

Report for: Cabinet Member Signing

Title: Park hire applications by Festival Republic Ltd to hire Finsbury Park for multi-event weekends including the Wireless Festival, and one other weekend of music concerts, in 2023, 2024, 2025, 2026 and 2027

Report

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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 a number of applications made by Festival Republic Ltd (the Applicant) to hire Finsbury Park for a period in June/July every year between 2023 and 2027, in order to stage two consecutive three-day multi-event weekends.
- 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 Leader is recommended:

- (a) To 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) Pursuant to Contract Standing Order 16.02, to authorise the Director of Environment and Resident Experience to (1) approve conditional, in-principle agreement to hire Finsbury Park to the Applicant for the events and dates detailed in this report as set out in paragraph 6.4 and (2) enter into contract to hire Finsbury Park to the Applicant (for the events detailed in this report as set out in paragraph 6.5) provided that the Director of Environment and Resident Experience is satisfied with the terms of any proposed agreements and permissions.

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 & Leisure 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 applications. 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 greenspace 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 Between January 2021 and January 2023, the Council received a number of applications from Festival Republic Ltd (the Applicant) to hire the Park to stage a three-day festival in July and a three-day weekend of multi-events to take place in June/July of each year between 2023 and 2027.
- 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 apply:

- *“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, hence this referral to the Leader.
- 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 Drake (2015 & 2018), Liam Gallagher (2018) and Oasis (2002) have played to sell-out audiences.
- 6.9 Save for the impact of Covid19 in 2020 and 2021, the Wireless Festival weekend has taken place in the Park every year since 2014. In that time, over one million people have enjoyed the event. Wireless usually takes place on the first weekend of July. However, on the odd occasion, it has been hosted on the second weekend to avoid a clash with other events taking place in the local area.
- 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 Applicant does this at its own risk.
- 6.11 A second multi-event weekend has also taken place since 2015. In the past, this has included the Community Festival, and headline acts such as Queens of the Stone Age and Liam Gallagher. The acts Jamie T, Pulp and The 1975 are scheduled to play during the multi-event weekend in 2023.
- 6.12 The current proposal seeks to hire the Park to the Applicant to host two consecutive, three-day weekends of music festivals. By approving these applications, the disruption to the Park will be shorter than having two separate weekends of events with their own build and break periods.
- 6.13 This approach will reduce the income level received but will 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 The Applicant allocates a number of tickets for residents living in the immediate vicinity of Finsbury Park. These are available through a postcode lottery. In 2022, 30% of these tickets were applied for by Haringey residents, 61% by Hackney residents and 9% by Islington 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 Council-managed 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 both weekends of 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 it provides easy access to the areas to build the event infrastructure, with minimal need for crossing grass.
- 6.18 In addition to the Bandstand Field, the Applicant 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 Applicant's associate company's - Live Nation Music (UK) Music Ltd - Premises Licence conditions. It is, however, the Applicant which will be responsible for managing and staging both of the events in each year which the application refers to.
- 6.19 In preparation of the events detailed within the applications, the Applicant has approached a community-led sports charity, the Finsbury Park Sports Partnership, with a view to hiring the tennis courts in the Park, over the consecutive major event weekends in June/July, to facilitate the placement of toilets. This was agreed and facilitated during the 2022 events. This means that the tennis courts would be closed on event days, plus the day after to allow cleaning to take place.
- 6.20 The total area used for these two 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.
- 6.21 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 The only confirmed data the Council holds on usage figures was collected from people counters temporarily installed on the gates into Finsbury Park between 18th July and 11th September 2016. These show that, on average, nearly 8,000 daily park visits were made. This is one of the Park's 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 managed by the Council (including the ball 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 just before it goes 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.
- 6.25 During the build and break for events, thoroughfares are kept open to park users to travel through the Park north to south, east to west.
- 6.26 For 2023, the main carriageway from the zebra crossing by the lakeside café, down to Finsbury Gate, may occasionally need to be closed during off-peak times to facilitate the on-going build of the event area. If this happens, pedestrians and cyclists will be re-routed using the path running in parallel with the tennis courts. This would not take place during peak times of the morning and evening rush hour – 5am-9am and 3pm-7pm. This closure was agreed for the 2022 events, however, was not needed. The Applicant has requested this flexibility is allowed for 2023.
- 6.27 The decision to allow the potential 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 in previous years 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 at which cyclists enter this area, often ignoring instruction.
- 6.28 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.
- 6.29 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.
- 6.30 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.
- 6.31 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.
- 6.32 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.

