

# Public London: the regulation, management and use of public spaces

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## **Executive Summary**

This report looks at how a sample of different public spaces operate in practice: how welcoming and inclusive they are, who uses them and what these users think of them, how rules affect use, how these rules are set and how they balance different interests, and how management and stewardship is resourced.

We find that the public, private, and community sector are all capable of managing high quality public spaces, which users rate positively. But some public spaces, often those managed by commercial landowners where public oversight is limited, are less public than others. These spaces are more regulated, in ways that can be opaque, and more heavily monitored, in ways that lead some users to doubt whether they are public.

We also find that London needs better guarantees that revenue-raising activities in public spaces will not unreasonably prevent other users to access or use the space.

Based on this evidence and previous research, the report then makes recommendations to inform the Public London Charter, and its implementation.

## Introduction

Public spaces are a city's living room, its lungs and a location for civic life. As London has grown over two millennia, the city has developed a rich network of open spaces – parks, squares, woodlands, alleyways, side streets, market places and forecourts. In a city where space is at a premium, many of these spaces were historically reserved for the privileged, with poorer Londoners living in tight-packed tenements with neither private gardens nor decent public spaces.

In the 19th and early 20th centuries, London's spaces began to open up, with new green spaces such as Brockwell, Battersea, Finsbury and Victoria parks creating public realm across the city, alongside protected commons such as Hampstead Heath, and new housing projects planned with open space included alongside new homes.

Many of these parks were operated by London County Council, then by the Greater London Council, then after its abolition by individual London boroughs. Public space was and is seen as a matter of civic pride, an essential element in building a humane city. Most recently, Mayor Sadiq Khan's Good Growth by Design programme emphasises the importance and democratic character of public space.

Fewer public parks have been built in recent years – Thames Barrier Park and Queen Elizabeth Olympic Park are two exceptions – but London continues to create new spaces. Some, such as Trafalgar Square, Gillett Square and Windrush Square, are reconfigured public space, sometimes based on re-allocating road space from cars to pedestrians.

Others have been built by private developers – as a planning obligation, as an integral element of their development and its commercial offer, or as both. These have included spaces at Canary Wharf, in Bankside, at King's Cross, in Stratford and in the City of London – 'privately-owned public spaces' (POPS) that are open to the public but managed and regulated by private landowners. One of the most popular is the Thames Path, which was inaugurated in 1996, after decades of lobbying local authorities and landowners to enhance the towpath along the River Thames and make it continuous.

Today, as London's population surges past its pre-war peak, and more and more Londoners live in higher density apartment blocks, the demands placed on open space have become more intense. London's parks and piazzas genuinely serve as a living room for many Londoners – places to meet friends and strangers, to congregate, celebrate and converse.

This can create tensions over use and management of space. We instinctively sense that the public realm should be more permissive than buildings, but different uses of public space may conflict with each other. In practice,

almost everyone accepts that there are certain implicit norms that govern the use of space, but opinions may differ as to what these permit or prohibit. And where explicit rules are imposed by the owners or managers of space, these may not be understood by or even visible to its users. These inherent tensions and conflicts can become more acute in relation to POPS where more intensive or restrictive management and security regimes tend to operate, fuelling concerns over 'privatisation' and 'commercialisation'.

Since 2000, successive mayors of London have sought to set out baseline principles for public realm – covering both privately and publicly-owned spaces from streets to parklands. The 2004 London Plan stipulated that:

- "*The Mayor will, and boroughs should, work to ensure the public realm is accessible, usable for all (...).*" (Policy 4B.4)
- "*Developments should address the needs of London's diverse population, ensuring that some groups are not disadvantaged by the provision of social infrastructure.*" (Policy 3A.14)
- "*London Government should make sure that developments can be used easily by as many people as possible without undue effort, separation, or special treatment.*" (Policy 4B.5)

The current London Plan (adopted in 2016) expands on these principles and makes specific reference to POPS:

- "*London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.*" (Policy 7.5)
- "*Managed public spaces in new development should offer the highest level of public access.*" (7.16)
- "*There should be a clear indication of whether a space is private, semi-public or public.*" (Policy 7.3)

The new draft London Plan (2017) makes more specific references to what should and should not be the subject of site-specific rules, and commits to setting out a new Public London Charter of rights and responsibilities:

- "*Whether publicly or privately owned, public realm should be open, free to use and offer the highest level of public access. These spaces should only have rules restricting the behaviour of the public that are considered essential for safe management of the space.*" (London Plan 3.7.9)
- "*The Mayor will develop a 'Public London Charter' which will set out the rights and responsibilities for the users, owners and managers of public spaces irrespective of land ownership. The rules and restrictions on public access and behaviour covering all new or redeveloped public space and its management should be in accordance with the Public London Charter, and this requirement should be secured through legal agreement or planning condition.*" (London Plan 3.7.9)

The mayors of London have also taken an active approach to enhancing London's public spaces. Under Ken Livingstone, the 100 Public Spaces programme oversaw design and investment work for projects across London. Further projects were implemented under Boris Johnson's London's Great Outdoors programme, alongside campaigns and guidance documents such as the Mayor's Design Advisory Group's Public London.<sup>1</sup> Sadiq Khan has made public space central to his Good Growth by Design, healthy streets and night-time economy initiatives, as well as asserting its importance to his broader objective of creating a 'City for All Londoners'.<sup>2</sup>

This report has been prepared for the Greater London Authority by Centre for London as part of the Good Growth by Design programme, in order to review relevant research on, current management arrangements for, and usage of public spaces. It focuses primarily on management issues, though design – and the brief given to designers – also plays an important role in enabling, encouraging and constraining specific uses. The report is intended to inform the development of the Public London Charter, which we expect to apply to new public spaces created through the planning system, though managers

of existing public spaces, and managers of private spaces open to the public could also sign up to the Charter, thus contributing to the Mayor's ambition for "an open and accessible network of wonderful, well-designed and functional spaces".<sup>3</sup>

## Context

We tend to define public space not by whether it is owned by the public sector, but rather by the ability of the public to use and enjoy it. As such we value public space that is welcoming, safe and enjoyable for everyone – spaces that can be used by many people for a diversity of activities and purposes, without barriers to access. These are values promoted in successive mayoral policies as set out in the introduction.

But ensuring these principles are respected in the design and the management of public spaces requires consideration of the complexities of land ownership in London, and of the objectives and desires of different users, landowners, and neighbours. Many of the spaces that we regard as public are not owned and managed by the public sector – but by a variety of organisations that range from public bodies to private corporations, and from charities to community groups. Still, we expect them all to be ‘public’.

Whether ownership affects the quality and the management of public spaces has been the subject of controversy. The politics of land ownership and access are fraught, evoking folk-memories of the seizure and enclosure of common land over the centuries. For some commentators, the ownership and management of public space by private interests is simply, and essentially, wrong – an undesirable form of privatisation and alienation of public assets.

However, in many cases privately-owned public spaces (POPS) do not represent the privatisation of a public asset, but rather the opening to the public of what was once private and inaccessible. There are exceptions – for example small nature reserves or areas of wild space that are incorporated into new developments – but most POPS result in a net gain of publicly accessible space.<sup>4</sup>

Public sector capacity to deliver and maintain new public spaces has also been limited by austerity. Spending by London boroughs has been focused more and more closely on core statutory services such as social care, with a result that non-statutory services have been tightest squeezed. Revenue spending on open spaces fell by a third in real terms between 2010 and 2018.<sup>5</sup>

Moreover, spaces managed by public sector landlords are not entirely unregulated. The use of publicly-owned spaces can be restricted through the use of bylaws. For instance, the Greater London Authority’s byelaws require that protests on Parliament Square and Trafalgar Square seek prior approval.

More mainstream controversies are those relating to regulation of space, accountability, and resourcing. The regulation of space is the most high-profile

issue, focusing on the intense way in which some public spaces are policed, with security guards stepping in to stop people taking photographs, riding bicycles or even – as we discovered during the course of this research – undertaking surveys. A second area of concern is the transparency and accountability of management and regulation, with rules set in secret and often not published, and the responsibility for the space left ambiguous. Finally, there are concerns about the resourcing and management of public space, with growing criticism of increased commercialisation in order to meet maintenance costs at a time of tight budgets.

Given these controversies, and the profusion of different models of ownership, regulation and management, this report looks at how a sample of different public spaces operate in practice, how welcoming and inclusive they are, who uses them and what these users think of them, how rules affect use, how these rules are set and how they balance different interests, and how management and stewardship is resourced. Based on this evidence and previous research, the report then makes recommendations to inform the development of the Public London Charter.

**Chapter one** compares how spaces are used and being perceived, with the way they are regulated and policed.

**Chapter two** looks at the processes behind the design and management of our public space, the transparency of regulations, and ways of securing public accountability and oversight.

**Chapter three** considers the extent to which commercial uses are compatible with the ethos of public space.

**Chapter four** summarises conclusions and outlines next steps in the development of the Public London Charter.

**Chapter five** offers detailed evidence from case studies.

# Methodology

Fieldwork was essential to gather an understanding of how London's recently developed or improved public spaces operate in practice.

Of course there is a great variety of public spaces in London, which ten case studies cannot fully capture. But our aim was to select spaces reflective of London's recent public spaces, according to criteria such as location, size, and ownership.

Across the case study spaces, we:

- conducted desk research, going through the plans and commitments made for the site before development;
- visited the space and observed its layout, and its users, using a recognised assessment methodology for public spaces.<sup>6</sup> We spent between four and five hours on each site, at two different times of day and week;
- conducted "intercept surveys" with users, focusing on their perceptions and feelings in the space.

We included questions on demographics and income, and used these responses to broaden our sample in each space. We surveyed 170 users in total, aged 8 to 77.

The views of landowners and space managers, who have first-hand knowledge of "their" public spaces, were also core to the project. To understand their approach to design, maintenance and management, we conducted semi-structured interviews with the organisation(s) responsible for managing the spaces – either the landowner and/or the estate manager and/or the local authority. In total we conducted 15 interviews.

Finally, we reviewed the planning permissions for the case study spaces, to see how they mapped onto the space as we could observe it.

These surveys, alongside periods of observation and interviews, enable us to paint a portrait of each space and draw high level implications for London's recent public spaces, though it is beyond the scope of this study to provide a full assessment of each space.

