White Hart Lane Recreation Ground for a 1 day event in June 2018, in order to stage the 'Labour Live' event.
- 1.2 The application is required to be determined pursuant to the Council's Outdoor Events Policy (the Policy), which was approved by Cabinet on 17th December 2013, and implemented on 7th January 2014.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

- 3.1 The Cabinet Member for Environment is recommended to:
 - (a) Take note that no responses were received from recognised stakeholders of White Hart Lane Recreation Ground, in response to the event notification being sent as part of the decision making process.
 - (b) Authorise the Interim Director – Commercial and Operations, to approve conditional in principle agreement to hire White Hart Lane Recreation Ground to the event promoters for the event detailed in this report as set out in para 6.3.

(c) Agree that the conditions which are to be attached to any final approval of authority are as set out in the comments of the Assistant Director, Corporate Governance at paragraph 9.2.12 below.

4. Reasons for decision

- 4.1. Under the terms of the Policy, applications of the type detailed in this report are required to be determined with the prior agreement of the Cabinet Member.
- 4.2. If authority is given, then officers will give in principle agreement to the applicant for the event application to progress. The event will then be subject to discussions with relevant authorities before final agreement is given.
- 4.3. The rejection of the application would have implications for the Parks Service budget, and reduce the opportunity for reinvestment into White Hart Lane Recreation Ground (the Park). It would also mean that the wider cultural and economic benefits to the borough were lost.

5. Alternative options considered

- 5.1. In adopting the Policy, the Council established its commitment to using the Park for events. Accordingly, the only other alternative option which could be considered would be to reject the application. That option was rejected, on the grounds that the event does not fall within any of the grounds set out in paragraph 5.3 of the Policy for automatic refusal.

6. Background information

- 6.1 In January 2014, the Council adopted the Policy to recognise the value and benefit that a varied, and well managed, outdoor events programme can offer the residents of Haringey.
- 6.2 The Policy assists the decision making process behind building a sustainable and varied programme of events. It also seeks to protect the community and the parks and open space infrastructure and minimise or mitigate any negative impacts which events may cause.
- 6.3 On 11th January 2018, the Council received an application from the Labour Party to hire the Park to stage the 'Labour Live' event on Saturday 16th June 2018. They would move onto site on Saturday 9th June to prepare for the event, and move off site on Tuesday 19th June.
- 6.4 The Policy details the approval process for determining applications. Paragraph 5.2.3. of the Policy requires prior authority for the event to be given by the Cabinet Member as a non key decision before officers give in principle agreement whenever the following criteria applies:
 - *"Expected attendance is over 10,000"*
- 6.5 The criteria detailed above applies to this application, and so hence this referral to the Cabinet Member.

- 6.6 Due consideration as to the effects this event could have on the Park, park users and local residents has been given, with detailed plans in place to ensure inconvenience to the public is limited as much as possible, whilst ensuring the event provides increased recreational enjoyment within the Park environment.
- 6.7 The Applicant has applied to hire the whole of White Hart Lane Recreation Ground to facilitate the event area.
- 6.8 The Park consists of nearly 40,000m² of recreational grassland. There are no facilities within the park.
- 6.9 The build and break for the event will be carried out in phases, ensuring that as much of the event space as possible is kept open for as long as possible for public access.
- 6.10 Some pathways will remain open whilst the build and break of the event is taking place, to minimise disruption to park users. Signage will be displayed to ensure members of the public are pre-warned of any potential disruption. Maps will be displayed, providing alternative routes and parks to use.
- 6.11 Woodside Park is meters away from White Hart Lane Recreation Ground. Here recent investment has seen a new natural play area installed to compliment the two existing children's play areas. Woodside Park also offers nearly 40,000m² of open green space to allow for informal recreational activity.
- 6.12 A zonal plan of the site will be developed by the Applicant, and agreed by Officers, showing when each part of the space is due to be closed to public access and then re-opened. This is dependent on build requirements and with the utmost consideration of health and safety.
- 6.13 As part of the approval process, the Policy stipulates the need for consultation on the park hire application to take place. Paragraph 5.1.6. of the Policy states *"Consultation will involve all stakeholders, including Friends Group, Area Parks Managers, Ward Councillors, Cabinet Member for Environment and the members of the Haringey Safety Advisory Group. Other consultees may be added where appropriate to the specific park or open space"*.
- 6.14 In discharging the requirement to consult, officers sent details of the application to 10 recognised external stakeholder groups on 6 February 2018. Details of the consultees appears at Appendix 1 to the report. Recognised stakeholders including park user groups and councillors from Woodside Ward, plus internal council stakeholders and statutory bodies were given 10 working days to respond.
- 6.15 No responses were received from the stakeholder groups.
- 6.16 The Applicant has submitted an application for a Premises Licence to hold the event in White Hart Lane Recreation Ground, with a capacity of 19,999. This application will be subject to due process, with potential for it to be deemed granted on 22 March if no representations are received. If representations are received the matter will be determined by a Licencing sub-committee hearing.

7. Contribution to strategic outcomes

- 7.1. Hosting events within the Park contributes to supporting the local economy, developing the cultural offer in the borough and provides an opportunity for local people to enjoy this type of event with minimal travel.
- 7.2. The recommendations made will contribute to policy and practice primarily in relation to Priority 3 of the Corporate Plan: 'A clean, well maintained and safe borough where people are proud to live and work'.
- 7.3. In addition there are links to the Corporate Plan in relation to:
Priority 2: 'Enable all adults to live healthy, long and fulfilling lives'
Priority 4: 'Drive growth and employment from which everyone can benefit'
- 7.4 All income generated through events held in White Hart Lane Recreation Groud, will be spent in the Park. In the first instance, this will assist with all management and maintenance costs associated with running the Park. Any surplus event income derived will be used to make improvements to the Park's infrastructure.

