

Report for: Cabinet Member decision – 22 March 2018

Item number: n/a

Title: Applications by Festival Republic Ltd to hire Finsbury Park for Steel Yard, a multi-event weekend including the Community Festival and the Wireless Festival 2018

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

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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 three applications made by Festival Republic Ltd to hire Finsbury Park in order to stage (1) Steel Yard, a 2 day event in May 2018, (2) a multi-event weekend to include the Community Festival over 3 days in June/July 2018 and (3) the Wireless Festival, a 3 day event proposed for July 2018.
- 1.2 The applications are 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) Consider, and take account of, the comments received from recognised stakeholders of Finsbury Park in response to the event notifications being sent as part of the decision making process (attached as Appendix 2).
 - (b) Authorise the Interim Director – Commercial and Operations, to approve conditional in principle agreement to hire Finsbury Park to the event promoter for the events detailed in this report as set out in paragraph 6.4.

(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 applications to progress. The events will then be subject to lengthy discussions with relevant authorities, including licensing before final agreement is given.
- 4.3 The rejection of the applications would have implications for the Parks Service budget, and reduce the opportunity for reinvestment into Finsbury Park (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 a limited number of major events each year. 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 events did 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 Some of these restrictions as set out at paragraph 5.2.2 of the Policy specifically relate to the Park to ensure a balance of income generation and that of continued public use of the Park through the busiest summer months is achieved. These restrictions include, but are not limited to, the following:
- *“Major scale events [more than 10,000 attendance] will be ordinarily limited to 5 per year, save where there is demonstrable community support for additional events*
 - *Duration of major scale events will be of 1 – 3 days per event*
 - *No major scale events will take place during the school summer holidays”*

- 6.4 On 2nd May 2017 and 21st June 2017, the Council received applications from Festival Republic Ltd to hire the Park to stage Steel Yard on 26th and 27th May, multi events including Liam Gallagher, Queens of the Stone Age and the Community Festival on 29th, 30th June and 1st July 2018 and the Wireless Festival on 6th, 7th and 8th July 2018.
- 6.5 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”*
 - *“Event lasts more than 2 days with 5,000 or more in attendance”*
 - *“Organiser occupies a site for more than 14 days including setup and take down periods”.*
- 6.6 All of the criteria detailed above apply to these applications, and so hence this referral to the Cabinet Member.
- 6.7 Public events have been taking place in Finsbury Park since it first opened in 1869. In recent years, Finsbury Park has been the prime location for many international music acts, playing to large audiences within the open arena of the Park. This includes the first open-air symphony concert of the London Philharmonic Orchestra in 1948.
- 6.8 The Applicant has a long and successful history of organising events in the Park since the first Fleadh in 1990. Since then major international artists including Neil Young (1993), Pulp (1998) and Oasis (2002) have played for sell-out audiences.
- 6.9 The Wireless Festival has taken place in the Park every year since 2014. In that time over 450,000 people have enjoyed the event.
- 6.10 It is standard commercial practice that once a park hire application has been submitted by the Applicant and initially accepted by the Council, tickets go on sale subject to Cabinet Member approval or contract being in place. The promoter does this at their own risk.
- 6.11 A total of 135,000 tickets for the three day 2018 Wireless Festival were sold out within a day of going on sale.
- 6.12 If agreed, 2018 will be the second year that the one-day Community Festival will take place. As detailed above the Applicant has applied for this to be included as part of a three-day weekend of three separate events, including Liam Gallagher playing on Friday 29th June 2018. Tickets for this sold out within an hour of going on sale.
- 6.13 Although 2018 would be the first year for the Steel Yard event to take place in the Park, the event has been successfully running for 2 years in multiple locations and is a worldwide brand promoted by Creamfields.

