

Report for: Cabinet Member decision – 18 December 2019

Item number: N/A

Title: Applications by Festival Republic Ltd to hire Finsbury Park for multi-event weekends including the Community Festival, Wireless Festival and a one-day music concert in 2020

Report

Authorised by: Stephen McDonnell, Director – Environment and Neighbourhoods

Lead Officer: Simon Farrow, Head of Parks & Leisure
simon.farrow@haringey.gov.uk, 020 8489 3639

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 2020 in order to stage (1) a multi-event weekend to include the Community Festival over 3 days in June, (2) the Wireless Festival over 3 days July and (3) a one-day, music concert in July.
- 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 Climate Change and Sustainability 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 Director – Environment and Neighbourhoods, 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.

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 approval 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 In May 2019, the Council received applications from Festival Republic Ltd to hire the Park to stage a weekend of multi-events, including the Community Festival, on 26th, 27th and 28th June 2020, the Wireless Festival on 3rd, 4th, and 5th July 2020 and a one-day music concert on 11th July 2020.
- 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), Oasis (2002) and Liam Gallagher (2018) have played to sell-out audiences.

6.9 The Wireless Festival has taken place in the Park every year since 2014. In that time over 720,000 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. The promoter is expected to go on-sale for 2020 events in early 2020.

6.11 If agreed, 2020 will be the fifth 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 the potential for two single artist headliners playing on Friday 26th and Saturday 27th June 2020. At the time of writing this report, artists for these two days, have not yet been confirmed.

6.12 The current proposals to hire the Park to the Applicant to host three consecutive weekends of music festivals, seeks to reduce the number of events in the park throughout the year, and contain them to one concentrated, concerted period. This means that if the three proposed consecutive weekends of music events are to proceed, build and break days will be reduced by three weeks, compared with the 2019 major event season.

6.13 This approach will reduce the income level received but allow the Park to generate sufficient income for its basic maintenance, enhanced staffing levels and a reasonable level of investment within the Park.

6.14 No other Park hire applications for major events will be considered for 2020.

- 6.15 Festival Republic allocate a number of tickets for residents living in the immediate vicinity of Finsbury Park. These are available through a postcode lottery. In 2019, 38% of these tickets were applied for by Haringey residents, 47% by Hackney residents and 15% by Islington residents.
- 6.16 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 council managed facilities, whilst ensuring the events provide increased recreational enjoyment within the Park environment.
- 6.17 The Applicant has applied to hire the space known as the bandstand field to facilitate the main event area for all three weekends of events.
- 6.18 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.
- 6.19 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, the reservoir field 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 and staffing numbers of up to 49,999 as specified under the Live Nation Music (UK) Premises Licence conditions.
- 6.20 The applicant, Festival Republic, is an associate company of Live Nation (UK) Music Ltd which owns the Wireless and Community Festival brands. Festival Republic will manage the staging of all three events that the applications refer to.
- 6.21 The Applicant has approached community led sports charity, the Finsbury Park Sports Partnership with a view to hiring the tennis courts in the park, over the three consecutive major event weekends in June and July, to facilitate the placement of toilets. A decision on this has yet to be determined, but if it happens the courts are likely to be closed only on event days, plus the day after to allow cleaning to take place.
- 6.22 The total area used for these three weekends of events equates to 30% of the Park (31% if the tennis courts are included). The remaining 70/69% of the Park, and all other facilities, remain open to the public at all times.
- 6.23 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.

- 6.24 Data collected from people counters temporarily 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.
- 6.25 Many of these visits continue while the major events take place, by ensuring that all public facilities managed by the council, including the ball courts, play areas, cafes and lake remain open.
- 6.26 It is a condition of hire that way-finding signage is put in place by the Applicant just before they go on site, during the build and break, and on event days to inform people that facilities remain accessible to the public and which thoroughfares remain open. Work is ongoing each year to improve on previous way-finding signage, improving the park user experience while event infrastructure is on site.
- 6.27 During the build and break for events, thoroughfares are kept open to park users to transgress the Park north to south, east to west.
- 6.28 For 2020 it has been agreed that the main carriageway from the zebra crossing by the lakeside Café, down to Finsbury Gate will only be open to pedestrians and cyclists during peak times of the morning and evening rush hour – 5am-9am and 3pm-7pm. At all other times pedestrians and cyclists will be directed to use the pathway between Oxford Road and Finsbury Gate which runs parallel between the railway line and tennis courts.
- 6.29 The decision to allow the closure of this part of the carriageway has been made after careful consideration, and with the safety of park users at the forefront. The Applicant has facilitated the continued use of the carriageway by pedestrians and cyclists over previous years of hire. This has included segregating pedestrian, cycle and vehicle usage into specific lanes. But in recent times it has become harder to manage this with the increase in numbers, and speed in which cyclists enter this area, often ignoring instruction.
- 6.30 The pathway from Hornsey Wood Tavern Gate through to the central play area remains open during the majority of the build and break, but is closed on event days and the immediate day which follows, to allow the site to be cleared and made safe for the public.
- 6.31 During the period that this thoroughfare is closed to the public, alternative routes are made available and publicised to ensure access by regular park users is maintained.
- 6.32 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.
- 6.33 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.