## Case studies of ten London public spaces

	<b>Profile</b>	<b>Ownership</b>	<b>Regulation</b>	<b>Management</b>	<b>Location</b>
<b>The Park</b>	Neighbourhood	Private	Private + public oversight	Private	Central / Inner London
<b>Perkyn Park</b>	Neighbourhood	Private	Private + public oversight	Private	Outer London
<b>Westfield Square</b>	Metropolitan	Private	Private + public oversight	Private	Inner London
<b>Granary Square</b>	Metropolitan	Private	Private + public oversight	Private	Central / Inner London
<b>Crossrail Place Roof Garden</b>	Metropolitan	Private	Private + public oversight	Private	Central London
<b>Ealing Town Square</b>	Town Centre	Private	Public	Private	Outer London
<b>Paternoster Square</b>	Metropolitan	Private	Public	Public + Private	Central London
<b>Kingston Ancient Market</b>	Town Centre	Public	Public	Business Improvement District	Outer London
<b>Windrush Square</b>	Town Centre	Public	Public	Public	Inner London
<b>Gillett Square</b>	Town Centre	Public	Public	Public + Community Interest Company	Inner London

**The Park, Elephant & Castle**



**Town Square, Ealing Broadway**



**Perkyn Park, Tottenham Hale**



**Paternoster Square, St Paul's**



**Westfield Square, White City**



**Kingston Ancient Market, Kingston**



**Granary Square, King Cross**



**Windrush Square, Brixton**



**Crossrail Place Roof Garden, Canary Wharf**



**Gillett Square, Dalston**



## **1. Access, regulation and enforcement**



Perkin Park, Tottenham Hale

## 1. Access, regulation and enforcement

This section assesses overall levels of access to our case study spaces, summarises users' perceptions, and the extent to which regulations and their enforcement have an impact on how spaces were used.

### Access

The ten recent public spaces we studied offered high levels of access overall. Squares in particular – Gillett, Granary, Windrush, Paternoster, Westfield, Perkyn, and Kingston Ancient Market – are not gated and are open 24/7, except the Town Square in Ealing, which closes overnight but its opening hours are longer than those of the shops fronting it. The Park at Elephant and Castle and Crossrail Place Roof Garden are gated and closed at night.

This good record on access is significant given that at least two of these spaces – Perkyn Park and Westfield Square – were private and inaccessible prior to development. Crossrail Place was built in compensation of the leisure opportunities lost from building in the North Dock.

One park (The Park at Elephant and Castle) was closed over a bank holiday weekend, and it shut at 7:15pm instead

of stated 9pm on a summer weekday we visited. No reason was stated, and we were told that this was on the request of the landowner.

### User perceptions

The majority of users we interviewed felt positive about the newly built and renovated public spaces we studied. The large majority of users told us they felt "safe", "welcome", and that the spaces were "well looked after". This also came out in their own words describing the spaces – with most people painting a positive description of the space.

Of course, this survey gathers views of people who are either crossing the space or staying in it, and will not reflect views of people who do not use it. To that extent the sample is self-selecting. We also asked about users' perceptions and feelings about the space as it is, rather than their preferences and suggestions – it may be that some would prefer the space to be different. But this exercise, summarised in Tables 1 to 4, does suggest that those users we surveyed do enjoy the spaces as currently built and maintained.

● = 1 survey respondent

**Table 1: Overall rating**

#### How positive do you feel about this space?

	Very negative	Somewhat negative	Neutral	Somewhat positive	Very positive	Yes	No
The Park		●●●	●●●	●●●●●●●	●●●●●●●●		
Perkyn Park		●●●	●	●●●●●●●	●●●●●●●●	●	
Westfield Square	●		●●●●	●●●●●●●	●●●●●●●●		
Granary Square		●●●	●●●●●	●●●●●●●	●●●●●●●●		
Crossrail Place Roof Garden		●	●●●●●	●●●●●●●	●●●●●●●●	●●	
Ealing Town Square		●●	●●	●●●●●●●	●●●●●●●●	●	
Paternoster Square		●	●●●●	●●●●●●●	●●●●●●●●		
Kingston Ancient Market		●●●	●●●●●●●	●●●●●●●●	●●●●●●●●●	●●	
Windrush Square		●●●●	●●●●	●●●●●●●	●●●●●●●●		
Gillett Square		●	●●●●	●●●●●●●	●●●●●●●●	●●●●●●●●	

**Table 2: Maintenance**

#### Do you think this space is well looked after?

**Table 3: Safety**

#### How safe do you feel here?

	Very unsafe	Quite unsafe	Neither safe nor unsafe	Quite safe	Very safe	
The Park		●	●●	●●●●	●●●●●●●	green, spacious, child-friendly
Perkyn Park			●●●	●●●●●	●●●●●●●	green, playful, safe
Westfield Square	●			●●	●●●●●●●●	clean, open, calm
Granary Square				●●●	●●●●●●●●	relaxing, open, interesting
Crossrail Place Roof Garden				●	●●●●●●●●	peaceful, green, relaxing
Ealing Town Square	●●	●●	●●●●●●●	●●●●●●●●	●●●●●●●●	clean, nice, comfortable
Paternoster Square	●	●●●●		●●	●●●●●●●●	clean, busy, pretty
Kingston Ancient Market		●●●●	●●●●●●●●	●	●●●●●●●●●	historic, pretty, clean
Windrush Square		●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	busy, welcoming, open
Gillett Square		●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●●	easy-going, multi-cultural, fun

## Regulation and use

The “bulk” analysis of user perceptions shows some surprising commonalities between our ten case study spaces – especially given the range of scales, contexts, and ownership and management models.

But we noted some differences in how spaces are regulated. The managers of some public spaces take a less permissive approach to use of space – for instance more actively enforcing laws banning drug consumption, begging and rough sleeping. This was not only about stricter enforcement of the law of the land. Some public spaces went beyond this, prohibiting smoking, street drinking, and requiring prior authorisation to survey users or for commercial photography. One public space manager mentioned that he asks visitors that they behave decently in the public space “like in any shopping centre”.

Overall our sample found that the most regulated spaces were those owned and managed by commercial landowners, one of whom took very stringent approaches to ‘misbehaviour’:

*“I can't stop a member of the public from walking through here [public right of way], all I can do is ensure that they behave in a certain manner to earn the right to walk through here. That's the subtle difference. In reality if it ever*

*gets to that point, if you're asking someone to leave somewhere because they're misbehaving you'll never get to the point of questioning whether this is public or private property, they're just misbehaving so please go.”*

**Manager, commercial landowner**

That said, spaces managed by public sector landlords are not entirely unregulated. As Carmona (2014) observes, the use of publicly-owned spaces can be restricted through the use of bylaws.<sup>7</sup>

In general, restrictions did not seem to be reducing activity overall, nor the number of different uses taking place, partly because those more “restrictive” spaces also had features attracting use – food stalls, exhibition, play space, tables, deck chairs or a performance stage.

Restrictions did not visibly reduce the diversity of users either. We did not find that privately-owned spaces were less diverse in terms of age, income, or ethnic background. The diversity of users we observed was reflective of the make-up of the immediate neighbourhood: Central St Martins fronts Granary Square, meaning the space is heavily used by students. It is also popular with local workers at lunchtime. Perkyn Park in Tottenham and The Park at Elephant and Castle are residential and were used by the kids, teens and young adults from the neighbourhood.

However, restrictions on behaviour in public space can also inadvertently target groups of users who are more likely to take part in banned or restricted activities, including vulnerable people such as street drinkers and rough sleepers with mental health problems.

On top of these space-specific restrictions, the Anti-Social Behaviour, Crime and Policing Act 2014 also gave the police dispersal orders to prevent anti-social behaviour. A group of young people reported having been “dispersed” by police officers in Perkyn Park:

*“We've been stopped for chilling! Police stopped and searched us, and said you have to leave. They didn't even find anything.”*

**Users in Perkyn Park**

The Charter cannot influence the use of dispersal orders, which are governed by national legislation, but some of the restrictions introduced on public spaces could be seen as incompatible with policy D7 Public Realm in the new London Plan, which states that public spaces “should only have rules restricting the behaviour of the public that are considered essential for safe management of the space”.<sup>8</sup> This concurs with previous research conducted by Matthew Carmona of UCL, who found an issue of “needless petty restrictions” across some of London’s public spaces – both publicly and privately owned.<sup>9</sup> While there are restrictions that are reasonable – many landowners (particularly of smaller urban spaces) would also seek to ban or restrict the use of campfires and barbecues – others seem more capricious, and potentially discriminatory against different groups of Londoners.

Permitting regulation for “safe management” (the first bulletpoint under Recommendation 1) recognises that some public spaces – regardless of ownership – may require more restrictive rules. For instance, highly popular public spaces may need tighter regulation at peak times, to diffuse potential conflict, a point made strongly by one landowner:

*“The restrictive part of the rules comes from the space being so crowded. We have 30,000 people a day on busy days. (...) We've had gatherings for stag parties and these can be nuisances, and after the development is completed, residents will be even closer by.”*

**Not-for-profit landowner**

Another example of potential “special treatment” is for spaces adjacent to a construction site – as is often the case with interim public spaces – these may also need tighter regulations to protect the construction site.

Focusing on the protection of rights (the second bulletpoint under Recommendation 1) suggests that the activities currently restricted in some of London’s public spaces would be allowed, unless they are causing a nuisance to the general public – and in this we echo Matthew Carmona’s research findings.<sup>10</sup> For instance, condition 2 means that drinking alcohol, skating, ball games, peaceful protest, collecting signatures, cycling, taking photographs, larger gatherings, performances, begging, and rough sleeping should be allowed as a default position in public spaces, regardless of their ownership. On rough sleeping, this would be in line with 2017 Home Office guidance stating that local authorities cannot issue orders banning rough sleeping.<sup>11</sup>

**Table 5: Examples of regulations (non-exhaustive)**

	<b>Posted (on-line or on-site)</b>	<b>Observed/Mentioned in surveys or interviews</b>
<b>The Park</b>	No glass bottles, alcohol to be consumed in moderation, group size limited at 20 people	
<b>Perkyn Park</b>	No ball games	No BBQs
<b>Westfield Square</b>	None available	Surveys and commercial photography with permit only
<b>Granary Square</b>	Commercial photography with permit only	No rough sleeping
<b>Crossrail Place Roof Garden</b>	No smoking, no drinking alcohol	Commercial photography with permit only
<b>Ealing Town Square</b>	No smoking	No taking tops off, no taking photographs and no surveys.
<b>Paternoster Square</b>	No skateboarding, no busking	No drinking alcohol, surveys and commercial photography with permit only
<b>Kingston Ancient Market</b>	No drinking alcohol if asked to stop	
<b>Windrush Square</b>	No drinking alcohol if asked to stop	No skateboarding
<b>Gillet Square</b>	No drinking alcohol if asked to stop, no skateboarding after 22:00	No skateboarding

## 1.

**Recommendation:** The Public London Charter should set out a presumption that public spaces must be open, permissive and welcoming to all. Consequently, public spaces should only have rules restricting the behaviour of the public that are considered essential for:

- the safe management of the space;
- protecting citizens' rights to use the space as they wish without causing a nuisance to others.