8. The Open Spaces Act 1906

- 8.1 It is currently unclear as to whether the council holds the White Hart Lane Recreation Ground as trustee under the Open Spaces Act 1906 (the Act). Accordingly, officers consider it prudent to act on the basis that the land is so held for present purposes.
- 8.2 All income generated through events specifically held in the Park, will be spent in the Park as required under the Act. In the first instance, this will assist with all management and maintenance costs associated with running the Park. Any surplus event income derived will be used to make improvements to the Park's infrastructure as set out in the Outdoor Events Policy at 8.2.5.
- 8.3 Given the concession made in relation to the Act, the Council is required to hold the land comprising the Recreation Ground on trust for the public. As such, in coming to a view on the Recommendations contained in the report, account has to be taken of the existence and impact of all material circumstances which arise from a decision to grant in principle approval for the events to take place prior to the Cabinet Member coming to a settled view. In so saying, the Cabinet Member will note that there have been no objections to the application notwithstanding the proposal is that all of the footprint of the Ground will be taken up to facilitate the event.

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9.1 Chief Finance Officer (including procurement)

This information is exempt and is attached as Part B of this report.

9.2 Legal

- 9.2.1 The Assistant Director, Corporate Governance has been consulted in the preparation of this report, and makes the following comments.
- 9.2.2 The law which governs the Council's powers to hire the Park in these circumstances was challenged in the High Court on an application for judicial review brought by the Friends of Finsbury Park (the Friends) against the decision to permit the application to stage Wireless 2016 in Finsbury Park.
- 9.2.3 The case was heard on 8th and 9th June 2016, and the judge delivered his judgment on 22nd June 2016. In summary, the judge ruled that the provisions of section 44 of the Public Health Amendment Act 1890; The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 and section 145 of the Local Government Act 1972 – all of which govern the ability to permit entertainment in open spaces such as the Park – *“creates different powers for different places subject to different limitations”*. Accordingly, the judge went on to rule that *“s145 of the 1972 Act, of itself and standing alone, provides the Council with the necessary power to permit Wireless 2016 to take place in the Park”*.
- 9.2.4 The significance of that ruling, was that the restriction placed on the amount of the Park which could be enclosed or set apart to facilitate the event, and the duration for such enclosure as prescribed under the 1890 and 1967 Acts – *“one acre or one tenth of the [Park] whichever is greater” / “12 days in any one year, nor four [six in London] consecutive days on any one occasion”* – simply did not apply.
- 9.2.5 Having been refused permission to appeal by the judge, the Friends made an application to the Court of Appeal. On 19th December 2016, the Court of Appeal granted the Friends of Finsbury Park permission to appeal on the ‘legal powers issue’. The basis for the decision was because the issue *“raises a point of considerable importance for London local authorities and ought to be considered by the Court of Appeal.”*
- 9.2.6 The Court of Appeal also granted an application made by the Open Spaces Society for it to be heard in the appeal, on the grounds *that “The issue in the appeal is of importance to London open spaces and parks”*.
- 9.2.7 The appeal was heard on 2nd November 2017, and the judgment was delivered on 16th November 2017. All three judges dismissed the appeal, in ruling that the High Court judge had correctly identified what the legal power position was.
- 9.2.8 Having been refused permission to appeal, the Friends filed an application with the Supreme Court on 14th December 2017. Officers have since filed notice of objection to the application, and a decision is awaited.

The Current Applications

- 9.2.9 During the course of the hearing in the Court of Appeal, the Friends and the Open Spaces Society introduced new representations not made in the High Court, concerning the fact that the Council holds Finsbury Park on trust for the enjoyment by the public as an open space pursuant to section 10 of the Open Spaces Act 1906 (the 1906 Act).

9.2.10 The Council conceded that the 1906 Act did apply. However, as stated above, it is not clear whether the Act applied in this case, but erring on the side of caution, officers are proceeding on the basis that it does. Accordingly, in coming to a view on the Recommendations contained in this report, the Cabinet Member is required to consider whether in light of the duty held under the 1906 Act, it would still be reasonable to exercise the power under section 145 of the Local Government Act 1972, to close off part of the Park to facilitate the event applied for.

9.2.11 Any decision reached by the Cabinet Member is required to be one which is balanced, rational and in the interests of all park users in terms of an overall assessment of the benefits and detriments of public recreation in relation to different sections or user groups within the community. In the absence of any objections to the event being submitted by recognised stakeholders, the outcome of the EqIA (attached as Appendix 2) is key to aiding the Cabinet Member in the decision making process.

9.2.12 Given the outstanding decision on the question of a further appeal - and notwithstanding the fact that the law remains as found by the High Court and the Court of Appeal unless or until it is overturned on appeal – it is important that the Council takes all necessary, proportionate and reasonable steps to protect its position when considering all applications in the interim. Accordingly, if the Cabinet Member is minded to adopt the recommendations in this report, then the following non-exhaustive list of conditions should also be attached to any approval to permit these applications:

- (1) Approval is conditional on the outcome of any appeal to the Supreme Court – assuming that the appeal is heard on a date prior to the events - being to uphold the decision of the Court of Appeal
- (2) Approval is given subject to contract
- (3) Delegated authority is given to the Interim Director Commercial and Operations - acting on advice from the Assistant Director, Corporate Governance - to attach any other conditions as deemed appropriate

9.3 Equality

9.3.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

9.3.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 9.3.3 An equality impact assessment was completed to accompany the decision in December 2013 to adopt Haringey's Outdoor Events Policy which governs the assessment of event applications to Finsbury Park. The policy does not permit events where the sole purpose is as a religious act of worship. The impact assessment acknowledged that this restriction could have the effect of discouraging religious or belief organisations from using the park for major worship based events. However, it reasoned that this restriction could be justified because such religious/belief based events by their very nature could exclude others who don't share that religion/belief from attending the event or using the park more generally.
- 9.3.4 The Policy aims to strike a balance between ensuring that parks can be used as a community asset for all groups to access for the majority of the year, against the need to generate income from hosting events and for these events to contribute to our borough's cultural and leisure offer.
- 9.3.5 The council is committed to working with event organisers to reduce the effects of events on all residents living near the park, and will enforce the individual conditions that accompany the event's permission including those related to reducing disruption, number of days (including set up) and maximum event space.
- 9.3.6 An Equalities Impact Assessment has been completed to accompany the Labour Party's application. The assessment identifies that children, women with children, and people with disabilities will be impacted negatively by the proposal, as they are more likely to use the park or to have access to normally accessible thoroughfares restricted. However, the Council and the event organiser will be taking a number of actions to mitigate equality issues arising from the event, and so the disproportionate impact of the event on those with protected characteristics will be minimal.