- 6.34 For the rest days in-between the 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.
- 6.35 For the past two years ‘Haringey Goes Wild’, a music extravaganza celebrating the musical talent of Haringey’s and Hackney’s young people, has been staged on the smaller stage within the event area in the week between the two major event weekends. It is anticipated that this will return in 2020. Discussions are ongoing to determine if this community use of the space and infrastructure can be increased in 2020.
- 6.36 Security personnel are stationed by council managed 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.
- 6.37 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.
- 6.38 The Live Nation Music (UK) Premises Licence which will regulate the multi-weekend events in June and July requires that all music ceases at 9.30pm on Sunday in consideration of the start of the working week. On Friday and Saturday, the music stops at 10.30pm.
- 6.39 It is accepted that due to the high footfall experienced during events, some short-term damage to the grass will take place.
- 6.40 At the end of the 2019 event season a full programme of grass restoration was undertaken by a specialised contractor. It is anticipated that this work, which involved chain harrowing, verti-draining, levelling, top soiling, seeding and fertilising will establish a hard-wearing sward that will be deeper rooted and therefore will be tougher during the event season. And even when worn, the deeper roots will enable the grass to grow back quicker. The proposed 2020 major event season, taking place within the contained 4-week period, will ensure that the grass has a much longer recovery period.
- 6.41 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 Climate Change and Sustainability and the members of the Haringey Safety Advisory Group. Other consultees may be added where appropriate to the specific park or open space”*.
- 6.42 In discharging the requirement to consult, officers sent details of the applications to 36 external stakeholder groups by e-mail dated 25 October 2019. 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 those 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.

6.43 Of the list of consultees, only those highlighted in green at Appendix 1 provided a total of 5 responses broken down as follows:

(a) 1 response was received from Councillor Sarah James, Harringay Ward Member

(b) 1 response was received from a residents' association: Highbury Community Association

(c) 1 response was received from Hackney Council

(d) 1 response was received from Ladder Community Safety Partnership

(e) 1 response was received from The Friends of Finsbury Park

6.44 The comments are set out in full at Appendix 2. However, they can be summarised in the main as being concerns around event capacity; event footprint; public access; disruption to Hackney residents; not consulting with Hackney before the recognised stakeholder notification period; cost pressures and staffing strain to Hackney services; vehicle movement; damage to grass; events taking place over summer months; students not being able to revise; concerns over ASB; laws governing the use of Clapham Common; intention to only permit the Applicant to hold a major event in the Park; 5-year contacts.

6.45 Officer responses to the comments are as follows:

Harringay Ward Councillor

Issues raised: event capacity; event footprint; public access

The Live Nation Music (UK) Premises Licence used for the proposed events was issued by the Council for a capacity of 49,999, within a pre-defined area. The licence holder in effect provides a small town within the licensed space to facilitate the safe circulation of attendees and provision of amenities.

Smaller events have been allowed to take place in the Park in the past, but income generated from these smaller events, which have a smaller footprint, is much less than the events with a 45,000 capacity.

At the same time the licence holder also provides alternative means for non-festival attendees to find and use the other available Park space safely. The licence holder provides alternative routes of travel for bicycles and or pedestrians when the build/event and break down periods are underway in the Park. That said, ways in which to improve user access is constantly being monitored and reviewed and will continue to be during the 2020 season.