## 2.

**Recommendation:** Landowners should ensure that enforcement is considerate and reasonable, and create opportunities for informal stewardship of public spaces, to support safe and enjoyable use for all citizens.

### Case study: Setting of city-wide rules for some types of public spaces - the New York City model

Through its zoning code, New York City has introduced city-wide requirements for public spaces in private ownership. For instance, standards for “public plazas” cover:<sup>12</sup>

- Opening hours: “public plazas” must be open to the public at all times, and landowners must apply for an authorisation in order to close them at night-time, and offer proof that there are “significant operational or safety issues documented”;
- Signage: a standard symbol and mention “open to the public”;
- Amenities that the landowner must provide, such as seating, lighting and a water fountain
- “Rules of conduct”: landowners cannot prohibit behaviors consistent with the normal public use of the public plaza such as lingering, eating, drinking of non-alcoholic beverages or gathering in small groups.”
- Responsibility for maintenance, which falls on the landowner
- Enforcement of the requirements: the burden of proof is placed on the landowner, who must provide the city’s planning department with a compliance report every three years – and breach “may constitute the basis for denial or revocation of a building permit or certificate of occupancy.”

There is scope for New York-style city-wide rules on public space management via the Public London charter, though it is worth noting that most of London’s public spaces, whether in public or private ownership, are more permissive than is implied by the definition of “normal behaviour” set out by the City of New York.

#### Enforcement and use

Enforcement is what gives regulation “teeth”. Like regulation, the intensity of enforcement across our ten case-study public spaces varied enormously, and like regulation, the more heavily policed spaces were those managed by for-profit landowners – either thanks to their ability to dedicate greater resource to policing, or by choice, as is discussed in the next chapters of the report.

To summarise findings – we were told that there is 24/7 security presence (either physical presence or CCTV monitoring) on the estates encompassing Ealing Town Square, Paternoster Square, Granary Square, Crossrail Place Roof Garden. During our observations, security personnel were present in these spaces, as well as in The Park at Elephant and Castle and in Westfield Square. In these cases, a ‘whole estate’ approach to policing was being applied to private property and ‘public space’ in the same way, providing a higher level of service but also running the risk of over-zealous policing. For good and ill, this is very different to the picture in Gillett Square, where we were told that the police and the community safety team come three to four times a week as part of their round.

For some users, visible security presence did heighten feelings of safety:

*“There's so much security here, what could go wrong?”*

User in Westfield Square

On the other hand, users do adapt their behaviour in more or less conscious ways that were out of the scope of this study to measure. We noted that users are strongly aware that they are entering a more policed public space, and often associated visible private security with a ‘private space’. Some users found the presence of security staff intimidating:

*“There are security guards everywhere, I feel safe and unsafe at the same time. It feels like I've done something wrong.”*

User in Granary Square

Another user told us they felt unsure whether they were allowed to enter Crossrail Place, because the first thing they saw upon entering was a security officer.

In Gillett Square, which does not have dedicated security staff, we were told by users and the managers of the space about the degree of self-management in the space:

*“It's a communal space where everyone looks after each other.”*

User in Gillett Square

*“We [the users] manage the space here, we police it because it's ours, so we have to take care of it.”*

User in Gillett Square

We also observed how skateboarders managed to negotiate their use of the square in parallel to a children’s pop up playground, by ceasing skating when the moveable play equipment was set up for children to use.

Understandably, in those spaces where there is a less dominant security presence, users and neighbours have to resolve some conflicts of interest themselves, with dense and complex networks forming between maintenance staff, local businesses and residents co-producing natural surveillance:

*“We allow informal use of the space in front of their pods by stall holders, regarding this (...) as a means of informal surveillance, through increasing the number of 'eyes on the street'.”*

Non-profit landowner, Gillett Square

There is no doubt that finding the right balance in ensuring safety in public spaces is no mean feat. But we have observed a trend for landowners to automatically resort to private security staff – a move that local authorities focused on providing safe public spaces rarely question, and sometimes encourage, even if their resource constraints mean that their own spaces are much less heavily policed. As a consequence, the balance has swayed towards over-policing in some spaces. One landowner we interviewed told us that successful public spaces don’t need to rely on a permanent security presence:

*“Here we have local workers having their lunch, the odd resident amongst the flow of tourists... it is subtle to enforce. You need to soften the edges of it and balance interests, rather than a black and white enforcement of (often) badly written S106 agreements. (...) It is important to soften the security set up. I don't know why [private landowner] have security officers dressed like policemen.”*

Not-for-profit landowner

## **2. Accountability, oversight and transparency**



## 2. Accountability, oversight and transparency

In the previous section we noted cases of over-regulation and over-policing of public spaces. Whilst the Public London Charter can limit the restrictions placed on use of public spaces, and recommend more informal supervision, there is a deeper issue – the processes by which our new public spaces and their regulations are produced, and the accountability and transparency of those processes. In this section, we look at public accountability, user oversight and the transparency of regulations and management regimes.

### Lack of public accountability

There are several legal frameworks available to local authorities seeking to create a new public space, with varying degrees of oversight given to the local authority.

#### Public space

##### 1. Adoption by the local authority, under Section 38 of the Highways Act 1980

- The road becomes a public highway.
- The local authority sets any rules, and manages the space directly or indirectly, by setting out maintenance contract requirements and monitoring them.
- Members of the public have a right of access (the landowner cannot deny entry) in perpetuity (adoption is difficult to reverse).
- Adoption also includes space “from the centre of the earth up to the heavens”.

##### 2. Creation of a “walkway/footpath” under Section 35 of the Highways Act 1980.

- The local authority agrees or declares the creation of a public right of way on private land.
- The local authority sets any rules. The management can be performed by the local authority, the landowner, or both. If performed by the landowner, the local authority can specify standards, and notify the landowner of any breach and charge for any intervention if the landowner fails to take action.
- Members of the public have a right of access, which can be preserved in any future development.

- Contrary to adoption, rights of way generally don't include the space above and below the footway.

##### 3. Agreement under Section 106 of Town and Country Planning Act 1990

- The local authority and the landowner agree that some of the private land in the new development should be used for public benefit, e.g. public realm or a community space.
- The local authority agrees with the landowner any rules or principles for rule-setting. Once set, these are not meant to be revised. The landowner may make any rules or code of conduct that fit with the principles in the agreement (though these principles are not always set out).
- S106 agreements may allow for a space to be shut occasionally (typically one day a year), to prevent a right of access by prescription.

#### Private space

- Some spaces are open to the public and may “feel” public, yet the public does not have a right to enter. The landowner gives the public permission to enter, but there is no requirement for them do so. Access is allowed on a contractual basis, and can be revoked at any time.
- The landowner sets any rules, and sets its own standards for management.

Many of London’s new public spaces are delivered through a contractual agreement between the developer and the local planning authority, as part of the development’s contribution to the public good.

Amongst our case studies, we found that local authorities are often prescriptive on design – for instance they must give their seal of approval on any landscaping, public art or temporary structures. But on management, local authorities are often less engaged: we noticed little negotiation on management plans submitted by developers. From rule-setting and enforcement to curation and enlivenment, in most cases there was much less public oversight.

**Table 6.1: Common legal frameworks for new spaces open to the public**

	Public space	Public space	Public space	Private space
Legal framework	Adoption by the local authority, under Section 38 of the Highways Act 1980	Creation of a “walkway/footpath” under Section 35 of the Highways Act 1980	Agreement under Section 106 of Town and Country Planning Act 1990	Contractual access
Rule-setting	Local authority	Local authority	Negotiation between local authority and landowner	Landowner
Management	Local authority sets standards	Local authority sets standards	Negotiation between local authority and landowner	Landowner
Funding	Local authority, with possible contribution from neighbouring landowners	Local authority or landowner, or both	Negotiation between local authority and landowner	Landowner
Quality of public access	Right of access	Right of access	Permission to access	Permission to access
Example	Celebration Avenue, Newham (built by the London Legacy Development Corporation) <sup>13</sup>	Paternoster Square, City of London Corporation <sup>14</sup>	Crossrail Place Roof Garden, London Borough of Tower Hamlets <sup>15</sup>	Broadgate Estate, City of London Corporation <sup>16</sup>

This is perhaps due to a lack of guidance on good public space management – while a lack of resource also makes the enforcement of obligations difficult for local authorities, so that the original vision and commitments can be diluted further down the line.<sup>17</sup>

One exception is Paternoster Square, which shows the legal importance of guaranteeing a public right of way. The Square was to become a designated ‘City Walkway’ (a public right of way, subject to the City of London’s byelaws) from the outset – but was delayed by disagreements with the developer. This issue came into focus in 2011 when the Occupy London movement had to leave Paternoster Square, after the land owners obtained a court injunction banning the protesters and temporarily closing the space to the public.<sup>18</sup> In 2014, Oxford Properties Group made the case “that a city walkway declaration may cause difficulties for how Paternoster Square Management Ltd (PSML) manages the estate”.<sup>19</sup> They therefore requested amendments to be made to the designation, including: “The ability for PSML to enforce breaches of City byelaws [or other offences], such as ball games, busking, begging and rough sleeping, as they happen rather than relying on the police to respond” and “The ability for PSML to restrict activities that [may] cause a nuisance to occupiers and other users [of the estate] such as street fundraising, filming and distribution of flyers and other solicitations”.<sup>20</sup> Both requests were rejected by the City

of London Corporation and Paternoster was designated a city walkway in 2018.