- 6.14 Festival Republic allocate a number of tickets for residents living in the immediate vicinity of Finsbury Park. These are available through a postcode lottery. 40% of 2018 tickets were applied for by Haringey residents and 60% by Hackney residents.
- 6.15 Due consideration as to the effects these events 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.
- 6.16 The Applicant has applied to hire the space known as the bandstand field to facilitate the main event area for all three events.
- 6.17 The bandstand field is a green expanse of grass, which slopes gently down to the southern boundary of the park, creating a natural amphitheatre. This main field is encompassed by the internal park carriageway. Part of the carriageway was re-surfaced to motorway standards during the Heritage Lottery Funded restoration of Finsbury Park in 2004 to facilitate heavy, articulated vehicles and provides easy access to the areas to build the event infrastructure, with minimal need for crossing grass.
- 6.18 The area for the June/July weekends applied for use by the Applicant, in addition to the bandstand field will utilise the grass area to the north and south of the tennis courts and the strip of grass running along the southern perimeter of the Park, along Seven Sisters Road, between Finsbury Gate and Manor House. This is to accommodate attendee numbers of up to 49,999 as specified under their Premises Licence conditions.
- 6.19 The total area used for these two weekends of events equates to 27% of the Park. The remaining 73% of the Park remains open to the public at all times.
- 6.20 The area used for the Steel Yard event in May will be smaller due to the lower attendance and the nature of the event. Attendance for this event is 15,000. Although still to be determined, this is likely to be between 12 & 15% of the total area, leaving more than 85% of the park open and accessible.
- 6.21 The areas used for quieter, informal recreational activity including all formally laid out horticultural spaces such as the Mackenzie and American Gardens in the northern section of the Park remain open and accessible to the general public while all major events take place.
- 6.22 Data collected from people counters installed on the gates into Finsbury Park between 18th July and 11th September 2016 show that on average nearly 8,000 daily park visits were made. This is one of the Parks busiest times falling during the school summer holidays. No major events are allowed to take place during this time, as set out in the Policy at 5.2.2.
- 6.23 Many of these visits continue while the major events take place, by ensuring that all public facilities including the sports courts, play areas, cafes and lake remain open.

- 6.24 It is a condition of hire that way-finding signage is put in place by the Applicant before, during the build and break, and on event days to inform people that facilities remain accessible to the public and thoroughfares used by park users remain open.
- 6.25 During the build and break for events all main thoroughfares are kept open to park users, except a section of carriageway running between Finsbury and Hornsey Wood Tavern Gates, as this is where the production area for the event is located. Trackway is placed on the grass here, in parallel to the carriageway, providing an accessible pathway.
- 6.26 The carriageway between Finsbury and Oxford Road Gates, and a pathway from Hornsey Wood Tavern Gate through to the central play area are then closed on event days and the immediate day which follows, to allow the site to be cleared and made safe for the public.
- 6.27 During the period that these two thoroughfares are closed to the public, alternative routes are made available and publicised to ensure access by regular park users is maintained.
- 6.28 The build and break for the events is 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.
- 6.29 A zonal plan of the site is 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.
- 6.30 For the rest days in-between the two consecutive event weekends when the site is not being used for events, the Applicant is committed to re-opening as much of the event space as possible for public use. This is only done after assessing health and safety requirements.
- 6.31 Security personnel are stationed by play and sports facilities closest to the event area to ensure public access is maintained, and that those attending the major events are signposted to access the main entrance into the event.
- 6.32 All efforts to accommodate the continued use by park user groups during the times of the major events, will be made either by finding alternative areas within the park for them to use, or by offering the use of other park sites for their organised activities.
- 6.33 If a major event takes place on a Sunday, the Premises Licence requires that all music ceases at 10pm in consideration of the start of the working week. On Friday and Saturday, the music stops at 10.30pm.
- 6.34 It is accepted that due to the high footfall experienced during events, some short-term damage to the grass will take place. A full 6-8 week restoration programme will take place following the event season to ensure the re-establishment of the grass in these areas.