10. Use of Appendices

- 10.1 Appendix 1 – List of White Hart Lane Recreation Ground stakeholders who were consulted
- 10.2 Appendix 2 - Equality Impact Assessment: Application by the Labour Party to hire White Hart Lane Recreation Ground for the 'Labour Live' event in 2018
- 10.3 Part B – Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

11. Local Government (Access to Information) Act 1985

- 11.1 Haringey Outdoor Events Policy - <http://www.minutes.haringey.gov.uk/documents/s48887/OEP%20-%20CLEARED%20COVERING%20REPORT.pdf>

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Appendix 1:

List of White Hart Lane Recreation Ground stakeholders who were consulted

Stakeholder consultation		
<p>As set out in the Outdoor Events Policy, stakeholders were emailed on Tuesday 6 February 2018 with details of the 'Labour Live' park hire application received for White Hart Lane Recreation Ground.</p> <p>10 external stakeholder groups, plus internal council colleagues and statutory bodies were emailed giving ten working days to respond to the application with comments.</p> <p>A full list of stakeholders is below.</p>		
External stakeholders	Internal council colleagues	Statutory bodies
Alfred Findley & Newnham Road Residents' Association	Cabinet Member for Environment	London Fire Brigade
Crop Drop	Parks Service	Metropolitan Police Service
Earlham Primary School	Licensing	London Ambulance Service
Friends of White Hart Lane Rec	Food Safety Team	Transport for London
Woodside Ward Members x 3 (LB Haringey)	Emergency Planning Team	
New River Sports & Fitness	Health & Safety Team	
Organic Lea	Highways	
St Thomas More Catholic School	Neighbourhood Action Team	
Wood Green Cemetery	Parking Services	
Woodside Children's Centre	Veolia	

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EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity for those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	Application by the Labour Party to hire White Hart Lane Recreation Ground for the 'Labour Live' event in 2018
Service area	Commissioning & Client: Active Communities
Officer completing assessment	Sarah Jones: Events & Partnerships Manager
Equalities/ HR Advisor	Hugh Smith: Policy & Equalities Officer
Cabinet meeting date (if applicable)	Cabinet Member Signing
Director/Assistant Director	Stephen McDonnell: Interim Director, Commercial & Operations

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

The Council has received a park hire application from the Labour Party to hire the whole of White Hart Lane Recreation Ground for a one-day event on Saturday 16 June. The proposed event called 'Labour Live' and will be an event encompassing music, food, drink and mainstream political debate.

White Hart Lane Recreation Ground sits within the Woodside Ward.

An EqIA was carried out at the time of developing the Outdoor Events Policy. However, it is recognised that major events do have different site layouts and therefore could have differing impacts on park users. To plan for and mitigate these effects, individual EqIAs for specific major event applications will assess the level of potential impact on recognised groups with protected characteristics.

Although White Hart Lane Rec has often hosted a family funfair, the proposed application will be the first time an event of this kind will take place.

Decision making process

The Council's Events Policy stipulates that major event applications are required to be determined with the prior agreement of the Cabinet Member.

If authority is given, then officers will give in principle agreement to the Applicant for the event application to progress. The event will then be subject to lengthy discussions with relevant authorities, including licensing before final agreement is given.

In adopting the Policy, the Council established its commitment to using the borough's parks for events, increasing the cultural and economic benefit that events such as this bring into Haringey. Accordingly, the only other alternative option which would be considered would be to reject the application. This option was rejected, on the grounds that the events do not fall within any of the grounds set out in paragraph 5.3 of the Policy for automatic refusal.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the

<i>restructure EqIA which is available on the HR pages.</i>		
Protected group	Service users	Staff
Sex	Ward Profiles: Woodside ward	N/A
Gender Reassignment	We do not hold this data. The Equality and Human Rights Commission have published a national estimate.	N/A
Age	Ward Profiles: Woodside Ward	N/A
Disability	Ward Profiles: Woodside Ward	N/A
Race & Ethnicity	Ward Profiles: Woodside Ward	N/A
Sexual Orientation	ONS Annual Population Data 2017	N/A
Religion or Belief (or No Belief)	Ward Profiles: Woodside Ward	N/A
Pregnancy & Maternity	Ward Profiles: Woodside Ward	N/A
Marriage and Civil Partnership	Ward Profiles: Woodside Ward	N/A
<p>Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?</p> <p><i>Explain how you will overcome this within the proposal.</i></p> <p><i>Further information on how to do data analysis can be found in the guidance.</i></p>		
<p>The Applicant has applied to hire the whole of White Hart Lane Recreation Ground to facilitate their event.</p> <p>White Hart Lane Recreation Ground covers a total of nearly 40,000m² of open recreational grassland. There are no facilities within the Park.</p> <p>The Park is used for informal recreational activity, including football and dog walking. It is not a park which is regularly booked by schools or has any user groups associated with it, other than the Friends of White Hart Lane Recreation Ground.</p> <p>The event has applied for a Premises Licence to accommodate attendee numbers of up to 19,999.</p> <p>There is no specific data currently available on park user demographics, as no organised activity currently takes place.</p> <p>However, we can infer that residents who live in the immediate area are more likely to use the park and be impacted by the events. We also know that these impacts affect children, women and people with disabilities, who are vulnerable to due to their protected characteristic. This assessment addresses the Council and event promoter's actions, which will mitigate any impact. The tables below summarise the demographic data for</p>		

residents in Woodside ward.

A) Sex (*Census data, 2011*)

	Female	Male
Woodside	50.2%	49.8%
Haringey	50.5%	49.5%
London	50.9%	49.1%
England	50.8%	49.2%

As in common with national and regional trends, there are slightly more females than males in Woodside ward.

B) Gender reassignment

We do not hold data on the number of people who are seeking, receiving or have received gender reassignment surgery, and there is not national data collected for this protected characteristic. The Equality and Human Rights Commission estimate that there is between 300,000-500,000 transgender people in the UK¹. It is anticipated that the major event applications will not have a disproportionate impact on this protected characteristic. The event proposed in this application does not discriminate entry on the grounds of sex, which aligns with the Council's Outdoor Events Policy.