As the Paternoster Square example shows, where local authorities own or maintain public space, or it is designated as a public right of way, they have a general power to make byelaws for “good rule and government”, and for the “prevention and suppression of nuisances”.<sup>21</sup> There is a public accountability process for these: to make a byelaw, local authorities must consult the public at large as well as those who would be directly affected, and demonstrate why the byelaw is necessary.<sup>22</sup> Unlike primary legislation, the byelaw can be challenged in the courts once in place - for being “excessive”, “irrational”, or having an “improper purpose”.<sup>23</sup> In practice, however, byelaws take a long time to make and they require Secretary of State approval, perhaps for these reasons they are rarely reviewed or challenged: a recent survey of London boroughs’ byelaws showed most were last updated in the 1970s or 1980s.<sup>24</sup>

Local authorities can also set time-limited codes of conduct, in response to activities that have a “detrimental effect on the quality of life of those in the locality” and are likely to persist, by making public space protection orders (PSPOs, formerly anti-social behaviour orders) under the Antisocial, Crime and Policing Act 2014.<sup>25</sup> There is also a consultation process for these, and they expire after three years.

Therefore, a local authority seeking greater public accountability over the regulation of public space – and certainty over its future use – should pursue legal frameworks that offer the more secure right of access, such as adoption or designation as public rights of way. These are more difficult to revoke than provisions under S106 agreements and give the local authorities the power to oversee regulation and maintenance standards after a public space has been delivered.

## 3.

**Recommendation:** When mandating new public spaces, local authorities should pursue legal agreements that allow them greater oversight of the public space, such as adoption as a public highway or designation as public right of way. Such frameworks would also allow the landowner or developer to make a financial contribution to the space, or to maintain it.

If this is not possible, local authorities should at least make sure that S106 agreements are tightly drafted, to meet the objectives of the Public London Charter.

Another way of securing this outcome would be through primary legislation. In the UK, governments have introduced rights to access private land – also called “right to roam”. In Scotland, the Land Reform (Scotland) Act 2003 introduced a right to access most land for “recreational and other purposes”, including in cities – with the exception of homes and private gardens and commercial properties. Presumably, introducing a Scottish-style “right to roam” in London would retroactively strengthen access to POPS – at least those delivered under a S106 agreement, turning “permission” into “right”. But it would not open up, for example, the garden squares of Belgravia, since these are residential. And it would have to be secured through primary legislation.

### Lack of user oversight

Unlike byelaws or PSPOs, rules set by private landowners for public spaces which are not public rights of way are drawn up without public consultation, and there isn’t a

formal process for revisiting them after the space opens. The lack of consultation when setting public space regulations creates a bias – it is difficult to perceive other users’ perspective, and how regulations might affect them – which means that in regulation and management, the landlord’s ethos prevails.

Our interviews reflected the positive intentions of landowners. Most of the private landowners or estate managers we interviewed said they have taken extra steps to make their public spaces as permissive as possible, and told us they were keen for their public spaces to “feel public”, to be well used and serve the local community. The landowners we interviewed were very strategic and very “hands on”, with security and maintenance staff reporting directly to an estate manager based either on or near the site. Landowners all considered this on-site presence as essential to maintain management standards.

But many private landowners think they are more permissive than they actually are. Two estate managers told us that “There are no rules to enforce”, and that “There are no restrictions put in place for the public – nothing outside a normal shopping centre”. Yet they were referring to public spaces where drinking alcohol, smoking or taking photos with a tripod was prohibited.

Even amongst the best intentioned, there is a natural tendency for landlords to give higher weight to their interests, or simply to shape spaces according to their understanding of user expectations. These can privilege commercial concerns, visual amenity and risk management over freedom of use and enjoyment:

*“Maintenance and security are very important, as well as accessibility.”*

**Commercial landowner**

*“Having a security presence is important for people to feel safe in these spaces – as well as good lighting, CCTV. Our security guards are well trained, and are visible without being oppressive. It’s only recently that we’ve put fluorescent jackets on our security... before security have always been discrete, but I think in this day and age people get a sense of safety and security when seeing guards. From the day we opened it there is a security presence, so if there are people out there on bikes or kids on skateboards, the security guard will go over and have a nice conversation and ask them to not do that, and that’s enforced very strictly because of course health and safety and overall enjoyment.”*

**Commercial landowner**

*“We want the public to have the comfort that they can actually sit here and not be in a threatening environment and be safe that when they see a yellow jacket that it’s good, if I have a problem then I know there’s people around me.”*

**Commercial landowner**

*“How much do we make the public space look like [the rest of the estate]? Do we give them the free wifi? Cleaning and maintenance? It goes back to who we are as retailers, we’re just taking what we do inside and applying it to what we do outside. (...) We didn’t want the place to look like an afterthought – we wanted it to look curated, to look professional so event companies and marketing companies can go in and understand that the space has the same capacity as the O2.”*

**Commercial landowner**

*“We don’t do anything that would attract an audience that is not in keeping with our retailers – at the end of the day our respect is for them who pay for the space. So, it has to work for them.”*

**Commercial landowner**

*“There needs to be a mechanism for meaningful community involvement in the charter. Public consultation is often about paying lip service, and led by profit-making organisations, meaning that decisions are made with profit in mind. Which is good for some sections of community and bad for some. There’s a tension between people who would like space to be clear of street drinkers, and those who think it is a great space in need to preservation. (...) If we were a commercial landlord, there wouldn’t be street drinking.”*

**Not-for-profit landowner**

Academic literature also emphasises the importance of accountability and oversight. In 2017, Magalhaes and Trigo studied the impact of “contracting out” the management of public space on its usage. Looking at nine London public spaces, they found that the transfer of management from public to private and user-based organisations “does not visibly affect the publicness of the space”, though “arrangements seem to privilege the interests of organised groups of local residents, organised or large local businesses and significant local landowners.” The authors therefore recommend that transfers should

include accountability mechanisms, clarity on whose interests the space will serve, on “how other aspirations should be protected”.<sup>26</sup>

There are ways to reinforce the voice of users in the process of managing public spaces -whether public or privately-owned. Jubilee Gardens on the Southbank are managed by a trust with local residents, businesses and landowner representatives on its board. Codes of conduct and their amendment are approved and reviewed by the board – opening up an opportunity to reflect different interests when setting regulations:

*“One example is to have some kind of reference group, a forum/committee that reviews the rules and comments on them.*

*Otherwise you leave it to security people to set the tone – and that’s why you get that tone in some spaces...There needs to be a machinery that allows for everybody’s voice to be heard.”*

**Not-for-profit landowner**

## 4.

**Recommendation:** Public spaces should be managed with the interests of users in mind, and in line with the principles of the Charter. Detailed rules, and any departure from the baseline expectations and standards set out in the Charter, should be subject to consultation, to include resident, local business, user, landowner, manager and local authority interests.

Whilst the Charter sets out the principles for the way public spaces should be regulated and managed, as per Recommendation 1, some rules will need to be tailored on a site by site basis. For instance, a local forum could advise on when certain activities are likely to cause a nuisance – e.g. loud music after hours. Alongside engagement in the planning process, this would create an opportunity for discussion between landowner, users, residents and the local authority after the space has been delivered.

### Transparency

Accountability requires transparency. But in many cases the rules governing public spaces are not written down, let alone

easily available to the public. And when they are available to see, they are often long and indigestible.

Whether spaces are owned and managed by a public or private body, there was no consistency in displaying rules in the case study spaces. Rules to use The Park at Elephant and Castle are listed on the park's website,<sup>27</sup> with a subset listed at the entrance. But this was an exception. Other spaces like Westfield Square and Granary Square did not list their regulations either on-line or on-site. Reasons behind this included not wanting to make the space less inviting by seeming too restrictive. One landowner mentioned the fear of public backlash, if codes of conduct are taken out of context. That said, public byelaws that apply to public spaces can be difficult to find too - we couldn't access the byelaws for Camden or the City of London online, but these are available upon request.

This creates a problem in terms of awareness of what is permitted, clarity about what may attract the attention of security staff, and gives private security a lot of latitude in how rules are enforced, with few possibilities of recourse.

## 5.

**Recommendation:** The Charter should require that any rules governing public spaces are clear and fully available for the public to see online, and easy to find. The Charter should also require that landowners place signage directing users to where they can see any applicable rules.

### **3. Resourcing, events and commercialisation**



Paternoster Square, City of London

### 3. Resourcing, events and commercialisation

Successful public spaces require resources for stewardship, maintenance, community involvement, security or enlivenment. In many cases, commercial activity is being promoted to help meet these costs. This section of the report addresses some of the concerns and issues that have arisen over this growing commercial use of public spaces.

Some of the public spaces we studied – especially those within busy commercial estates – have impressive maintenance routines. We have seen the quasi permanent work of cleaning staff in those public spaces, sweeping dead leaves and cigarette butts, emptying bins, or routinely wiping tables and seats. We have been told about management agreements specifying that any litter dropped should not remain on the floor for more than ten minutes, or the weekly maintenance of planted areas.

*"We take cleaning very seriously – we have our own cleaning regime. We clean every morning and do regular litter pick throughout, as well as deep cleaning, jet washing, and there's the on-site team doing the gardening."*

#### Commercial landowner

In this case, this level of investment is possible through service charges paid by residents and businesses which are used for the upkeep of public spaces. This is undeniably a gain for the general public, but it also sets up a potential tension between a narrow group of funders, and broader group of users.

In many cases the interests of landowners, businesses and visitors align: public space offers an amenity for visitors and passers-by, and brings footfall and business to an area. Some landowners are frank in saying that they are managing public space primarily in the interest of their tenants, while others, such as Canary Wharf Group, organise a programme of events as part of their plan to “reach out to local communities”.

Space managers we spoke to were all concerned that public spaces should be well-used. In our case studies, input from private or third sector landlords meant that spaces had a community and events manager who put in place an events programme: a pop up playground in Gillett Square, deck chairs and outdoor cinema in Paternoster Square, performances in Crossrail Place Roof Garden and Westfield Square – all free of charge.

But a frequent criticism of some public spaces “curated” in this way by the private sector is that they are more “commercialised”, through intrusive branding, through paid-for events or attractions, or through the presence of food and beverage concessions. This happened in several ways across our case studies – it was most obvious in Westfield Square, where the landowner also put the greatest investment into building a fully-equipped stage for events.