- 6.35 This year the Sports Turf Research Institute has been commissioned, to do an in-depth study into the use of these high footfall areas and to make recommendations to establish a longer-term programme of restoration.
- 6.36 As part of the approval process, the Policy stipulates the need for consultation on the applications 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”*.
- 6.37 In discharging the requirement to consult, officers sent details of the applications to 36 external stakeholder groups by e-mail dated 9th October 2018. Details of the list of consultees appears at Appendix 1 to the report. Stakeholders including local resident associations, Hackney and Islington council officers, park user groups and leaseholders; councillors from 6 adjoining wards including in Hackney and Islington; internal council stakeholders including licensing and emergency planning; and statutory bodies including the Metropolitan Police and London Fire Brigade were given 10 working days to respond.
- 6.38 Of the list of consultees, only those highlighted in green at Appendix 1 provided a total of 6 responses broken down as follows:
- (a) 1 response was received from a ward councillor in Stroud Green ward, submitted on behalf of constituents
 - (b) 1 response was received from a residents’ association: Stroud Green Residents’ Association
 - (c) 1 response was received from the Friends of Finsbury Park
 - (d) 1 response was received on behalf of neighbours and residents of Tancred, Venetia, Conningsby and Lothair Roads North and South.
 - (e) 1 response was received from Islington Council
 - (f) 1 response was received from Hackney Council
- 6.39 The comments are set out at Appendix 2. However, they can be summarised in the main as being concerns around number and duration of events; capacity numbers and egress; the effect on neighbouring boroughs; licensing objectives; policing plan; other local events; event area / set up and take down / disruption; environmental damage; parking restrictions; ASB; noise; rubbish.
- 6.40 Officer responses to the comments are as follows:

Hackney Council

As regards the assertion that the proposed application would amount to “an unacceptable and significant increase in the use of the park for major events”, (emphasis added) the Policy allows for up to five major events (10,000 or more attendees) to take place in the Park in any one year, for a duration of between 1-3 days at a time. This number will not be exceeded.

As regards concerns over ASB, and the resources available to deal with the issue should it arise, there is a clear commitment from the Applicant that this stewarding will be a primary focus in 2018. Numbers will increase from having approximately four stewards based on each of the side roads, to having over 80 members of security staff to cover the operation on the two, three-day weekends.

Over the weekend of the Steel Yard event, the proposed security structure will be trialled, allowing for any improvements to be made and implemented for the major three-day weekend events.

Security will be provided by a specialist, high-end security management company who are known for providing exceptional standards of specialised security, whilst providing high quality customer service.

As well as having static security personnel based at each junction off Seven Sisters Road, there will be roaming personnel patrolling each of the roads, plus a response team on hand.

The team will fit into the Applicants existing command and control structure. An Offsite Manager will be engaged to oversee the whole operation within the side streets and to report back directly to the Security Co-coordinator based in Event Control.

As well as providing a residents' phonenumber for those wanting to report event related issues, residents in the side streets off Seven Sisters Road will be provided with a dedicated phone number to call if issues occur.

As regards compliance with licensing objectives, at no time has evidence been provided proving that compliance will not be possible. Further, at no time has anyone requested a challenge to the Premises Licence's held by Festival Republic or Live Nation.

As regards consequential resource implications, it is envisaged that by implementing the plans with a focus on the external side roads, many of the issues that have been raised, will be improved, thus resulting in the strain on neighbouring borough's reducing.

In recent months a cross working party has been formulated, attended by senior officers from all Haringey, Hackney and Islington Councils with a focus on Finsbury Park. Any potential impact on neighbouring borough's resulting from the events in the Park will be highlighted and discussed within this forum.

As regards concerns over the clean up costs of the event being passed back to Hackney, the cleansing of pre-designated streets around the Park, and covering all three borough's is provided by the event organiser, in addition to the continuation of normal services. Cleansing activity is co-ordinated and monitored on event days, with any issues responded to quickly.

For the past two years the Applicant has commissioned and paid for the services of LB Hackney's cleansing team to do the offsite cleaning.

In addition to the above, the Applicant will deploy a separate team of cleaners to address any litter or waste issues that may occur in residents' gardens in the side streets off Seven Sisters Road. This will be managed by the dedicated Offsite Manager.

If these events are to proceed, a team of Officers from LB Haringey will be in attendance at all times, monitoring the event and the surrounding area. This will include carrying out monitoring of the side streets that fall within all three boroughs, and reporting any issues that may arise. This will also inform any future focus on cleansing routines during the major events.

As regards the assertion that residents will leave the area as a consequence of the event, officers are of the view that there are sufficient safeguards in place to mitigate against the impact of the event on the surrounding residential area.

As regards a lack of consultation, the Applicant has already attended a number of residents' meetings within LB Hackney to meet with residents, Councillors and Council officers to discuss their concerns and plan accordingly. A resident led working group has been set up which will meet to look at plans as they develop.