C) Age (*GLA Population Projection data, 2015*)

	Woodside	Haringey	London
0 – 15	18.3%	19.4%	20%
16 – 64	73.3%	71.6%	68.6%
65+	8.4%	9%	11.4%

Ward profile data for Woodside shows that 18.3% of the local population is aged between 0 – 15, which is slightly lower than the London average of 20%.

As previously stated there are no structured play facilities within White Hart Lane Recreation Ground, which means that most children under the age of 15 living in the local area will use play facilities located within meters of White Hart Lane Recreation Ground at Woodside Park, which .Wayfinding signage will be put in place at various locations around the Park, advising park users to use Woodside Park for activities.

D) Disability

	Haringey	London	England and Wales
Day-to-day activity limited a lot	6.8%	6.7%	8.3%
Day-to-day activity limited a little	7.2%	7.4%	9.3%

¹ <https://www.equalityhumanrights.com/en/trans-inequalities-reviewed/introduction-review>

Day-to-day activity not limited	86.0%	85.8%	82.4%
Day-to-day activity limited a lot: Age 16-64	3.8%	3.4%	3.6%
Day-to-day activity limited a little: Age 16-64	4.6%	4.2%	4.6%
Day-to-day activity not limited: Age 16-64	62.4%	61.5%	56.5%

Haringey has a comparable proportion of residents whose day-to-day activity is limited to some extent as London, but lower than the national average.

During the build and break for event all main thoroughfares will be kept open to park users where health and safety requirements allow. Once these are closed off for the event to take place, wayfinding signage will be in place to direct people towards other routes around the park.

E) Race & Ethnicity (*Census data, 2011*)

	Black and Minority Ethnic
Woodside	43.1%
Haringey	39.5%
London	40.2%
England	14.6%

The data shows us that the proportion of residents who are of Black and Minority Ethnicity in the ward where White Hart Lane Recreation Ground sits is slightly higher than the London average. The proportion of BAME residents is considerably higher than the England average.

As a condition of hiring the park, the Council will require the Applicant to install way-finding signage informing people that the park will be inaccessible at points through the build/break and on the event day. Users will be directed to other local facilities in Woodside Park.

It is recognised that the affected wards contain a high number of different ethnic groups, whose first language may not be English. Therefore, all wayfinding signage is assessed and designed using maps and symbols, with limited use of the written words.

F) Sexual Orientation

We do not hold ward or borough level data on sexual orientation, and it is not collected nationally through the Census. However, the ONS estimates that 3.7% of Haringey's

population are lesbian, gay or bisexual (LGB), which is the 15th largest LGB community in the country².

All major event applications must not discriminate on grounds of sexual orientation. Therefore, any major event that takes place in a Haringey park is open to people of every sexual orientation.

G) Religion

	Woodside	Haringey	London	England & Wales
Christian	49.6%	45%	48.4%	59.3%
Buddhist	1.4%	1.1%	1.0%	0.4%
Hindu	3%	1.8%	5.0%	1.5%
Jewish	0.7%	3%	1.8%	0.5%
Muslim	17%	14.2%	12.4%	4.8%
Sikh	0.5%	0.3%	1.5%	0.8%
Other religion	0.6%	0.5%	0.6%	0.4%
No religion	18.9%	25.2%	20.7%	25.1%
Religion not stated	8.2%	8.9%	8.5%	7.2%

Woodside ward has a higher proportion of Muslims living in the ward, compared to the rest of Haringey or London. It also has a higher than average Christian community compared to Haringey and the regional average, but has a much smaller Jewish population. Woodside ward also has a smaller population who do not have a religion.

H) Pregnancy and maternity

The number of 0-4 year olds in the wards affected in the 2011 Census were:

	Proportion of 0-4 year olds
Woodside	7%
Haringey	7.1%
London	7.2%
England & Wales	6.2%

Woodside and Haringey have a higher proportion compared to the England and Wales average, but is marginally below the London average.

	Proportion of households with dependent children
Woodside	30.7%
Haringey	31.4%
London	30.9%

²

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/articles/subnationalsexualidentityestimates/uk2013to2015#introduction>

England & Wales	29.1%
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Haringey has a larger proportion of households with dependent children compared to the regional and national average, but Woodside ward has slightly less and is more on par with the regional average.

I) Marital and civil partnership status

	Married (heterosexual couples)	Civil Partnership
Woodside	34%	0.4%
Haringey	32.2%	0.6%
London	40%	0.4%
England & Wales	47%	0.2%

The number of married people (only available to heterosexual couples at the time) is significantly lower than in London and England. However, the proportion of people in civil partnerships is comparable to the London and England and Wales averages.

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

The Council’s Events Policy stipulates the need to consult recognised stakeholders, including Friends Groups, Area Parks Managers, Ward Councillors, the Cabinet Member for Environment and the members of the Haringey Safety Advisory Group. Other consultees may be added where appropriate for the specific park or open space.

In discharging the requirement to consult, the Council sent details of the applications to ten external stakeholder groups by email dated 6 February 2018. The Council requests that all responses are submitted within ten working days.

In 2016, during a Judicial Review of the Council’s Events Policy, the High Court defined the consultees as ‘informed consultees’ who had opportunities to share their views within this 10 day period. This, and a subsequent appeal heard in the Court of Appeal in 2017, were found in the Council’s favour.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation’s findings will shape and inform your proposal and the decision making process, and any modifications made?

Of the stakeholders originally contacted, the Council received no responses.

As the application for the event progresses, stakeholders will continue to be informed on the event proposals, and if there is interest, a Stakeholder meeting will be scheduled where event plans can be discussed and stakeholders provided with the opportunity to meet the event organiser and feedback any impacts that the event may have on the local community.

The Council takes extensive steps to ensure the set up and dismantling of the events are sufficient for the safe installation of an event area, while retaining as much public access as possible. The Council will work closely with the event promoters in advance of the event to agree how a phased closure of the event space is managed as build progresses and to ensure that vehicle movement through the park is managed and controlled during these periods. These plans will be shared with stakeholders as they progress, to seek feedback and comments for improvement, which can be discussed in detail with the promoters.

The event organisers and the Council will ensure that the park is cleaned throughout the duration of the events. The wider park area (outside of the event perimeter) will be restored to 'normal' when the event is dismantled. In doing this, the Council seeks to minimise the impact on park users and ensure that the park is left in a safe condition for residents to enjoy.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

1. Sex

Although the ward-level data shows that the male to female ratio is broadly in line with national trends, we know that women are more likely to be carers to young children, who use the park, and therefore the proposal disproportionately impacts this group.