The intensity of management and programming can help to maintain the quality of environment, but can also create a certain intensity and commercial focus. The process can be self-reinforcing: the more intense the management regime, the higher the costs associated, and the greater the imperative for commercial activity. Németh and Schmidt’s (2010) research in New York found that: “reliance on the private sector to supply publicly accessible space results in the creation of vibrant but frenetic and highly programmed ‘festival’ spaces...to manipulate and programme the use of, and behaviour within, the space.”<sup>28</sup>

Some user feelings echoed this (though others seemed oblivious to commercial activity):

*"I feel welcome, though I kind of know they just want me to buy something."*

#### User

*"It's better than it was, though the stalls are pretty overpriced now."*

#### User

In some cases, though not current practice in our case study spaces, spaces or parts of them are shut completely for commercial events. For instance, the Sky Garden in the City of London was shut early or completely during public opening hours once or twice weekly in June 2019. And more and more publicly-owned parks are also hosting private events, involving fencing off specific areas, to support maintenance costs at a time of squeezed budgets.<sup>29</sup>

Events can help to promote use of public space, and commercial elements and sponsorship can also help meet running costs, but it is important that these are in line with the ethos of ‘public space’ and do not compromise the principle of accessibility.

## 6.

**Recommendation:** The Public London Charter should welcome events in public spaces, but should ensure that private events do not unreasonably compromise the accessibility and enjoyment of the space for other users.

#### Personal data collection

The issue of personal data collection is one that has risen up the public agenda during the course of this study.

Across our ten public spaces, several landowners mentioned collecting data on users. When they did collect data in public spaces, we were told that it wasn’t personal data (e.g. counting the number of visitors). But several landowners mentioned that they are considering collecting data including online identifiers like IP address or device ID, which give information on browsing history and location among other things, and are considered personal data under the 2018 General Data Protection Regulation.

We were also told that many London landowners are already collecting personal data on the *private areas* of their estate (e.g. inside shopping centres). We found that some landowners collect biometric data on the *private areas* of their estate, using facial recognition technology that enables the analysis of photographic images to store details of individuals’ distinct facial characteristics. For example, British Land give notice to users entering their Broadgate Estate that they “operate facial recognition technology for the purposes of public safety, crime prevention and prosecution”. Broadgate is a fully private estate, without a designated public space, and we did not encounter any privacy notices relating to the use of facial recognition technology across our 10 public space case studies.

However, it has since emerged that facial recognition technology had been used between 2015 and 2018 on King’s boulevard on the King’s Cross Estate, a street that is privately-owned but designated as public right of way.<sup>30</sup>

Whilst data collection can be beneficial in some ways – to better understand how people use the space, or to raise revenue for public space maintenance – additional resource will be required to ensure that data harvesting techniques in public spaces preserve users’ anonymity, the safety of data collected, and that users can opt out.

But the collection of biometric data in public spaces, and cross-checking this data against other datasets like police records, raises concerns about anonymity and opting out. How can the collection of biometric data preserve anonymity when its primary use is identification? Does “opting out” mean giving up access to public spaces?

At the time of writing, several cities in the US have banned the use of facial recognition by city agencies.<sup>31</sup> UK laws specify that the use of facial recognition technology must be appropriate and proportionate. As a response to reports<sup>32</sup> that King’s Cross Estate management is using facial recognition technology, the Information Commissioner’s Office reminded that “organisations wishing to automatically capture and use images of individuals going about their business in public spaces need to provide clear evidence to demonstrate it is strictly necessary and proportionate for the circumstances, and that there is a legal basis for that use.”<sup>33</sup> Civil rights group Liberty argue that new legislation is needed to clarify (and restrict) the legal basis for collecting and using biometric data.<sup>34</sup> While this is a matter for primary legislation, the Public London Charter is an opportunity to lay down the principles of data collection in London’s public spaces.

## 4. Conclusion



Granary Square, Camden

## 4. Conclusion

London's mayors have all championed public space as civic space, the places where London's citizens and communities meet and mingle. They have sought to ensure that new development contributes to its environs and communities by creating new public space. And in efforts to promote walking and cycling, they have promoted the conversion of road spaces into pedestrianised public realm – as play streets, wider sidewalks or parklets.

But while there are guidelines and tools for the design of public space – from design reviews to landscaping plans approved by local authorities in advance of construction, much of how our public spaces operate is about management: rules or codes of conduct, maintenance and surveillance arrangements, curation and events. In this, practice is more patchy – and dependent on landowners' resources, ethos and attitude. But it is also ambiguous: complex land ownership, and little prescription or follow up in local plans can lead to a lack of clarity as to how spaces are managed once they have gone through the planning system.

This work surveys recent practice across a variety of London public spaces and gauges landowner intentions and user perceptions. From this body of evidence we make the following recommendations:

### Access, regulation and enforcement

#### 1.

**Recommendation:** The Public London Charter should set out a presumption that public spaces must be open, permissive and welcoming to all. Consequently, public spaces should only have rules restricting the behaviour of the public that are considered essential for:

- the safe management of the space;
- protecting citizens' rights to use the space as they wish without causing a nuisance to others.

#### 2.

**Recommendation:** Landowners should ensure that enforcement is considerate and reasonable, and create opportunities for informal stewardship of public spaces, to support safe and enjoyable use for all citizens.

### Accountability, oversight and transparency

#### 3.

**Recommendation:** When mandating new public spaces, local authorities should pursue legal agreements that allow them greater oversight of the public space, such as adoption as a public highway or designation as public right of way. Such frameworks would also allow the landowner or developer to make a financial contribution to the space, or to maintain it.

If this is not possible, local authorities should at least make sure that S106 agreements are tightly drafted, to meet the objectives of the Public London Charter.

#### 4.

**Recommendation:** Public spaces should be managed with the interests of users in mind, and in line with the principles of the Charter. Detailed rules, and any departure from the baseline expectations and standards set out in the Charter, should be subject to consultation, to include resident, local business, user, landowner, manager and local authority interests.

#### 5.

**Recommendation:** The Charter should require that any rules governing public spaces are clear and fully available for the public to see online, and easy to find. The Charter should also require that landowners place signage directing users to where they can see any applicable rules.

### Resourcing, events and commercialisation

#### 6.

**Recommendation:** The Public London Charter should welcome events in public spaces, but should ensure that private events do not unreasonably compromise the accessibility and enjoyment of the space for other users.

### Implementing the Charter

While we understand that resources are very constrained in local authority planning departments, monitoring of compliance with the Charter will be necessary to secure public confidence in it.

We recommend that the Mayor considers how to ensure that the Charter is enforced, including through use of Supplementary Planning Guidance. The Mayor should also use their convening power to promote the Charter for existing public spaces, and for all "public-feeling" spaces - spaces that are not public but are open to the public and "feel public" to most users.

### Next steps

This study focuses specifically on the management of recently developed or renovated public spaces. More work is underway as part of the Mayor's Good Growth by Design inquiry into London's public realm, focusing on design quality,<sup>35</sup> diversity and social integration.

We also envisage that our findings and recommendations will inform discussions with London boroughs, landowners, developers and civic interest groups.

The Charter coincides with a new ambition to develop high quality and inclusive public spaces for London. It is a great opportunity to agree on a set of principles as to how London's public spaces should be managed, while creating new opportunities for local ownership, and for users of public space to have their voice heard.

## 5. Case studies



Town Square, Ealing Broadway



## The Park, Elephant and Castle

**Land ownership:** Lendlease

**Management:** Elephant Park Estate Management Company

**Terms of public access:** The creation of a park and public realm, by agreement under section 106 of the Town and Country Planning Act 1990

**Planning consent:** 2013

**Phase one opening:** 2017

### Plans

The Park is currently in its phase one, and will be twice as large once fully open. According to the S106 agreement when completed, The Park, part of the Elephant and Castle redevelopment scheme, is to sit within a “wider park setting”<sup>1</sup> which will include a playground, a new market square and adjacent walkways.<sup>2</sup>

### Vision

Prior to the redevelopment, Elephant Park was a public park designed as part of Southwark council’s unitary development

plan.<sup>3</sup> The aim of The Park is “to provide a green space for new and existing communities.<sup>4</sup> The S106 agreement states that “the proposed redevelopment seeks to retain the trees considered to be of greatest contribution to amenity, whilst also providing new green infrastructure”,<sup>5</sup> and that the redevelopment will enhance the sense of place with “street and pavement furniture, lighting, water, play features, and other elements”.<sup>6</sup> Once complete, The Park will be a through route for cyclists and pedestrians.

### Layout

The Park consists of lawns and flower beds, and meandering footpaths along the edges. A temporary children’s playground lies at one end. The Park also has a temporary performance space with a stage for “licensed performances only and is not intended to play or climb on”, according to signage. Ideas for community events are submitted to and reviewed by the landowner and community stakeholders, and approved if deliverable; some events are seen as undeliverable because of the nature of the space, e.g. football because the lawn is not flat.<sup>7</sup>

### Rules

The public is to have free and unobstructed access once The Park is completed, in line with other public open spaces in the London Borough of Southwark.<sup>8</sup> In its first phase, The Park is gated and open from 7:30am until dusk (9pm in summer), due to ongoing construction work and safety

concerns. However, we found The Park closed over a bank holiday weekend, it also closed at 7:15pm instead of stated 9pm on a summer weekday we visited.

Rules are clearly visible by the main entrance. Examples of restrictions include “please do not ride your bike on the park”, and “Barbeques or fires are not permitted”. Additional rules are included on the Elephant Park website, such as “no picnics with over 20 people.” Despite the on-site visibility of rules, when talking to users of the space some said they were not aware of or “not paying much attention” to where the rules may be located.

### Management

The Elephant Park Estate Management Company are responsible for managing the open space, footpaths and cycle routes, landscaped areas, and unadopted routes that run through the Elephant Park development.<sup>9</sup> The management company is currently run by Lendlease, and day to day management of the space is outsourced to Savills.<sup>10</sup>

Lendlease sets the guidelines of maintenance and management of the space, saying that “it is important that the park is managed in a way that is congruent with [their] overall vision”.<sup>11</sup> Key to the landowner is for the park to be used by all sections of the community – it would never be the case that security “targets groups of young teenagers and moves them along because they are groups of teenagers”.<sup>12</sup>

Security and maintenance teams patrolled the park during our visit and one user mentioned that they are “very chilled, non-confrontational, they just remind you of the rules”. 24 hour CCTV is also present. During our second site visit, undercover police officers approached a young person in the park and proceeded to ‘stop and search’ him.

### Users

**Peak time usage:** Roughly 20 people using The Park over 2 hours. The space use will likely increase once phase 2 of the development is completed in 2020.

**Diversity of activities:** A few of the users we spoke to said they visited The Park as a pit stop to other destinations. Toddlers played in the children’s playground supervised by their parents, there were also young teenagers playing. Other activities include drinking, smoking, listening to music and photography.