As regards the location of the events, the main area used to accommodate the proposed events is commonly known as the bandstand field. This area is most suited to hosting events of this scale due to the topography of the landscape and infrastructure surrounding it. This is further detailed at paragraph 6.17 of this report. This area is specifically set out in both Premises Licences used to host the proposed events.

The Friends of Finsbury Park

As regards the numbers attending the event, see the corresponding paragraph above in relation to the same complaint made by Hackney Council. Further, also see the comments on the law made by the Assistant Director, Corporate Governance at paragraph 9.2 below.

As regards the duration of the events, see the corresponding paragraph above in relation to the same complaint made by Hackney Council. Further, see paragraphs 6.19 – 6.21 above which comments on the footprint which will be taken up by the events, and the areas which will remain open and available to the public whilst the events are taking place. For those reasons, officers consider that to be proportionate balance between competing user demands.

As regards the environmental impact of the event on the Park, see paragraphs 6.34 – 6.35 above in relation to the proposed post event restoration plan. In addition, Applicants are required to pay a refundable grounds deposit before moving onto site, to ensure any damaged caused during their hire of the site is rectified and paid for by them, at no cost to the Council.

The amount of deposit is determined by the type and size of the event, and is set out and agreed through the Council's process of setting its annual fees and charges. For a major, commercial event taking place in Finsbury Park this has been set at £15,000. This would only be refunded after any associated costs /

damages have been paid. If costs / damages incurred come to more than the deposit amount, the event organiser is obliged through the park hire agreement to pay all outstanding costs.

In 2016 the Parks Service invested in new equipment and machinery allowing faster restoration of grass areas after events.

As regards concerns over safety and ASB, see the corresponding paragraph above in relation to the same complaint made by Hackney Council. Further, the policing of the events is discussed in detail both at the Safety Advisory Group and between the Police and the event organiser. A proportionate policing plan will be put into place based upon the intelligence available to the MPS which is kept under constant review. Where appropriate costs are recovered under the terms of a Special Police Services Agreement in accordance with Section 25 of the Police Act 1996.

Specific deployments of officers on event days are a matter for the event commander and at all times are based upon the need to discharge, or core policing responsibilities of protecting life and property, preserving order, preventing the commission of offences and bringing offenders to justice.

The Policing plan is aimed at providing a visible presence and reassurance for the general public in the area. The Policing response is assessed and determined by Scotland Yard and forms part of the overall provision of policing in London on the given day. There is the ability to call upon additional resources or specialist teams if the need arises. Due to these being large gatherings there is always a counter terrorism element considered and action plan put in place should the need arise.

The use of the National Police Air Service is also at the request of the event commander and in common with many large events in London the images provided from the air assist in the deployment of assets on the ground contributing to a safe event. We aim to minimise the amount of time the aircraft is on task as much as possible.

If there were other events taking place in the local area, on the same day as the proposed events, they would be discussed by the Safety Advisory Group, including Police and transport providers. A decision would be made here as to if a conflict would have an impact on resources of either event. There are currently no confirmed music events planned to take place at the Emirates Stadium.

Islington Council

As regards managing and resourcing the impact of the event on the surrounding area / Policing / safety issues / numbers attending the events, see the corresponding paragraphs above in relation to the same complaint made by Hackney Council and The Friends of Finsbury Park.

As regards concerns over egress from the events, Festival Republic was granted a Premises Licence for the Park, to host events with capacity of up to 39,999 in 2006. They will be using this licence to host Steel Yard. Live Nation

was granted a Premises Licence for the Park, in 2013 to host events with capacity of up to 49,999. It will be this licence that will be used for the multi event weekend including the Community Festival and the Wireless weekend.

In 2017, attendance numbers were decreased to 37,500 due to works at Finsbury Park Station. These works are scheduled to be completed in time for the three 2018 events.

Discussions on egress planning will continue until all relevant authorities represented on the Safety Advisory Group are satisfied with the proposed egress plan. LB Islington is part of the Safety Advisory Group and thus receive all event planning documentation.

The Police, TfL and other transport providers are part of the Safety Advisory Group, which will decide if final approval is given to these events, based on the final Event Management Plan, 30 days prior to the first event date.