However, any impact arising from the park being closed off will be mitigated by the installation of wayfinding signage directing park users to Woodside Park and its facilities. Woodside Park is located near to White Hart Lane Recreation Ground.

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative	X	Neutral		Unknown	
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				impact		Impact	
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2. Gender reassignment

We are not expecting any impact. The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact		Unknown Impact	X
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3. Age

The report identifies that children are more likely to use the park’s facilities and, therefore, they are more likely to be impacted by the proposed events. However, as detailed above, Woodside Park is located minutes from White Hart Lane Recreation Ground and has a number of facilities within it. The Council and the event promoters will ensure that signage is in place to direct park users towards Woodside Park.

The event organisers and the Council will ensure that the park and surrounding area is cleaned throughout the duration of the event. The wider area including the surrounding streets will be restored to ‘normal’ on the night of the event, after attendees have left the area. In doing this, the Council seeks to minimise the impact on park users and ensure that the park is left in a safe condition for residents to enjoy.

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative	X	Neutral impact		Unknown Impact	
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4. Disability

The proposal is likely to have a negative impact on people with disabilities, as the event will occupy space that would otherwise be accessible for individuals with limited mobility and sensory impairments and that may be used as part of their day-to-day activities.

The Council will ensure that the event organiser displays notices and wayfinding signage detailing alternative routes around the Park once pathways are closed off.

The Council will ensure that all alternative routes allow access for those park users with disabilities.

Throughout the duration of the event, stewards will be present in the wider area to offer assistance to park users with visual impairments, whose familiarity with the park and area may be distorted by the events.

By hosting the proposed event, the Council will be able to use some of the revenue made to support new organised group activity within the park.

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative	X	Neutral impact		Unknown Impact	
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5. Race and ethnicity

The proposed events will attract a considerable number of attendees, from a range of ethnicities. Woodside ward is already one of the most diverse communities in the country.

The Council will ensure the event organiser uses pictures and symbols in its signage to ensure that communication to park users is clear and inclusive of the diverse range of communities in the area. This has previously been used successfully for events in other parks in the borough.

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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6. Sexual orientation

We are not expecting any impact. The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact		Unknown Impact	X
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7. Religion or belief (or no belief)

Under the Council's existing Events Policy, a major event is not permitted in a Haringey park if it excludes entry on a religious basis. Therefore, any major event that takes place in a Haringey park will allow attendees of any or no religion. The proposed event in this report will comply with this direction.

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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8. Pregnancy and maternity

We are not expecting any impact. All of the concerns regarding the impact on children who use the park are covered in point 3.

The event promoters will be required to comply with standard Equality Act requirements in

order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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9. Marriage and Civil Partnership

The event promoters will be required to comply with standard Equality Act requirements in order to prevent any discrimination based on this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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10. Groups that cross two or more equality strands e.g. young black women

Women with young children:

We know that women are more likely to be carers to young children, and therefore the proposal is likely to impact disproportionately on this group. However, the impact is likely to be low because the Council and event promoters will take significant actions to mitigate the disruption caused to the park. The park doesn't have any formal play or sport facilities and park users will be directed towards Woodside Park to use facilities there.

Positive		Negative	X	Neutral impact		Unknown Impact	
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Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?

This includes:

- a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
- b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
- c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?

Background to the major events proposals:

The nature of any proposed event is considered and embedded in the application and planning process. The Council's Events Policy also contains a list of events that would not be allowed to take place in a Haringey park. If an application does not fall within this

immediate refusal, the individual event proposal is discussed between the Council and the Cabinet Member before any informal decision is made to progress the application.

Terms and conditions of the events (including entry):

The event promoters will ensure that entry to each of their events does not discriminate on the grounds of sex, gender reassignment, age, disability, race and ethnicity, sexual orientation, religion, pregnancy and maternity, marital and civil partnership status. In previous years, the events have attracted a significant number of attendees, from a diverse range of backgrounds. The proposed events provide a significant opportunity to foster good relations between groups who share a protected characteristic and those who do not. Previous events in the park have attracted a range of communities that share a common interest and come together during the events. Representatives from the event, the Council and the Metropolitan Police are in attendance throughout the events to ensure that any potential conflict arising between attendees is extinguished or minimised.

Impact of the proposal and mitigating actions:

In relation to the potential impact on park users and residents in the immediate area, the Council will take a number of steps to ensure any impact is minimised. It is acknowledged that children and young people are a particular group that use the park and its facilities. The proposed events will occupy the whole of the park. It is therefore accepted that the event will create a degree of disruption to park users. However, Woodside Park is located within a short distance of Woodside Park and can be an alternative location to visit. Woodside Park also has a number of facilities which the Council will ensure remain open at all times for local people to use. The Council and the event promoters will take steps to ensure that appropriate signage directs park users to Woodside Park. The Council and the event promoters will ensure that signage is implemented in advance of the events and is communicated in a clear way.

Strict noise controls will be stipulated in the premises license. Noise levels will be monitored by Council noise officers and noise consultants employed by the applicant. Any noise disturbance attributed to the events is mitigated as the Council will ensure that all licensable activities cease at 20:30, with the event closing at 21:00. This is deemed reasonable to ensure that any noise associated with the event is minimised and stopped at an appropriate time.

All of Haringey's libraries will remain open during the event day, allowing young people and adults an alternative quiet space to study or work.

Benefits of the proposal:

The proposed events raise significant revenue for the Council, which is shared with relevant groups in the park to host organised activity and to make improvements which wouldn't necessarily qualify for other funding opportunities.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqlA guidance			
Outcome			Y/N
No major change to the proposal: the EqlA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>			Y
Adjust the proposal: the EqlA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below			N
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.			N
6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty			
Impact and which protected characteristics are impacted?	Action	Lead officer	Timescale
Age	<p>Ensure that park users are re-directed to Woodside Park to utilise when White Hart Lane Recreation Ground is closed off for the event.</p> <p>Ensure that the finishing time as set out under the Premises Licence is adhered to.</p>	Stephen McDonnell (Interim Director: Commercial & Operations)	Ongoing Ongoing
Disability	<p>Ensure thoroughfares are maintained within the park as much as possible safe during the build and break, and when those agreed are closed, find alternatives which all abilities can access.</p> <p>Ensure wayfinding maps and signage is placed in visible locations to help park users find alternative routes while events are taking place.</p>	Stephen McDonnell (Interim Director: Commercial & Operations)	Ongoing

Race & Ethnicity	Ensure wayfinding maps and signage is accessible for those who may not speak or read English, enabling them to access all facilities within the park.	Stephen McDonnell (Interim Director: Commercial & Operations)	Ongoing
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Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

N/A

6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:

Event information and park access information will be provided in the run-up to the major event taking place in White Hart Lane Recreation Ground. This will be placed on Haringey's website and will include contact details for the relevant Council services, encouraging anyone with complaints to report them.