Hackney Council

Issues raised: disruption to Hackney residents; not consulting with Hackney before the recognised stakeholder notification period; cost pressures and staffing strain to Hackney services

The space used within the Park for the major events has remained the same since at least 2014. The larger of the major events – those with circa 45,000 attendees - have always used Seven Sisters Road as the main egress following the events. In 2019 this happened on 4 of the major event days and in 2018, 6 of the major event days. It is recognised that due to the way the crowd egresses from the event, that Hackney residents are affected more by the crowds as the majority of roads off Seven Sisters Road, are within the borough of Hackney. But more resources are targeted towards this area including extra security, policing etc.

In considering these applications, the Council has made the decision not to accept any other major event applications for the 2020 event season, even though 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 includes the smaller major events – with capacity of around 12k – 17.5k – where the main egress took place out of the park, going towards Stroud Green Road.

Officers involved with the planning of major events, and the Applicant are liaising directly with Hackney Council officers in relation to on-going improvements around the events proposed. As set out in the Policy, there is no requirement to consult with Hackney regarding application dates, other than during the recognised stakeholder period, which was carried out.

Improved communication routes between Hackney and the Applicant resulted in additional resources introduced for 2019. These improvements will be built upon for the 2020 events season. Senior Officers from Hackney also meet with Haringey and Islington officers where issues such as resourcing levels are discussed at length and agreement reached.

At the end of 2018, the Friends of Finsbury Park applied for a Review of the Live Nation Music (UK) Premises Licence, specifically relating to Wireless 2017, which was heard by the Licensing Sub Committee on 15th and 16th October 2018.

In response to the Review, Live Nation Music (UK) proposed a number of amendments to the Licence that would specifically benefit residents in Hackney and address some of their concerns raised, including stewarding within the Hackney side streets. These include:

- introduction of a new low frequency noise level;
- SIA approved stewards to be placed within Hackney roads.

These conditions were approved and agreed by Live Nation Music (UK) and the Licensing Sub Committee and were not contested by Live Nation Music (UK) as part of their reasons for appeal. These are now included in the amended Premises Licence held by Live Nation Music (UK) and will be monitored by the Safety Advisory Group in preparation and during the events.

Ladder Community Safety Partnership

Issues raised: none

The positive feedback regarding the 2020 events proposal, received from the LCSP is welcomed, calling the proposal a 'really positive and significant move' in causing the least impact disruption to residents, in order to secure the essential income stream for the Park.

Highbury Community Association

Issues raised: event footprint and location; vehicle movement; damage to grass; events taking place over summer months; students not being able to revise; concerns over ASB; laws governing the use of Clapham Common

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. Further, see paragraphs 6.18 – 6.23 above which comments on the footprint and location within the Park 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 and is not inconsistent with policy relating to the promotion of physical activity given the areas of the Park which will be unaffected by the events. Reliance is also placed on the findings contained in the Equality Impact Assessment (EqIA) which has been carried out and which provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

The nature of the consecutive weekends of events proposed will reduce vehicle movement within the Park overall for the year. One build and break period means that there will be fewer vehicles moving within the Park. It also means that large infrastructure such as stages, fencing, production areas etc only have to be built once, rather than multiple times for multiple events. By reducing the number of major events, and therefore reducing the build and break days by 21 compared with 2019, this will be 21 days that the Park will be free of any disruption including vehicle movement.

As regards concern expressed over damage to grass areas, see paragraph 6.39 above. In addition a refundable grounds deposit is taken from all hirers, and if damage is done, this will pay for any rectification works required. If damage costs more than the £15k deposit, then the Applicant is bound by the Park Hire Contract to pay all costs of rectification works, even if they amount to more than the grounds deposit.

As regards the events taking place over the summer months to the detriment of the ability of local people being able to use the Park, see the first reply above.

As regards the concern over events taking place during exam time, both GCSE and A 'Level exams will have concluded by late-June. It is also worth noting that we have never received a complaint about teenagers not being able to revise due to the events taking place. However, this issue is addressed in more detail in the Equalities Impact Assessment (Appendix 3). Nevertheless, 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 ASB, and the resources available to deal with the issue should it arise, there is a clear commitment from the Applicant that stewarding will always be a primary focus. The Applicant trialled a new security and stewarding plan in 2018 which saw security numbers increased from having approximately four stewards based on each of the Hackney side roads, to having over 80 members of security staff to cover the operation over the then two, three-day weekends. This worked well and the Applicant committed in 2019 to providing the same level of cover for the Hackney streets, as well as significantly increasing the number of security personnel based in Islington streets. It is reassuring to see that the Respondent acknowledges that disturbances were mitigated due to these resources being deployed. The streets covered and amount of resource is an ongoing discussion between the Applicant and all three local authorities including resident representatives, and will also be determined through discussions at the Safety Advisory Group.

