

Report for: Leader decision – 18 March 2016

Item number: n/a

Title: Festival Republic Ltd hire of Finsbury Park for Wireless Festival 2016

Report authorised by : Stephen McDonnell, Assistant Director – Environmental Services and Community Safety

Lead Officer: Simon Farrow, Head of Direct Services (interim)
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Ward(s) affected: Harringay Ward and Stroud Green Ward

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

1. Describe the issue under consideration

- 1.1 An application has been received from Festival Republic Ltd to host Wireless, a three day music festival, in Finsbury Park on 8, 9 and 10 July 2016.
- 1.2 The application also requests to hire the park for a further 1 / 2 day concert the weekend before but this request has subsequently been withdrawn.
- 1.3 Festival Republic has requested to move onto site at 8am, Thursday 30 June and would leave site by 8pm, Friday 15 July, a total of 16 days.
- 1.4 The opening times of the event would be as follows:

Friday 8 July

Gates open: 1.30pm
First act starts: 3.30pm
Event ends: 10.30pm
Attendance: 45,000

Saturday 9 July

Gates open: 11.30am
First act starts: 1.30pm
Event ends: 10.30pm
Attendance: 45,000

Sunday 10 July

Gates open: 11.30am
First act starts: 1.30pm
Event ends: 10pm
Attendance : 45,000

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

3.1 The Leader is recommended to:

(a) Consider the replies received in response to the event notification being shared with Finsbury Park stakeholders. A summary of these responses is attached as Appendix 1, and full responses are attached as Appendix 2.

(b) Agree that Finsbury Park is hired to Festival Republic Ltd for the Wireless Festival taking place on 8-10 July 2016 which is inline with the Outdoor Events Policy.

4. Reasons for decision

4.1 Major events in Finsbury Park are a long standing feature of the summer season in the park. They are met each year with a mixed opinion from most, with some objectors.

4.2 The rationale for holding events is both economic and cultural. Hosting events in parks supports the cultural offer in the borough, enables communities to come together and promotes economic growth benefiting local business. Overall a vibrant event programme supports the councils outcome of the Borough as a great place to live and work. Income derived from events are very much at the heart of sustaining the Parks Service rather than exposing it to further cuts which would mean a lower standard of parks maintenance across the borough and within Finsbury Park itself.

4.3 Many people will recall the no-go place Finsbury Park was prior to its restoration in 2005. It has now held a Green Flag Award, the national standard for excellence in parks, for 9 years and has benefited from further investment of £500,000 over the last two years, all funded from event income. But the benefit is much wider as income is used to support projects in other parks and raising standards across all parks.

4.4 The mixed opinion is further reinforced in the responses that have been received to this consultation. The proposals are now reduced to one weekend rather than 2 weekends and whilst this is positive in reducing disruption, it is of concern in terms of significantly reducing the amount of income available to the council to reinvest in the park and would lead to a reduction in the wider cultural and economic benefits of events in the borough.

4.5 The council remains committed to improving the experience for local residents and is continuing to work with partners in all three boroughs to ensure these events go ahead and residents see improvements in the delivery from 2015.

- 4.6 A total of 30 stakeholder groups including: local residents associations, Hackney and Islington council officers and 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 sent notification of the application to hire Finsbury Park, and asked to submit their comments.
- 4.7 All stakeholders were given 10 days to respond, as outlined in the Outdoor Events Policy.
- 4.8 A total of 10 stakeholder groups responded to the consultation (attached as Appendix 1).
- 4.9 In addition, responses were received from Catherine West MP and the Gardens' Residents Association (also detailed in Appendix 1 and 2).
- 4.10 In summary:
- (a) 2 responses support the application, recognising the events were enjoyed by the community
 - (b) 1 response broadly supports the application and wants to work closely with the event organiser to build local opportunities for members of the community
 - (c) 4 responses recognise more work needs to be done with the organiser to mitigate effects on local people
 - (d) 4 responses object to the application citing various affects on local residents and the park
 - (e) 1 response informed of an event already planned for Clissold Park on the 3 July
- 4.11 In addition to the above one late response was received from the Stroud Green Residence Association. Although this isn't included in the above summary of responses, it is detailed in the attached summary (Appendix 1 and 2).
- 4.12 At the time the notification was sent to stakeholders, it was made clear that the Council wouldn't accept individual resident responses, but these should be fed back to the appropriate stakeholder group or ward councillor to form part of their overall response. Despite this some groups did encourage individuals to respond directly to the Council through a number of social media forums.
- 4.13 A total of 12 responses were received from local residents. All were against the events taking place due to specific issues arising from previous events including noise, anti social behaviour, litter and large parts of the park not being available to use.