- 6.33 In 2018, 2019 and 2022, a music extravaganza, celebrating the musical talent of Haringey, Hackney and Islington young people, has been hosted on the smaller stage within the event area in the week between the two major event weekends. This will return in addition to a second community music event which is currently being developed.
- 6.34 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.
- 6.35 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.
- 6.36 The Live Nation Music (UK) Premises Licence which will regulate the multi-weekend events 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.
- 6.37 It is accepted that, due to the high footfall experienced during events, some short-term damage to the grass will take place.
- 6.38 A full programme of grass restoration is undertaken by the Park operatives once all event infrastructure is removed from site and weather conditions allow. As the proposed events take place within a contained 4-week period, this will ensure that the grass has a much longer recovery period.

Consultation Exercise

- 6.39 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”*.
- 6.40 In discharging the requirement to consult, officers sent details of the applications to 38 external stakeholder groups by e-mail dated 9th March 2023. 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.
- 6.41 Of the list of consultees, only those highlighted in green at Appendix 1 provided a total of 7 responses, broken down as follows:
- (a) 1 response was received from a Stroud Green Ward Member

- (b) 1 response was received from Parkrun
- (c) 1 response was received from the Ladder Community Safety Partnership
- (d) 1 response was received from Edible Landscapes
- (e) 1 response was received from the Highbury Community Association
- (f) 1 response was received from Furtherfield
- (g) 1 response was received from the Friends of Finsbury Park

6.42 The comments are set out in full at Appendix 2. However, they can be summarised in the main as being concerns around: loss of the park area; safety concerns; loss of oversight; size and number of events; benefits to local area; hire fees; funding and income; disruption to activities; contract; management plan; inclusivity of shared spaces; loss of scrutiny of event planning; anti-social behaviour; effects of studying children; park biodiversity; five-year hire; Outdoor Events Policy.

6.43 Officer responses to the comments are as follows:

Cllr Alexandra Worrell, Ward Member for Stroud Green

Issues raised: loss of the park area; safety concerns; loss of oversight; size and number of events; benefits to local area; hire fees and charges.

In regards the points made on the loss of park space, 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.

In response to comments on the footprint 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, only 30% of park footprint is used during the major events with the remaining 70% remaining open, along with all other park managed facilities. For those reasons, officers consider that to be a proportionate balance between competing user demands and is not inconsistent with Council 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.

In relation to the environmental impacts, a Biodiversity Management Plan for Finsbury Park is currently being developed. This will be informed by an assessment of baseline ecological conditions of the site, and an assessment of net change in biodiversity using the Defra Biodiversity Metric 4.0 (Natural England). Once this baseline information has been assessed and identified, an 'Events' section will be included within the Biodiversity Management Plan, looking at mitigatory, management and enhancement measure to be implemented before, during and after major events. This will serve to provide guidance on minimising the degradation of any features of ecological importance identified through the survey work.

In addition to this, and to inform us whether the major events do have an impact on the air quality within the Park – specifically with the increase in vehicle movement and use of generators - baseline data is initially needed. It is planned that this will be gathered during 2023 and, as above, will then inform any improvements needed to take place.

Discussions between the hirer and Haringey Council have also taken place regarding the potential of installing a mains power supply to the south of the Park that can be used to generate the events, rather than relying on generators. Agreeing these applications allows for Festival Republic/Live Nation to invest even more into Finsbury Park and all costs would be paid for by applicant. If applications are agreed, it is likely that it would be ready to use from 2024 onwards and significantly reduce the environmental impact of not only these events, but other events taking place in the Park. Therefore, officers feel this directly relates to the Council's key aims of climate change and sustainability.