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 oversee the whole operation within the side streets and report back directly to the Security Co-coordinator based in Event Control.

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

In regard to the laws governing the use of Clapham Common, these differ to those governing the use of Finsbury Park as the Park is not classified as Common land, and therefore have no impact on this decision.

The Friends of Finsbury Park

Issues raised: event footprint; damage to grass; concerns over ASB; intention to only permit the Applicant to hold major events in the Park; 5-year contacts

Officers repeat replies given above to objections raised by the Highbury Community Association as repeated by the Friends of Finsbury Park.

As regards the intention to only permit the Applicant to hold a major event in the Park in 2020, this was a commercial decision based on the fact that the Council is able to raise sufficient income for the upkeep and improvements to the Park, while freeing up the Park from any other major event disruption for the remainder of the year. Confirmation can be given that the decision did not in any way compromise the Council's negotiating position, and it is not envisaged that it will impact on the enforcement of any licensing conditions.

As regards the reference to the adoption of 5-year contracts with event organisers, as this is not a valid objection to the issues contained in this report, no comment is required.

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 types of events with minimal travel.
- 7.2 The recommendations made will contribute to policy and practice primarily in relation to the Place section of the Borough Plan. This was adopted by the Council on 12 February 2019 and sets out priorities for Haringey.
- 7.3 'Place' within the Borough Plan commits to 'A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.'
- 7.4 This can specifically be seen in Outcomes 9 and 11 as follows:

Outcome 9: A healthier, active and greener place

a) protect and improve parks, open space, and green space promoting community use:

- continue with partners to invest in our parks with over £15 million of improvements planned over the next five years, including new playgrounds and sports facilities;
- promote the use of our parks for a wide range of events and activities, including more community use.

Outcome 11: A culturally engaged place

a) Foster strong and diverse cultural activities:

- support a range of events in the borough, from sport at White Hart Lane and music festivals in our parks, through to activities in our libraries and community-led arts and culture in venues across the borough;
- safeguard and strengthen the borough's cultural heritage by effectively managing, investing in and encouraging access to our heritage assets, museums and libraries;
- protect and promote creative and cultural activity and infrastructure that enables people to gain skills and employment in creative industries and increase investment into the borough;
- support cultural organisations to attract more people to their offer so that there are more opportunities for everyone to connect to the arts and culture in the borough;
- celebrate what is distinctive about Haringey so that our residents are inspired to take part in the great culture on their doorstep and attract visitors from across London and beyond to join us.

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 6.45 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% (31% if tennis courts are included) of the Park for 2% of the year / 7% of the year, including build and break days. These responses also take into consideration the outcome of the EqlA. As previously mentioned in 6.32 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 settled in a High Court challenge 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 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 The Friends then appealed to the Court of Appeal. However, the appeal was dismissed on 16th November 2017, with all three judges ruling that the High Court judge had correctly identified what the legal power position was.
- 9.2.6. The Friends then sought permission to appeal to the Supreme Court. However, that application was dismissed on 26th June 2018 on the grounds that it “does not raise an arguable point of law”.

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 Based on enquires undertaken into the issue of common land raised by the Highbury Community Association – www.oss.org.uk/lambeth-council-bows-to-pressure-over-events-on-open-space/ - confirmation is given of the accuracy of the content of paragraph 6.45 above.

9.3 Equality

- 9.3.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard 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;
- 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 apply to the first part of the duty.

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 the 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 to contribute to the borough's cultural and leisure offer.

9.3.5 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.

9.3.6 The assessment identifies that children, women with children and people with disabilities will be, to a limited extent, impacted negatively by the proposal, as they are more likely to use the park. However, this needs to be balanced against the identified benefits for the community, improving equality of opportunities and fostering good relations. The Council is taking a number of actions to mitigate the negative impact on specific groups with protected characteristics arising from the events.

9.3.7 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 major park hire applications
- 10.3 Appendix 3 – Equality Impact Assessment: Applications by Festival Republic Ltd to hire Finsbury Park for multi-event weekends including the Community Festival, Wireless Festival and un-named event in 2020
- 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>