**Diversity of users:** The majority of users were local and from the Latin American community who live in the area.

Within this group were young teenagers who mainly knew each other, although did not gather as a big group. There were also families new to the area using The Park for the first time, and employees in the local area.

*“I know them all, there’s a really big Latino community here.”*

User

*“I’m from Colombia and there’s a community here and when I was younger, I used to come to the area to play, so now I’m here with my kids.”*

User

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance

- ● ● ● ● ● ● ● ● ●

#### Welcoming

- ● ● ● ● ● ● ● ● ● ○

#### Safety

- ● ● ● ● ● ● ● ● ● ○

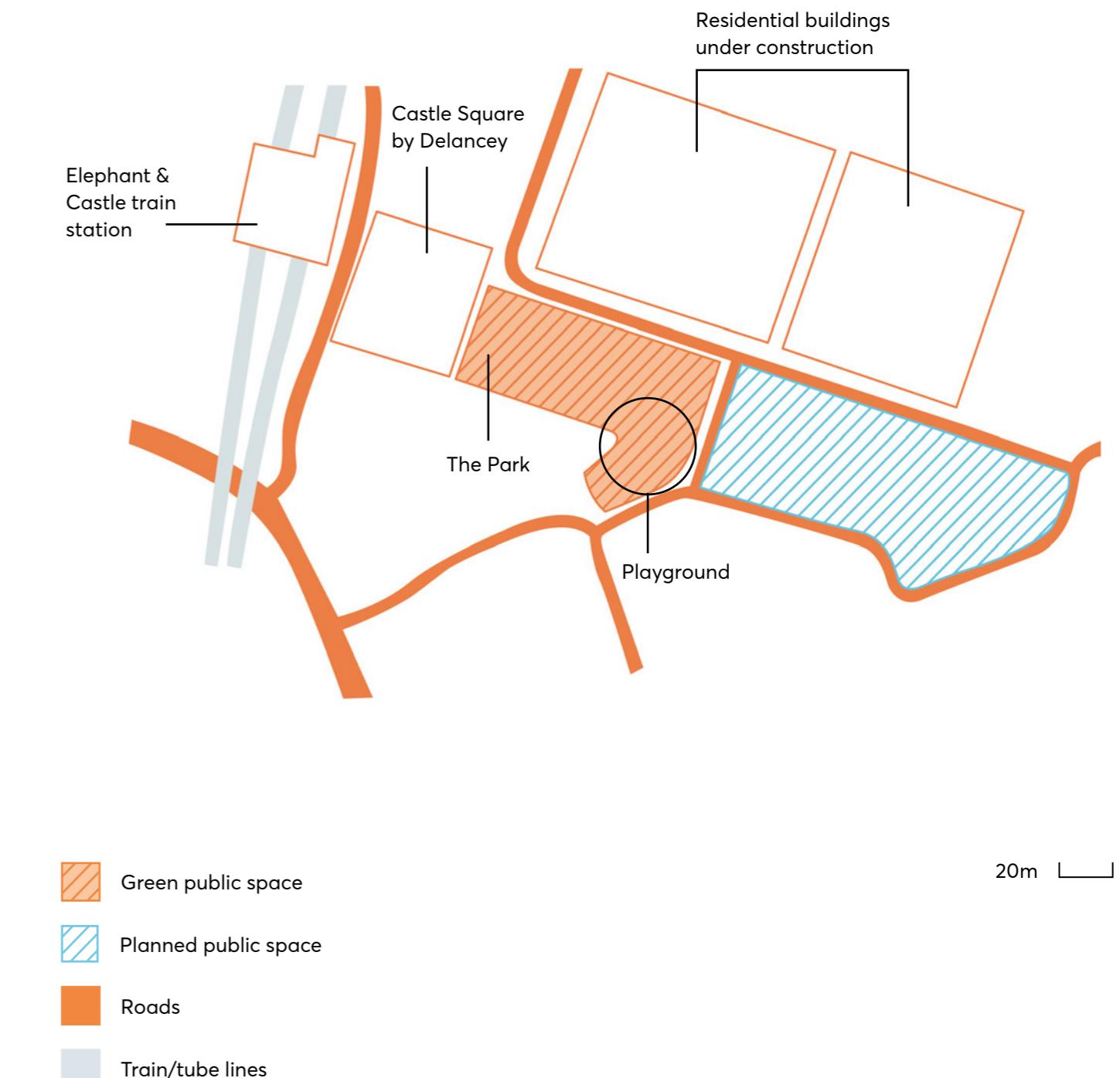
#### Most common words to describe the space:

**Green, spacious, child-friendly**

A lot of the users visited at least weekly. Half of users we spoke to thought the park was privately owned. 11 out of 14 users reported feeling safe in the space because they know the area quite well, the space has good lighting, and is very open and close to the street.

Many praised its child-friendly nature however two mothers were disappointed by the play area, mentioning that it was “not very well planned out” as children could injure themselves on the high structures. Another user praised the mature trees.

## The Park, Elephant and Castle







## Westfield Square, White City

**Land ownership:** Unibail Rodamco Westfield (URW)

**Management:** Unibail Rodamco Westfield (URW)

**Terms of public access:** Agreement under Section 106 of Town and Country Planning Act 1990

**Planning consent:** 2014

**Opening:** 2018

### Plans

Unibail Rodamco Westfield (URW) and the London Borough of Hammersmith and Fulham have agreed to the creation of an interim public space, until future public spaces in the area are delivered.<sup>1</sup>

According to a parameters report (an accompanying document to the outline planning application for this phase of Westfield London),<sup>2</sup> all parts of the public realm surrounding Westfield shopping centre are to be “accessible to the public at all times”.

### Vision

A significant definer of the quality of the square was URW's choice to retain ownership to happen within their control: “we are a vertically integrated company so we have the benefit of the developer still being around when it's being handed over to the operation team, it's an organic process of how we've created this public space”.<sup>3</sup>

URW see the square as a new asset to Westfield – for shoppers to have a break, but also to organise free events and draw in different publics to the area. This is one of the reasons why they have chosen to keep the management of the space in-house, and invest heavily in its infrastructure, design and activation.

URW wanted the space to work as both a professional event space (with the necessary staging equipment) and for day to day activities, and are particularly keen for the space to be well used all year round.<sup>4</sup> The vision for Westfield Square was influenced by the design and management of other London public spaces such as Granary Square.<sup>5</sup>

The temporary nature of Westfield Square also allows URW to take an experimental approach to this space, testing urban furniture and its layout, types of events, and then making adjustments; “2018 will be our lessons learnt year”.<sup>6</sup>

URW mentioned their work with neighbouring landowners and developers (BBC, Stanhope) to ensure their activities are complementary - “a sum of all the parts makes a great destination”.<sup>7</sup>

### Layout

Westfield Square is located between the northern entrance to Westfield London shopping centre and Wood Lane station. Much of the square is paved aside from a central area with an artificial grass finish surrounded by planting. A stage is located at one end, and is used to hold free events such as music performances. Five moveable picnic tables with parasols and four table tennis tables (the latter owned by a bar) are spread across the space and free to use.

### Rules

The space isn't gated and is accessible at all times. Rules applicable to the square are not visible to the public. Security are on site 24/7 (two guards were present at each visit, either patrolling the square or within eyesight) and rule enforcement is at their discretion. We were stopped for surveying users on one of our visits (but not the other), told that we “required a permit” to continue surveying, and were given one immediately.

### Management

Westfield Square is maintained to the same standard as the rest of the shopping centre.<sup>8</sup> We observed cleaning regimes throughout the day – wiping benches, removing cigarette butts and dead leaves from the astro-turf.

In its first year, URW have organised a Christmas market and an Eid Festival on the square – the latter bringing 100,000 visitors over a weekend.<sup>9</sup>

### Users

*Peak time usage:* On our first visit usage peaked at roughly 23 people using the space after 4pm. On our second visit, around noon on a bank holiday, the space was quiet - there were up to 9 users at any one time.

*Diversity of activities:* Many people used the space as a meeting point, and local workers for their break. The picnic tables, free for anyone to use, were occupied by parents whose children enjoyed playing on the astro-turf, students from the local area to study, and 1 person to read. Some people were playing table tennis.

4 out of 17 users said they interacted with someone they did not come with, 5 out of 17 that they recognised a familiar face.

*Diversity of users:* Highly diverse space in terms of income and ethnic background. Majority of working age, young people and families.

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance



#### Welcoming



#### Safety



Most common words to describe the space:

Clean, open, calm

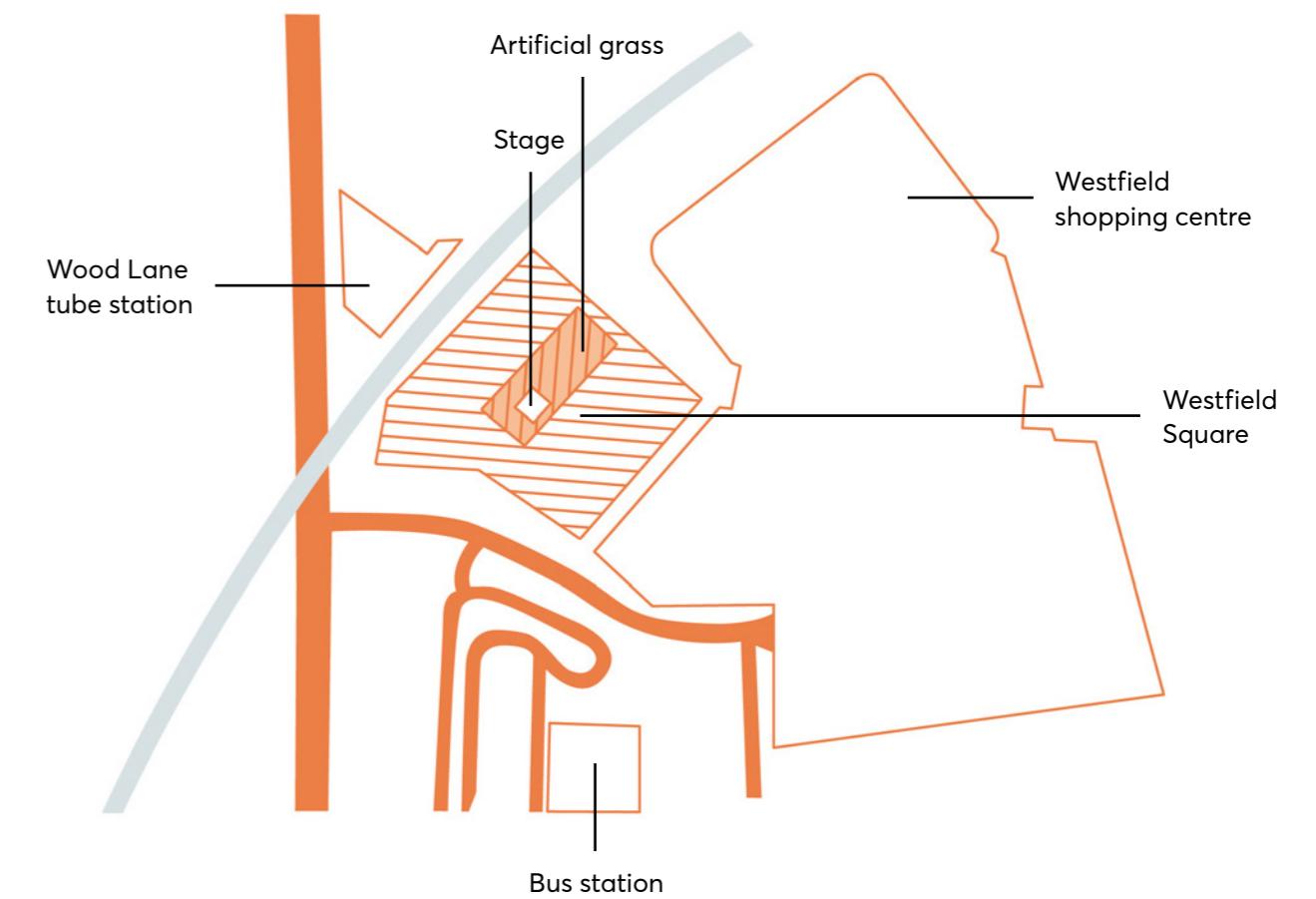
*“With this amount of security nothing can go wrong.”*