As regards concerns over the impact of taxis and Uber usage, both the Council and the Applicant are aware that the knock on effect of the use of Ubers in the area needs to be managed. In order to do so, the Applicant is seeking to make use of a Geo-fencing tool that will enable mini cabs and Ubers to be blocked from coming into the side roads or being called to these roads.

In addition, the Council is working with the Applicant to identify a suitable space for Ubers and minicabs to alight and collect passengers. Osbourne Road is under consideration for this activity and colleagues in Parking Service's are being consulted on the possibility of the slip road being given over for this activity provided it was well managed and the business engaged with prior to any decision being taken.

Residents of Tancred, Venetia, Conningsby and Lothair Roads

As regards concerns over the number of events, see the corresponding paragraph above in relation to the same complaint made by Hackney Council.

As regards concerns over noise disruption, the Council is committed to working with event organisers to reduce the effects of noise from events on residents, and will continue to work with its own consultants, noise officers and all event organisers to improve the management of noise levels.

Residents have raised concerns with the vibrations and shaking of buildings which we believe is due to low-level noise frequencies. Both the Applicant and the Council's Noise Team are looking to monitoring these frequencies for 2018 to get a better understanding of what steps can be taken to manage these frequencies better. The Council is purchasing noise level metres that measure low frequency noise.

As regards the concern over events taking place during exam time, this issue is addressed in more detail in the Equalities Impact Assessment (Appendix 3). However, all libraries in Haringey will remain open during the event period, allowing young people and adults an alternative quiet space to study or work.

As regards concerns over the footprint of the event / damage to the Park / rubbish / egress issues, see the corresponding paragraph above in relation to the same complaint made by the other objectors above. In addition, since 2014 Oxford Road Gate has been locked on event days at 4pm, stopping event attendees egressing onto residential streets after the event. This is advertised in advance of each event, and alternative routes are provided at the gate.

As regards concerns over parking, over the last couple of years various parking restrictions have been implemented in some of the Haringey roads adjacent to the Park. In 2017 parking restrictions were implemented which resulted in minimal complaints from residents. Parking in the area over the event days will continue to be monitored to ensure residents' parking is maintained.

Parking in the Park is limited to staff working the events and is managed by the event organiser. Public parking is prohibited, with the exception of blue badge holders and pre-arranged parking for park user groups.

Stroud Green Residents Association

As regards concerns over the number of events / footprint of the events / ASB / noise / environmental impact, see the corresponding paragraph above in relation to the same complaint made by the other objectors above.

As regards concerns a lack of information over set up and take down dates, every effort is made to ensure that such periods are sufficient for the safe installation of an event area, while retaining as much public access as possible as detailed previously in this report. Detailed discussions take place with event promoters' months in advance of the event to agree how a phased closure of the event space is managed as build progresses, and to ensure vehicle movement through the park during these times is managed and controlled. These plans are shared with the Finsbury Park Event Stakeholders Group with any comments for improvement being discussed in detail with promoters.

Councillor Tim Gallagher

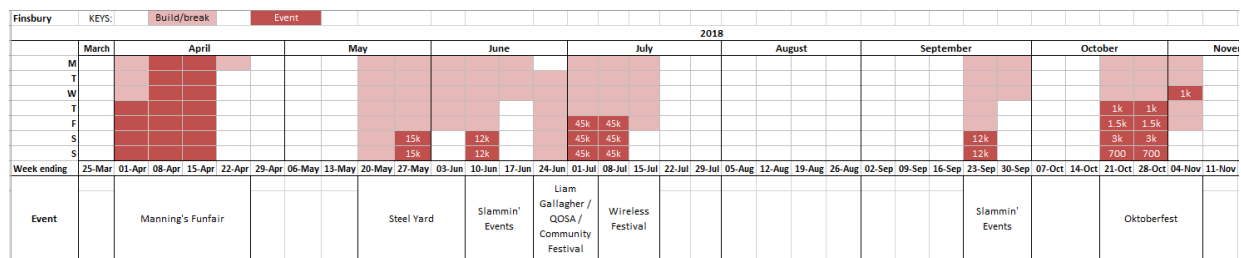
As regards concerns over the number of events / footprint / noise / set up and take down dates, see the corresponding paragraph above in relation to the same complaint made by the other objectors above.