Stakeholders are encouraged to feedback on any issues that may arise, and these are responded to by officers.

Council Officers are present in the park daily during the time of build, break and the event, monitoring the effects the event may be having on park users and local residents. This provides an opportunity for any direct feedback during the events. Feedback is thoroughly assessed to ensure improvements and mitigations can be made at the time and for future events.

The Council monitors complaints that are received during the events to ensure that, where possible and appropriate, a different approach can be adopted in future events to further mitigate any impact.

7. Authorisation

EqlA approved byStephen McDonnell..... (Assistant Director/ Director)	Date11 March 2018.....
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8. Publication
Please ensure the completed EqlA is published in accordance with the Council's policy.

Please contact the Policy & Strategy Team for any feedback on the EqlA process.

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Report for: Cabinet Member decision – 23 March 2018

Item number: n/a

Title: Application by the Great Russian Circus Ltd to hire Ducketts Common for the International Circus in 2018

Report authorised by : Stephen McDonnell, Interim Director – Commercial and Operations

Lead Officer: Zoe Robertson, Head of Commissioning & Client
zoe.robertson@haringey.gov.uk, 020 8489 2223

Ward(s) affected: Harringay Ward

Report for Key/

Non Key Decision: Non Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks a determination of an application made by the Great Russian Circus Ltd to hire Ducketts Common over 15 days between March and April 2018 in order to stage the International Circus.
- 1.2 The application is required to be determined pursuant to the Council's Outdoor Events Policy (the Policy), which was approved by Cabinet on 17th December 2013, and implemented on 7th January 2014.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

3.1 The Cabinet Member for Environment is recommended to:

- (a) Take note of the one response that was received from a recognised stakeholder of Ducketts Common in response to the event notification being sent as part of the decision making process.
- (b) Authorise the Interim Director – Commercial and Operations, to approve conditional in principle agreement to hire Ducketts Common to the event promoter for the event detailed in this report as set out in para 6.3.

(c) Agree that the conditions which are to be attached to any final approval of authority are as set out in the comments of the Assistant Director, Corporate Governance at paragraph 9.2.12 below.

4. Reasons for decision

- 4.1. Under the terms of the Policy, applications of the type detailed in this report are required to be determined with the prior agreement of the Cabinet Member.
- 4.2. If authority is given, then officers will give in principle agreement to the Applicant for the event application to progress. The event will be subject to discussions with relevant authorities before final agreement is given.
- 4.3. The rejection of the application would have implications for the Parks Service budget, and reduce the opportunity for reinvestment into Ducketts Common (the Park). It would also mean that the wider cultural and economic benefits to the borough were lost.

5. Alternative options considered

- 5.1. In adopting the Policy, the Council established its commitment to using the Park for events. Accordingly, the only other alternative option which could be considered would be to reject the application. That option was rejected, on the grounds that the event does not fall within any of the grounds set out in paragraph 5.3 of the Policy for automatic refusal.

6. Background information

- 6.1. In January 2014, the Council adopted the Policy to recognise the value and benefit that a varied, and well managed, outdoor events programme can offer the residents of Haringey.
- 6.2. The Policy assists the decision making process behind building a sustainable and varied programme of events. It also seeks to protect the community and the parks and open space infrastructure and minimise or mitigate any negative impacts which events may cause.
- 6.3. On 27th September 2017, the Council received an application from the Great Russian Circus Ltd to hire the Park to stage the International Circus between the 28th March and 8th April. They would move onto site on the 25th March to prepare for the event, and move off site on the 8th April.
- 6.4. The Policy details the approval process for determining applications. Paragraph 5.2.3. of the Policy requires prior authority for the event to be given by the Cabinet Member as a non-key decision before officers give in principle agreement whenever the following criteria applies:
 - *“Event lasts more than 7 days”*
 - *“Organiser occupies a site for more than 14 days including set up and take down periods”*

- 6.5 Both of the criteria detailed above apply to this application, and so hence this referral to the Cabinet Member.
- 6.6 Due consideration as to the effects this event could have on the Park, park users and local residents has been given, with detailed plans in place to ensure public access is maintained to the Park and all facilities, whilst ensuring the events provide increased recreational enjoyment within the Park environment.
- 6.7 The Applicant has applied to hire part of the green field which lies in the southern half of the park, to facilitate the event area.
- 6.8 The total area used for this event equates to 30% of the Park. The remaining 70% of the Park remains open to the public at all times, including all the facilities such as the ball courts, play area, café and other grass areas for park users to enjoy informal recreational activity.
- 6.9 As part of the approval process, the Policy stipulates the need for consultation on the application to take place. Paragraph 5.1.6. of the Policy states *“Consultation will involve all stakeholders, including Friends Groups, Area Parks Managers, Ward Councillors, Cabinet Member for Environment and the members of the Haringey Safety Advisory Group. Other consultees may be added where appropriate to the specific park or open space”*.
- 6.10 In discharging the requirement to consult, officers sent details of the application to recognised stakeholder groups on 24th October 2017. Details of the consultees appears at Appendix 1 to the report. External recognised stakeholders including park user groups and councillors from Harringay Ward, plus internal council stakeholders and statutory bodies were given 10 working days to respond.
- 6.11 Of the list of the consultees, only those highlighted in green at Appendix 1 provided a total of 1 response as follows:
- (a) 1 response was received from the Friends of Ducketts Common
- 6.12 The comments are set out in full at Appendix 2. However, they can be summarised as being concerns around access, traffic management and grounds protection.
- 6.13 Officer responses to the comments are as follows:

Friends of Ducketts Common

As regards concerns raised regarding access onto the Common, the current vehicle entrance situated on Willoughby Road will be widened to allow HGV access with ease. This will mean that a small section of wildflower meadow will need to be crossed, but the Applicant will be told to use trackway to protect this area as much as possible.