User

15 out of 16 of the users we engaged with felt very safe and 14 out of 16 users highlighted that they would bring children here. The common rationale was that this is a family friendly environment and that the presence of the security team makes them feel safe - one user said, “there's so much security here, what could go wrong?” The cleanliness of the space was an aspect that several users cited in our survey, saying that they thought the space was well looked after.

12 out of 16 users correctly identified that Westfield Square was privately owned. 10 of 17 users they would be affected if the space disappeared.

## Westfield Square, White City



Public space

Green public space

Roads

Railway





## Crossrail Place Roof Garden, Canary Wharf

**Land ownership:** Canary Wharf Group

**Management:** Canary Wharf Group

**Terms of public access:** Agreement under Section 106 of Town and Country Planning Act 1990

**Planning consent:** 2009

**Opening:** 2015

### Plans

Since the Crossrail station was going to take up space on Canary Wharf's North Dock, the developer agreed with the local authority to build a "community park" and a "community space" over the station's roof, "to replace the leisure opportunities lost from the dock". The agreement specifies the size of the space, the budget and access from Poplar High Street.<sup>1</sup>

Canary Wharf Group's security management plan, required and approved by the London Borough of Tower Hamlets to "prevent crime and fear of crime"<sup>2</sup> mentions

"no smoking and no consumption of alcohol", and that the park will be "closed in the evening."<sup>3</sup>

### Vision

Canary Wharf Group's aim was to create a space that could be used 365 days a year, would be beautiful from day one, and have very high standards of cleanliness, safety and accessibility to encourage use.<sup>4</sup> Some local residents argued for a performance space during the statutory consultation, and this informed the design of an amphitheatre.

### Layout

The "community park" is a glasshouse-style planted promenade space, with seating along the paths (21 benches). Most seating is facing away from the views of the dock. On either side of the park, paths lead to two restaurants (described in the planning application as "pavilions")<sup>5</sup> that have views over the water, and act as windbreak. The "community space" is an 80-seat amphitheatre, sheltered from the rain and bookable free of charge.

Canary Wharf Group invested in mature trees and nearly 50 different plant species, native to continents that have former trade connections with the docks.

### Rules

The park is open between 6am and 9pm (or sunset if later). The agreement only specifies that security staff enforce a smoking and alcohol ban (there is only a sign for the former) – though alcohol can be bought in both restaurants. As on the rest of the estate, commercial photography requires a licence (no sign).

### Management

Crossrail Roof Garden is managed to the same standard as the rest of the Canary Wharf Estate. Cleaning, gardening and security are part of estate-wide teams and report directly to the Estate Manager. The space was described by one visitor as "immaculate", thanks to daily cleaning and weekly gardening. At the time of our visit, there were two uniformed security officers patrolling the garden. There is also "comprehensive CCTV coverage" and monitoring is undertaken from Canary Wharf's control room, with images "saved for a defined period".

Canary Wharf Group have a dedicated arts and events team, which organises concerts and workshops in the garden (on two dates in May 2019) – all free to attend. During one of our visits, there was a photo exhibition, a piano, and a printer releasing short stories.

### Users

**Peak time usage:** Over the lunch break, we counted between 30-50 people using the space at any one time – totalling several hundred over a two-hour period. Usage will likely increase on the opening of Crossrail.

**Diversity of activities:** Most users were spending time away from the office, walking, or sitting and eating, either by themselves or with small groups. One larger group of five school-aged girls were practising a dance in the amphitheatre, and two people played the piano. Two men were drinking alcohol bought in the restaurant and weren't stopped for doing so.

4 out of 20 users said they interacted with someone they did not come with on the day.

**Diversity of users:** At the time of our visit, most users were of working age, and white. 14 out of 22 users we spoke to worked nearby.

One user told us they felt unsure whether they were allowed to enter, because the first thing they saw upon entering was a security officer.

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance



#### Welcoming



#### Safety



Most common words to describe the space:

**Peaceful, green, relaxing**

**"It's a green oasis."**

**User**

**"It makes a change from the rest of Canary Wharf."**

**User**

21 of 22 users said they felt "quite safe" or "very safe", and most said they would come there after dark or bring children.

**"It's a nice place to bring small children as it's not near any roads and there's no risk of them running off."**

**User**

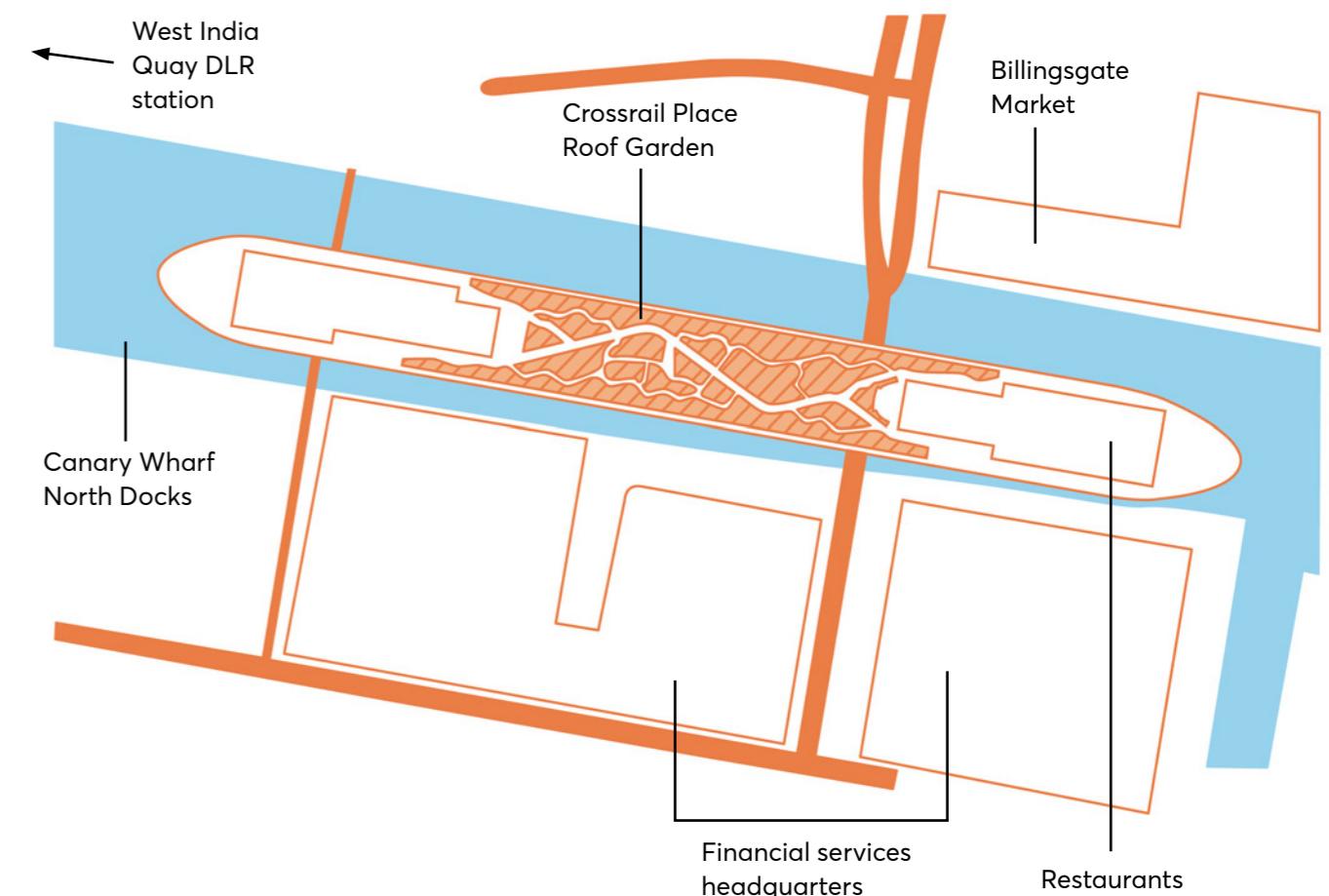
Only 6 in 22 respondents thought it unlikely that their wallet would be returned if they dropped it. Users felt attached to Crossrail Place Roof Garden: 21 of 22 users felt "somewhat positive" or "strongly positive" about the space, and 10 of 22 users said they would be affected if the space disappeared, especially local workers. 22 of 22 respondents said they felt welcome in the space.