Regarding safety concerns, there was at no point a time in 2022 in which the police 'lost control' of the event. The Safety Advisory Group who oversee the Premises Licence saw no reason to review Live Nation's indefinite Premises Licence based on the management of the 2022 events. The Safety Advisory Group, made up of all relevant statutory bodies and Haringey Council services alongside Festival Republic, meet multiple times in the lead up to the events and after the event to ensure a safe and well-managed event is being staged and lessons learnt are implemented. This will not change if the park hire applications are approved.

In answer to the points made in terms of lack of oversight, The Finsbury Park Events Stakeholder Group will continue to take place in the lead-up to the events, and post-events to de-brief. Membership of 'informed' stakeholders includes Members, park user groups, resident and housing associations and council officers from all three boroughs and provides a platform for them to feedback their concerns and issues in order to implement improvements and mitigations to the event management planning process.

In terms of lack of benefits to Haringey Residents, Haringey Council has been open about how income from events has been spent in previous years. All income generated in Finsbury Park is spent within the Park. Major events income has funded projects such as the Richard Hope Play space refurbishment, the soon to be new and improved skate park, new lighting, an all-year-round dedicated Park Operations Team and an Environmental Impact Fee which is distributed between community groups who operate within the Park. Over the past 4 years alone, these groups have received over £150k in funding benefiting the local community.

In addition to this, events offer a recreational activity for the local community to take part in. Data collected which informed an Economic Impact of Events at Finsbury Park report 2018 stated that 8% of the overall major event attendees are Haringey residents alone, equating to 21,600 residents, which is almost 10% of the entire Haringey population attending one of the events during the major festival period. It was also found that some event days had reached an attendance of local residents of up to 20%, indicating a high interest in local resident who would attend the events.

The Applicant also allocates a number of tickets for residents living in the immediate vicinity of Finsbury Park as already detailed within this report.

Since 2018, the Applicant has enabled and sponsored an event, managed by the Council that showcases the musical talents of local school children from Haringey, Hackney and Islington. If these applications are approved, this will continue. Also, for 2023, a second community event is planned which will invite local artists from the surrounding area to the Park to showcase their talents on stage. These events nurture local talent and provides a platform many may never have experience, of performing on stage.

In regard to fees and charges, as stated in the Outdoor Events Policy 2014 under section 8.1.1, it states the following:

‘A new pricing policy is being introduced with the implementation of this policy. The charges framework has been benchmarked against prices charged by other similar London Boroughs. The fees and charges schedule will be reviewed annually to ensure both market competitiveness and maximisation of potential income to Haringey Council. The applicable fees and charges can be found on the Council’s website.’

This framework will not change if these applications are agreed.

Park Run

Issues raised: disruption to activities.

Officers welcome the general acceptance of the events and understand there is a pro-active need for a joined-up approach to limit disruption to the weekly Parkrun activities. Officers will continue to work with the Parkrun organisers to determine how their activities can carry on during the build and break periods.

Ladder Community Safety Partnership

Issues raised: Income; contract details; management plan.

Issues around income generation from the events have previously been referenced above and, whilst specific details of contract negotiations can’t be detailed, this point will be taken into consideration once negotiations start. Officers acknowledge the suggestions regarding the details in the management plan surrounding public transport and parking in surrounded areas and will continue to work with the Applicant and members of the Safety Advisory Group for these to be improved.

Edible Landscapes

Issues raised: Impacts of HGVs and generators; inclusivity of shared spaces; protecting spaces from inappropriate and overuse.

In regard to HGVs being used by the Applicant and mitigating the environmental impact of use, a no engine idling policy is implemented while on site, in which any suppliers arriving in vehicles will be required to switch off engines once parked.