As regards traffic management, the Circus is a local event aimed at residents of Haringey. Ducketts Common has great public transport links for regular visitors as well as event attendees. Event attendees will be encouraged to use public transport including tube and bus, and this will be advertised on the marketing

materials. The Ladder Roads, including Willoughby Road, have parking restrictions in place including; resident parking only between 8am and 6.30pm Monday to Saturday.

These parking restrictions would significantly reduce the number of cars that are non-resident parking on those roads, whilst the event is operational.

As regards to grounds protection, waste water produced by the event will be disposed of using the appropriate method and will not be drained onto the Common. Trackway will be used where vehicles cross over meadows or flowerbeds, to limit damage.

It is accepted that due to the high footfall experienced during events of this kind, some short-term damage to the grass may occur. A restoration programme will take place following the event season to ensure the re-establishment of the grass in these areas if needed. This will be carried out by the Parks Operations Team, and any cost associated with repairs will be deducted from the grounds deposit paid by the Applicant before moving onto site.

7. Contribution to strategic outcomes

- 7.1. Hosting events within the Park contributes to supporting the local economy, developing the cultural offer in the borough and provides an opportunity for local people to enjoy this type of event with minimal travel.
- 7.2. The recommendations made will contribute to policy and practice primarily in relation to Priority 3 of the Corporate Plan: 'A clean, well maintained and safe borough where people are proud to live and work'.
- 7.3. In addition there are links to the Corporate Plan in relation to:
Priority 2: 'Enable all adults to live healthy, long and fulfilling lives'
Priority 4: 'Drive growth and employment from which everyone can benefit'
- 7.4 All income generated through events held in Ducketts Common, will be spent in the Park. In the first instance, this will assist with all management and maintenance costs associated with running the Park. Any surplus event income derived will be used to make improvements to the Park's infrastructure as set out in the Outdoor Events Policy at 8.2.4.

8. The Open Spaces Act 1906

- 8.1 It is currently unclear as to whether the council holds Ducketts Common as trustee under the Open Spaces Act 1906 (the Act). Accordingly, officers consider it prudent to act on the basis that the land is so held for present purposes.
- 8.2 All income generated through events specifically held in the Park, will be spent in the Park as required under the Act. In the first instance, this will assist with all management and maintenance costs associated with running the Park. Any surplus event income derived will be used to make improvements to the Park's infrastructure as set out in the Outdoor Events Policy at 8.2.5.

8.3 Given the concession made in relation to the Act, the Council is required to hold the land comprising the Common on trust for the public. As such, in coming to a view on the Recommendations contained in the report, account has to be taken of the existence and impact of all material circumstances which arise from a decision to grant in principle approval for the events to take place prior to the Cabinet Member coming to a settled view.

8.4 Officers have set out the concerns from objectors and how they can be overcome, at the sub paragraphs under 6.13 above. Officer responses to the concerns raised recognise that a large proportion of the Park will remain open whilst the events take place, and that the event days take up no more than 30% of the Park for 3% of the year / 4% of the year, including build and break days. These responses also take into consideration the outcome of the EqIA.

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9.1 Chief Finance Officer (including procurement)

9.1.1 This information is exempt and is attached as Part B of this report.

9.2 Legal

9.2.1 The Assistant Director, Corporate Governance has been consulted in the preparation of this report, and makes the following comments.

9.2.2 The law which governs the Council's powers to hire the Park in these circumstances was challenged in the High Court on an application for judicial review brought by the Friends of Finsbury Park (the Friends) against the decision to permit the application to stage Wireless 2016 in Finsbury Park.

9.2.3 The case was heard on 8th and 9th June 2016, and the judge delivered his judgment on 22nd June 2016. In summary, the judge ruled that the provisions of section 44 of the Public Health Amendment Act 1890; The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 and section 145 of the Local Government Act 1972 – all of which govern the ability to permit entertainment in open spaces such as the Park – *“creates different powers for different places subject to different limitations”*. Accordingly, the judge went on to rule that *“s145 of the 1972 Act, of itself and standing alone, provides the Council with the necessary power to permit Wireless 2016 to take place in the Park”*.

9.2.4 The significance of that ruling, was that the restriction placed on the amount of the Park which could be enclosed or set apart to facilitate the event, and the duration for such enclosure as prescribed under the 1890 and 1967 Acts – *“one acre or one tenth of the [Park] whichever is greater” / “12 days in any one year, nor four [six in London] consecutive days on any one occasion”* – simply did not apply.

9.2.5 Having been refused permission to appeal by the judge, the Friends made an application to the Court of Appeal. On 19th December 2016, the Court of Appeal granted the Friends of Finsbury Park permission to appeal on the 'legal

powers issue'. The basis for the decision was because the issue *“raises a point of considerable importance for London local authorities and ought to be considered by the Court of Appeal.”*

- 9.2.6 The Court of Appeal also granted an application made by the Open Spaces Society for it to be heard in the appeal, on the grounds *that “The issue in the appeal is of importance to London open spaces and parks”*.
- 9.2.7 The appeal was heard on 2nd November 2017, and the judgment was delivered on 16th November 2017. All three judges dismissed the appeal, in ruling that the High Court judge had correctly identified what the legal power position was.
- 9.2.8 Having been refused permission to appeal, the Friends filed an application with the Supreme Court on 14th December 2017. Officers have since filed notice of objection to the application, and a decision is awaited.