5. Alternative options considered

- 5.1 With the adoption of the Outdoor Events Policy in 2014, the Council established their commitment to using Finsbury Park for a limited number of major events each year.
- 5.2 The recommendations contained within this report are in line with that Policy and as such no alternative options have been considered other than to reject the Festival Republic application.
- 5.3 The rejection of this application would have significant implications for the Parks Service budget and reduce the opportunity for reinvestment into Finsbury Park. It would also mean that the wider cultural and economic benefits to the borough were lost.

6. Background information

- 6.1 In January 2014 the Council introduced the Outdoor Events Policy.
- 6.2 The Policy recognises the value and benefit that a varied and well managed outdoor events programme can offer the residents of Haringey, and the Council is committed to supporting events that contribute to our vibrant culture, environment and economy.
- 6.3 The Policy assists the decision making process behind building a sustainable and varied programme of events and sets out how the council will notify and consult with recognised stakeholders for each park, for each park hire application received.
- 6.4 There is an existing premises licence that Festival Republic will use to offer licensable activities in Finsbury Park.

7. Contribution to strategic outcomes

- 7.1 Hosting large concerts within Finsbury Park contributes to supporting the local economy, developing the cultural offer in the borough and provides an opportunity for local people to enjoy this type of event with minimal travel.
- 7.2 The recommendations made will contribute to policy and practice primarily in relation to Priority 3 of the Corporate Plan: 'A clean, well maintained and safe borough where people are proud to live and work'.
- 7.3 In addition there are links to the Corporate Plan in relation to:
Priority 2: 'Enable all adults to live healthy, long and fulfilling lives'
Priority 4: 'Drive growth and employment from which everyone can benefit'
- 7.4 The Medium Term Financial Plan sets out an increase of £600,000 of income during the period up to March 2018. All money raised by events is ring fenced back to the Parks budget to maintain and improve parks in the borough.

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

8.1 Finance and Procurement

- 8.2 In accordance with Haringey standards for Financial Management, the Senior Accountant comments the Parks and Leisure Services budget for 2016/17 includes an estimated income from events of £545,000.
- 8.3 The income generated by the proposed event will assist greatly towards the achievement of that income target.
- 8.4 By agreeing to these recommendations a total of £446,264 will be generated, subject to the applicant agreeing to the Council's terms and conditions of licence and park hire agreement.
- 8.5 A deposit of 25% (£111,566) would be required at the point of the organisers signing the park hire agreement which is non refundable.
- 8.6 The income generated from this event equates to 82% of the 2016/17 income target.
- 8.7 A refundable grounds deposit of £15,000 will be paid to the Council before Festival Republic could move onto site. This would be refunded only after any associated costs / damages have been paid. If costs / damages incurred come to more than the deposit amount, Festival Republic are obliged through the park hire agreement to pay all outstanding costs.

8.8 Legal

- 8.9 The Assistant Director of Corporate Governance has been consulted in the preparation of this report, and makes the following comments.
- 8.10 As will be seen from Appendix 1 / 2, one of the objectors to the application to host the Festival in Finsbury Park (the Park) is The Friends of Finsbury Park (the Friends). That objection was supplemented by a technical legal governance argument put forward by a firm of solicitors acting for the Friends.
- 8.11 The argument centres on an assertion that the Council does not have the legislative power to sanction the Festival, on the basis that more than one tenth of the open space in the Park will be enclosed. Further, that planned events in the Park - to include the Festival – involving the sale of goods or services will exceed the permitted number of 35 days or more than 8 Sundays in any year. The quoted figures for 2016 were 40 days or 9 Sundays.
- 8.12 The solicitors place reliance for their argument on the provisions of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (the 1967 Act).
- 8.13 In considering the solicitors argument, officers sought advice from specialist Leading Counsel in the licensing field. That advice confirmed that the Council's powers under section 145 of the Local Government Act 1972 take precedence over the 1967 Act. That view was communicated to the solicitors, who responded that given that view, they were likely to receive instructions from the

Friends to commence judicial review proceedings to challenge any decision made by the Council to authorise the Festival.

- 8.14 In light of the advice received from Leading Counsel, whilst there may be legal implications arising out of any decision to authorise the Festival, there is no legal reason which would preclude the making of such a decision.

8.15 Equality

- 8.16 Haringey's Outdoor Events Policy was agreed by Cabinet in December 2013. An equality screening tool was completed in regard to the proposed policy and that the proposal had no impact on protected characteristics other than religion or belief.

9. Use of Appendices

- 9.1 Appendix 1 – Summary of stakeholder responses to Festival Republic Ltd park hire application
- 9.2 Appendix 2 – Full stakeholder responses to Festival Republic Ltd park hire application

10. 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>