The Applicant's own policy, issued to contractors before attending the site, details what they are obligated to do. For 2023, the Applicant will introduce a new position which will have sole responsibility of ensuring vehicles coming into the Park, adhere to all requirements including no idling engines.

On the comments regarding green spaces become fully inclusive shared spaces that deliver our key aims of inclusion and wellbeing, climate change and sustainability, the audience breakdown of residents attending the events has been previously referenced above. In addition to this, 29% (31% including the tennis courts) of the Park is used for the major events, leaving 71% (69% with tennis courts) of the Park areas remaining open and available to the public whilst the events are taking place, with no Council-managed park facilities being closed to the public. This means that park users are still able to come and enjoy the open space and facilities, whilst the events happen.

It's important to note that the most recent Event Trends Report 2023 found that, after the pandemic (in which many people faced isolation and loneliness), 60% of UK respondents to their survey said that attending events reduced their feelings of isolation and/or loneliness, with outdoor music festivals being the most sought out event type to attend. For those reasons, officers consider this to be within the key aims of inclusion and wellbeing, as these offers of recreational activities have positive community benefits to the Haringey residents who attend the events whilst also keeping Council-managed park facilities open for non-event attendees.

Details on the environmental impacts of events and the plans in place to tackle such issues have already been referenced above.

Regarding the need to better protect those natural spaces from both inappropriate and overuse of the park, the decision to host events is aligned to the Outdoor Events Policy 2014, which is in place to ensure the parks and greenspaces throughout the borough are used appropriately for events. 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.

In addition to this, by securing long-term income from the major events, the Council will be able to plan long-term, knowing what income is expected. A large percentage of event income goes towards the dedicated maintenance team based within the Park and the expanded team has made a real difference to the standard of maintenance of Finsbury Park, which has been recognised by stakeholders. A longer-term view of income will also allow improvement plans to be developed covering multiple years and give the Council confidence to employ these maintenance roles, currently filled by agency staff, on a permanent basis, therefore protecting these natural spaces from both inappropriate and overuse of the Park whilst upholding the maintenance of Finsbury Park.

Highbury Community Association

Issues raised: loss of scrutiny of event planning; anti-social behaviour; funding and income; effects of studying children.

Officers have addressed above the scrutiny of the event planning process.

As regards to concerns on 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 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 continue to be provided by a specialist, high-end security management company which is 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 Applicant's 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' phonenumber 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.

The Applicant's Resident Engagement Officer meets with key Islington and Hackney residents in the run up to all events, and on event days. This provides an opportunity for residents' concerns to be addressed in the planning stage of the events and any issues experienced during the previous event day to be discussed and mitigated.

Reference to funding and income has already previously been covered.

As regards to the effect on children and young people, the concern over events taking place during exam time is not accepted by officers as both GCSE and A' Level exams would have concluded by this time. This issue is addressed in more detail in the Equalities Impact Assessment (Appendix 3).

Furtherfield

Issues raised: park biodiversity – monitoring and mitigations

These issues have previously been responded to above.

Friends of Finsbury Park

Issues raised: continued objection to events; safety concerns; loss of oversight; size and number of events; hire fees; funding and income; contract; loss of scrutiny of event planning; anti-social behaviour; park biodiversity; five-year hire; Outdoor Events Policy.

Many of the issues raised by the Friends of Finsbury Park within its 15-page submission have been included above. However, for clarity, responses to its direct questions are below:

Noting two distinct organisations (Live Nation /Krank), did the Council solicit this length of application from prospective customers? What was the basis of this solicitation?

It is not unusual for event organisers to want security of knowing hire has been agreed, and not unusual for these organisations to submit multiple hire applications. Anyone wishing to submit a park hire application can do so through EventApp. It is then up to Council officers as to whether these applications are progressed.

Is this a political decision to extend the licences to five-year periods? If not, why are officers relying on the political manifesto to justify? On the basis of the above, in what way do they feel it is justified?