- 6.41 In order to further assist the Cabinet Member, details of the overall picture in relation to other applications to stage events which require Cabinet Member Approval in 2018 is as follows.
- 6.42 A total of nine hire applications were received in 2017 from event organisers wanting to host large or major events in the Park between March and October 2018. Five of these events have a capacity of 20,000 attendees or less and four events, including Wireless, have a capacity of circa 45,000 attendees.
- 6.43 Four of the applications were looking to take place in July, but realistically only two of these could be accommodated.
- 6.44 To date one application has been withdrawn by the event organiser.

6.45 Seven applications for Finsbury Park are now at a stage where Cabinet Member approval is to be sought in principle to allow the park hire applications to progress. These are:

Event	Event Dates	Duration	Build / Break Dates	Capacity	Event Classification	Event Area % of Park
Manning's Easter Fair	Thursday 29 March to Sunday 15 April	18 days	Monday 26 March / Monday 16 April		Medium	4%
Steel Yard	Saturday 26 & Sunday 27 May	2 days	Monday 14 June / Friday 1 June	15k	Major	Less than 15%
Southport Weekender & Tranz-mission	Saturday 9 & Sunday 10 June	2 days	Monday 4 June / Wednesday 13 June	12k	Major	12%
Liam Gallagher, Queens of the Stone Age and Community Festival	Friday 29, Saturday 30 June & Sunday 1 July	3 days	Tuesday 19 June /	45k	Major	27%
Wireless Festival	Friday 6, Saturday 7 & Sunday 8 July	3 days	/ Friday 13 July	45k	Major	27%
Slammin' Events Presents...	Saturday 22 & Sunday 23 September	2 days	Monday 17 September / Wednesday 26 September	12k	Major	12%
London Oktoberfest	Thursday 18 – Sunday 21, Thursday 25 – Sunday 28 October, Wednesday 21 October	9 days	Sunday 14 October / Friday 2 November	Between 700 – 3,000	Medium	7%

6.46 If the above events were all to progress to fruition then the 2018 season would look like this:



7. Contribution to strategic outcomes

7.1 Hosting large and major 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 these type of events 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'

8. The Open Spaces Act 1906

8.1 The income generated from these events is for the benefit of the Park itself, and is fundamental to keeping it open as a viable facility.

8.2 All income generated through events specifically held in the Park, will be spent in the Park as required under the Open Spaces Act 1906 (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 The above said, the Cabinet Member is made aware of the fact that the Council does have a statutory duty under the Act as trustee to hold the land comprising the Park 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 6.40 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 27% of the Park for 2% of the year / 12% of the year, including build and break days. These responses also take into consideration the outcome of the EqIA. As previously mentioned in 6.28 the build and break for events is done in a phased approach, which enables the Applicant to keep as much of the event site open to park users, for as long as possible.

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 the 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 the 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. 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 Wireless and associated events applied for. In so saying, the attendance at music and dance events is itself recreational, and therefore within the statutory trust.

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 events, the comments made by officers on those objections, and the outcome of the EqlA are 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:

- 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 Policy aims to strike a balance between ensuring that parks, such as Finsbury Park, 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 major events and for these events to contribute to our borough's cultural and leisure offer.
- 9.3.4 An equality impact assessment has been completed to accompany the Festival Republic Events application and can be found in Appendix 3. The assessment explores impact on residents in the immediate wards surrounding Finsbury Park: Stroud Green (LB Haringey), Harringay (LB Haringey), Brownswood (LB Hackney), Finsbury Park (LB Islington) as well as groups who shared protected characteristics.
- 9.3.5 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. However, the impact on these groups is not assessed as significant, partly because the Council is taking a number of actions to mitigate equality issues arising from the events. The assessment also identifies that the events create considerable benefits for the community, improving equality of opportunity and fostering good relations.
- 9.3.6 The council is committed to working with event organisers to reduce the effects of noise from 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.

10. Use of Appendices

- 10.1 Appendix 1 – List of Finsbury Park stakeholders who were consulted
- 10.2 Appendix 2 – Finsbury Park stakeholders' full responses to large / major park hire applications
- 10.3 Appendix 3 – Equality Impact Assessment: Applications by Festival Republic Ltd to hire Finsbury Park for Steel Yard, a multi-event weekend including the Community Festival and the Wireless Festival 2018
- 10.4 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

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