The Current Applications

- 9.2.9 During the course of the hearing in the Court of Appeal, the Friends and the Open Spaces Society introduced new representations not made in the High Court, concerning the fact that the Council holds Finsbury Park on trust for the enjoyment by the public as an open space pursuant to section 10 of the Open Spaces Act 1906 (the 1906 Act).
- 9.2.10 The Council conceded that the 1906 Act did apply. However, as stated above, it is not clear whether the Act applies in this case, but in erring on the side of caution, officers are proceeding on the basis that it does. Accordingly, in coming to a view on the Recommendations contained in this report, the Cabinet Member is required to consider whether in light of the duty held under the 1906 Act, it would still be reasonable to exercise the power under section 145 of the Local Government Act 1972, to close off part of the Park to facilitate the event applied for.
- 9.2.11 Any decision reached by the Cabinet Member is required to be one which is balanced, rational and in the interests of all park users in terms of an overall assessment of the benefits and detriments of public recreation in relation to different sections or user groups within the community. The analysis of the objections to the event and the comments made by officers on those objections is key to aiding the Cabinet Member in the decision making process.
- 9.2.12 Given the outstanding decision on the question of a further appeal - and notwithstanding the fact that the law remains as found by the High Court and the Court of Appeal unless or until it is overturned on appeal – it is important that the Council takes all necessary, proportionate and reasonable steps to protect its position when considering all applications in the interim. Accordingly, if the Cabinet Member is minded to adopt the recommendations in this report, then the following non-exhaustive list of conditions should also be attached to any approval to permit these applications:

- (1) Approval is conditional on the outcome of any appeal to the Supreme Court – assuming that the appeal is heard on a date prior to the events - being to uphold the decision of the Court of Appeal
- (2) Approval is given subject to conditional agreement
- (3) Delegated authority is given to the Interim Director Commercial and Operations - acting on advice from the Assistant Director, Corporate Governance - to attach any other conditions as deemed appropriate

9.3 Equality

9.3.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

9.3.2 An equality impact assessment was completed to accompany the decision in December 2013 to adopt Haringey's Outdoor Events Policy which governs the assessment of event applications to Finsbury Park. The policy does not permit events where the sole purpose is as a religious act of worship. The impact assessment acknowledged that this restriction could have the effect of discouraging religious or belief organisations from using the park for major worship based events. However, it reasoned that this restriction could be justified because such religious/belief based events by their very nature could exclude others who don't share that religion/belief from attending the event or using the park more generally.

9.3.3 The Council's Events Policy ensures that event providers operate in accordance with the Equality Act and do not discriminate against groups who share a protected characteristic.

9.3.4 The Policy aims to strike a balance between ensuring that parks can be used as community assets for all groups to access for the majority of the year, against the need to generate income from hosting events and for these events to contribute to our borough's cultural and leisure offer.

9.3.5 In undertaking the directions of the existing Events Policy, the Council consulted with recognised stakeholder groups associated with Ducketts Common. The Council received one response, which came from the Friends of Ducketts Common Group. The group's submission covered concerns relating to access to the Common, traffic management and grounds protection. The Council has addressed each concern and explained how it will ensure any impact on the physical landscape is minimised before, during and immediately after the event.

- 9.3.6 The proposed event is likely to occupy approximately 30% of the Common. The remaining 70% of the Common, which includes all of the Common's facilities (ball courts; play area; café) will be unaffected and remain open to park users.
- 9.3.7 The proposed event will not affect current access to the Common. All existing entrances and exits in the Common will remain open during the event days, including the set up and dismantling phases. In addition, the proposed event will not affect the existing footpaths in the Common, ensuring that park users with disabilities are not subject to changing routes within the Common. Access to and within the Common will be maintained throughout the event.
- 9.3.8 An equality impact assessment is not required as the event is not assessed as having a significant impact on groups who share protected characteristics. The proposed event will not affect access to and within the Common, allowing park users to use 70% of the remaining space, which includes all of the Common's facilities for children, young people and adult park users.
- 9.3.9 The Council will use feedback from the consultation and previous events to ensure that local parking restrictions enable residents to maintain parking facilities during the event.
- 9.3.10 The Council is committed to working with event organisers to reduce the effects of events on all residents living near the Common and will enforce the individual conditions that accompany the event's permission including those related to reducing disruption, number of days (including set up) and maximum event space.
- 9.3.11 The Council and the event organisers will clearly communicate the details of the event and any potential impacts on the local area in advance of the event, ensuring that residents are aware of the occupation of the Common before the event takes place.

10. Use of Appendices

- 10.1 Appendix 1 – List of Ducketts Common stakeholders who were consulted
- 10.2 Appendix 2 – Responses received from consultation
- 10.3 Part B – Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

11. Local Government (Access to Information) Act 1985

- 11.1 Haringey Outdoor Events Policy - <http://www.minutes.haringey.gov.uk/documents/s48887/OEP%20-%20CLEARED%20COVERING%20REPORT.pdf>

Appendix 1:

List of Ducketts Common stakeholders who were consulted

Stakeholder consultation		
<p>As set out in the Outdoor Events Policy, stakeholders were emailed on Tuesday 24th October 2017 with details of the Great Russian Circus Ltd park hire application received for Ducketts Common.</p> <p>Recognised external stakeholder groups, plus internal council colleagues and statutory bodies were emailed giving ten working days to respond to the application with comments.</p> <p>A full list of stakeholders is below. Those marked in green provided a response to the consultation.</p>		
External stakeholders	Internal council colleagues	Statutory bodies
Friends of Ducketts Common	Cabinet Member for Environment	London Fire Brigade
Harringay Ward Members x 3	Parks Service	Metropolitan Police Service
	Licensing	London Ambulance Service
	Food Safety Team	Transport for London
	Emergency Planning	Govia Thameslink Railway
	Health & Safety Team	
	Highways	
	Neighbourhood Action Team	
	Parking Services	
	Veolia	

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Appendix 2:

**Ducketts Common stakeholders' full responses to Great Russian Circus Ltd
park hire application**

Received: Thursday 2 November 2017
From: Kirsten Wright
Friends of Ducketts Common

We had a few queries regarding this application, most particularly regarding access to the site which was a big problem last time – how has this been resolved this time? Previously circus vehicles were not allowed to access the common from Green Lanes and therefore wanted to enter via Hampden Rd and remove the hedge and drive across the meadow which we were very strongly opposed to and would be again. What is the proposal for access now?

Other concerns for us are:

1. No parking / driving over / use of / access to, the meadow in the tree strip, and relevant protection of the meadow against such things. They want to use the park during the spring flowering when it is particularly vulnerable.
2. There must be no drainage of waste water onto the common.
3. The traffic and parking issue – last time there was a fair on the common, Willoughby road and the ladder roads joining it became utterly gridlocked – with 900 visitors, how is this to be avoided?

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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