The Outdoor Events Policy sets out terms of hire and how park hire applications will be considered. Considering multi-year applications is within the remit of the Policy.

Does the Council track on a formal, minuted / governed risk-register, its material reliance on a 3rd party for funding park services in Finsbury Park, and if not, why not?

Yes. The risk of failure to secure major event income for future years is detailed on the Council's risk register.

What efforts has Haringey Council made to follow through on promises to residents in 2022 to

- i) look at alternative funding models, and**
- ii) undertake a bottom up assessment?**

The scale of the income generated by hosting events in the park (£1.2m from all events) could only be replaced in whole or in part by the Council funding the park from other Council resources. Given the ongoing constraints on local government finances for the past 12 years, replacement funding is not available at this time or within the foreseeable future.

What about having smaller events: - Having smaller events has been suggested in the past as an alternative. However, given the level of income is approximately 1/10th of that derived from the two weekends of major events then a series of ten weekends of events for up to 10,000 people would be required. This would lead to a far greater level of disruption in the park of around 20 weeks compared to the 4 weeks of disruption by the major events detailed in this application. Therefore, this option is not recommended due to the increased level of disruption.

What about spending less money: - The need to generate so much income could be reduced in a number of ways:

- No money for reinvestment – Saving £300k

- Scale back the dedicated and expanded Parks Operational Team to the same level of other parks – Saving £300-400k

Some income would still be generated by those current events below 10,000 attendees - circa £200k. However, this would still mean the Council needs £400k per year to support the Park.

The consequence of such an approach would mean that the Council had to fund an additional £400k per annum for a park whose maintenance was significantly reduced and a park that had no additional money for investment. Therefore, this option is not recommended.

What published document evidences this? Has the council changed the fee charged for major events in the last five years?

Yes. The hire fees and charges are agreed by the Cabinet each year as part of the Council's budget-setting process and are a matter of public record. However, specific fees charged to individual hirers remains exempt. Hire fees have increased year on year, with a 5% increase being levied on commercial hire for 23/24.

How has the council benchmarked this fee, or effectively re-assured itself that this represents a good deal for residents?

Individual hire fees are commercially sensitive, and therefore authorities do not make this information publicly available. However, anecdotal benchmarking suggests that Haringey's fees and charges are in line with comparable London parks used for major events.

Was any independent opinion taken into any review of fees charged?

No.

Does Haringey Council have no other services where it incurs a multi-year cost but has a 'risk' of an annual income / budget approval process?

There are other Council services that have costs which need to be met by income generation, such as parking. The Council's Cabinet determines fees and charges for various services on an annual basis, based on specific policies and advice from officers.

How will this change of contract type affect the mean cost for staff affected?

No change is being sought in relation to the type of contract being entered into. The Council will simply enter into the same contract as it has done in previous years, but instead of this being agreed on an annual basis, it will instead cover a five-year period. What a multiple-year agreement will mean is that the Council can change the current temporary contracts covered by many of the Finsbury Park Team into permanent positions, which will provide the security and benefits that working permanently for the Council can offer.

What would stop Haringey Council defining some proposed dates to give residents some certainty should it seek to undertake major events in future years, without licensing them for five years?

Live Nation and Festival Republic already hold indefinite Premises Licences for Finsbury Park. These cannot be activated without agreement to hire the park. This report is seeking agreement for park hire. Yes, dates could be agreed, but this would not give the Council financial recompense if the Applicant then decided to withdraw from using Finsbury Park.

What ‘improvements’ is the council proposing, how has the council valued them (£, impact) and how are they tied to this extension?

‘Improvements’ refers to those which can be made to both the Park infrastructure and those within the event planning process and delivery. With the security of knowing how much income will be generated over the proposed five-year period, the Council can proactively plan investments in the Park over a number of years. The detail of those investments will come through our co-working with the community in and around the Park. Improvements can also be made to the event planning process and delivery of the events in discussions with the Applicant such as the proposal to install mains electricity to generate the power for events and replace the generators, monitoring air quality and instigating the nature conservation plan with a view to making improvements year on year.

What would happen if, two years into the proposed agreement, licence terms were breached?

This report seeks the determination of multiple park hire applications and is very separate to the Premises Licence. The Premises Licence is overseen by the Licensing Authority with processes in place to review the Licence, if and when needed. If park hire approval is given, and the Licence was revoked, the events will not take place.

In addition to controls within the Licence, an annual contract performance review will be included in the new contract. The annual contract performance review will assess the previous year’s event management and will inform an improvement plan for the following year.

Noting our objection to the proposal, what freedom does the council have if, after two years, it changes its major events policy and no longer wishes to hold major events in Finsbury Park?

This decision is based on the current Outdoor Events Policy. There is currently no plan to review the Policy.

Will promoters pay the same amount of fees as if they had licensed each year, if they get a 5 year deal?

The Council is committed to getting the best commercial deal on all park hire applications. Annual incremental increases that are agreed by the Cabinet, as part of the Council’s wider budget setting process, will be included within the park hire contract.

Please clarify whether you have included any ‘new’ investment in response to this question, that might appear to net that reduction off.

It is not clear what this question means.

In what way does the Council believe the potential breaches of their outdoor events policy 2014 are acceptable, and how does it feel it meets the [Haringey] Labour Party manifesto 2022–2026?

The Council is clear that the Outdoor Events Policy has never been breached. The Labour Party Manifesto is a matter for Labour Group Members to determine but is very much in line with the aims of the Outdoor Events Policy. There is a clear interest from residents to attend these events, as previously outlined within this report by the percentages of locals applying for tickets via the residents’ lottery, and also by London residents purchasing 64% of tickets for the 2022 Wireless Festival.

7. Contribution to strategic outcomes

- 7.1 Hosting large and major events within the borough’s parks 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 Corporate Delivery Plan 22/23 and 23/24. However, much of this is focused on Theme 7: Culturally rich borough, which sets out how the Council will build a fairer, greener borough by 2024.
- 7.3 Theme 7: ‘Culturally rich borough’ within the Corporate Delivery Plan ‘prioritises this because of the role we know that arts, culture and heritage will play in helping us to build a vibrant and inclusive economy, welcoming and inclusive neighbourhoods and communities, and healthy and fulfilling lives for our residents’.
- 7.4 This can specifically be seen in the following intermediate outcomes:
 - The Council will have a more fully developed vision for the role of arts, culture and heritage in the borough which reflects what is important to Haringey’s diverse communities, creates wider opportunities for residents and attracts the interest of visitors;
 - Celebrating and inspiring will enhance Haringey’s cultural reputation and profile in London and beyond;
 - There will be an increase in resident, cultural sector and community collaboration and participation in arts and culture.

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 Leader 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 Leader 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 less than 2% of the year / 7% of the year, including build and break days. These responses also take into consideration the outcome of the EqlA at Appendix 3. As previously mentioned in 6.31, 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

9.1 Finance

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

9.2 Legal

- 9.2.1 The Head of Legal and Governance (Monitoring Officer) 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

- 9.2.7 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).
- 9.2.8 The Council conceded that the 1906 Act did apply. Accordingly, in coming to a view on the recommendations contained in this report, the Leader is required to consider whether in light of the duty 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 Festival and associated events applied for. In so saying, the attendance at music and dance events is itself recreational, and therefore within the statutory trust.
- 9.2.9 Any decision reached by the Leader 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 EqIA are key to aiding the Leader in the decision-making process. In adopting that approach, the Head of Legal and Governance (Monitoring Officer) sees no legal reasons why the Leader could not adopt the recommendations in this report.

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.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

- 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 do not share that religion/belief from attending the event or using the park more generally.
- 9.3.3 The Council's Outdoor 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 Event applications 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 two multi-event weekends including the Wireless Festival and three days of music concerts each year from 2023 to 2027
- 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

11.1 Haringey Outdoor Events Policy -

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