The majority of users thought the space was owned by a private organisation, and were unaware of the rules governing it – apart from one person who had,

**"...seen security move people on for filming."**

**User**

## Crossrail Place Roof Garden, Canary Wharf





## Town Square, Ealing Broadway

**Land ownership:** British Land

**Management:** British Land

**Terms of public access:** Public right of way

**Planning consent:** British Land acquired the 1960s shopping centre in 2014 and granted planning permission for its refurbishment, including the Town Square, in 2015. Works were completed in early 2016.<sup>1</sup>

**Opening:** 2016

### Plans

Town Square was one of nine upgraded urban spaces as part of the Ealing Town Centre Illustrative Masterplan.<sup>2</sup> The developer expressed a “strong desire to minimise clutter” in their Design and Access Statement, evidenced by their use of a catenary system of overhead lighting in place of streetlamps.

### Vision

The square was re-designed to be a central hub of activity and meeting point. British Land’s vision was for the space to be open and adaptable, so it could accommodate events and activities, such as temporary market stalls, staged performances and seasonal set ups.<sup>3</sup>

### Layout

Ealing Town Square is an open-air courtyard space enclosed by 2-5 storey buildings. A glass and steel canopy provides shelter around the square’s edge.

The floorspace is level and paved. There are three fixed planters with backless seating at their surround. There is a big screen facing the square, which is used to display commercials and sporting events throughout the year. The square caters to seasonal events such as Christmas market stalls, and staged performances throughout the year. It was occupied by a temporary building for charity fundraising purposes on one of our visits, and subsequently by a pop-up maze.

### Rules

The Town Square is open every day from 6am-midnight (opening hours are longer than the shopping centre).

British Land make the rules and police the space, focusing on “common decency”.<sup>4</sup> Aside from the “no smoking” sign located on the plant beds; rules on the square were not visible.

We were stopped by the security team from surveying users – but only on our second visit.

### Management

The shopping centre is managed by a team of 45 staff, whose remit includes the upkeep and security of the Town Square.

The space is relatively expensive to maintain, according to the landowner, due to “the sheer number of users” and the fact that “customers do not always have the respect of others’ property that we would wish them to have”. It was mentioned that there is a problem with graffiti and drug use in the wider area, which may contribute to the cost of running the square.<sup>5</sup>

### Users

**Peak time usage:** Around 40 people were using the space at any one time during our site visit, varying from small social groups to individuals, though the space becomes much busier at peak times, according to the Estate Manager.

**Diversity of activities:** Most users pass through, sit, and wait for friends/family members who were shopping. Other activities include: mothers using the space to feed their children, and meeting point for school pupils to wait for friends or spend time by themselves. The space also had a licensed ice cream van onsite, and a charity stand for users to engage with.

**Diversity of users:** Mix of backgrounds (Black, White, Asian, etc) and age groups (families, school pupils, elderly). 12 out of the 16 surveyed lived or study in the area and visit the space on a daily or weekly basis.

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance

- ● ● ● ● ● ● ● ● ○

#### Welcoming

- ● ● ● ● ● ● ● ● ●

#### Safety

- ● ● ● ● ● ● ● ● ○ ○

#### Most common words to describe the space:

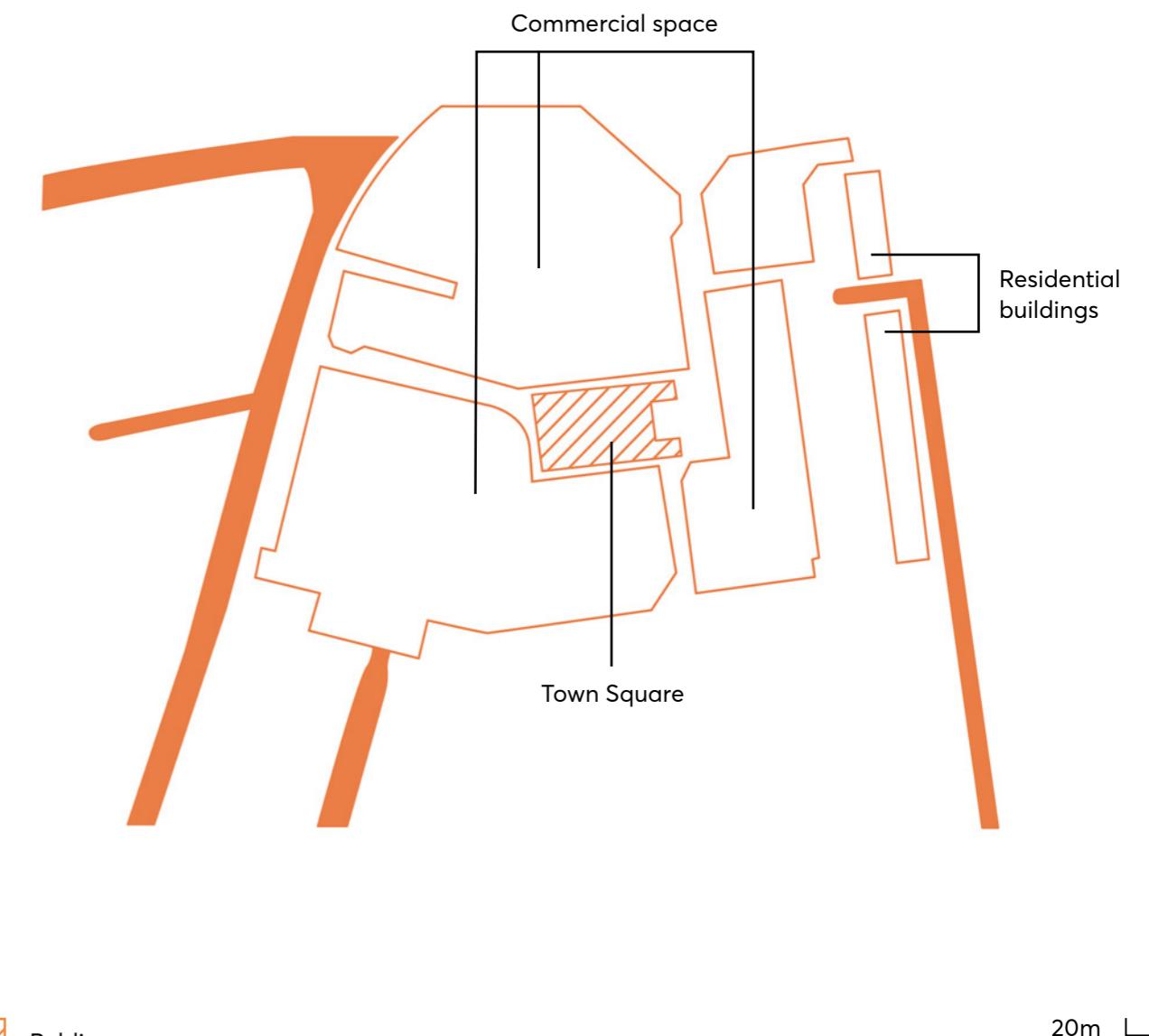
**Clean, nice, comfortable**

11 out of 16 users we spoke to perceived the space to be publicly owned. Users we spoke to were generally unaware of rules governing the space.

All users we spoke to felt welcomed in the space. 13 out of 15 reported feeling quite safe or very safe, though half said they would not pass through the space at night.

2 out of 15 users said they would not be affected if the space were to disappear.

## Town Square, Ealing Broadway







## Kingston Ancient Market, Kingston

**Land ownership:** The Royal Borough of Kingston upon Thames

**Management:** Kingston First Business Improvement District (BID)

**Terms of public access:** Public Right of Way Section 53(5) of the Wildlife and Countryside Act 1981. Designated public open space.

**Planning consent:** 2013

**Opening:** May 2014

### Plans

The new Market Square was designed to create “a destination and increased opportunity for use” with “pedestrian priority”.<sup>1</sup>

### Vision

The core vision of Kingston Ancient Market Square’s redevelopment was to ensure that the site “fulfils its potential as a special public place in Kingston” and as “one of London’s 36 Great Spaces”.<sup>2</sup> Kingston First BID

and the Council will be working together on a strategy of the market place. Their joint objective is to facilitate community uses and social cohesion.<sup>3</sup>

Kingston First are proud of the investment made into the “look and feel” of the space – they have greened the market place by adding fresh turf, deck chairs, flowers.

### Layout

Businesses and shops are housed in four-storey, Tudor-fronted buildings on all sides of the square. A church is set-back from the immediate edge on the north side of the square. Picnic-bench style seating is available to both those who bought food from the market vendors, and those who have not.

### Rules

Byelaws set by the Royal Borough of Kingston Upon Thames apply to the square. In 2016 and Public Space Protection Orders (PSPOs) were also introduced, issuing fixed penalty notices for dog fouling.

A Designated Public Place Order (DPPO) is in effect on the square and surround, providing police and Police Community Support Officers (PCSOs) the discretionary power to confiscate alcohol and fine those that refuse to do so. The order does not intend to “disrupt peaceful activities, for example families having a picnic (...) with a glass of wine”.<sup>4</sup>

### Management

Kingston First, the Business Improvement District (BID) representing local business, has an agreement with the Royal Borough of Kingston upon Thames to manage the Ancient Market and the surrounding town centre. Kingston First manage “the dressing of the marketplace”. The local authority manage the highway, and cleaning of the site.<sup>5</sup> The space is CCTV monitored, and there is no permanent security personnel on the site.

The BID team liaises with market traders on the amount of seating provided.<sup>6</sup> The Market Place has 29 fixed trading units – a mixture of fresh produce and hot food – and is open 7 days a week.

In the past, the management have organised events such as a Christmas Market, Kingston Carnival, a Korean Festival, an International Youth and Arts Festival, and a day promoting the town centre’s independent businesses.

### Users

**Peak time activity:** Usage was highest in the square at lunchtime - we counted between 90 and 150 people at any one time within the south end of the marketplace, between 13:00 and 14:00. By 14:45 the count had fallen to 50.

**Diversity of activity:** Trip purposes were varied, reflecting the diversity of reasons people visit a town centre, and the amenities provided on the square beyond the market itself. The dominant range of use included “eating lunch”, “resting from shopping” and “visiting the market”. The site also serves as a thoroughfare, with many users passing through without stopping.

10 of 21 users interacted with someone on the square they did not come with that day.

**Diversity of users:** During our visits, most users of the square were white, with the ages of those we spoke to ranging from 22 to 74. 10 of the 20 users we spoke to were residents of the local area and 6 users worked nearby.

### Perceptions (scoring reactions neutral and above)

#### Maintenance



#### Welcoming



#### Safety



Most common words to describe the space:

**Historic, pretty, clean**

Two users highlighted the square’s “car-free” and “pedestrian characteristics”.

16 of 20 people that we spoke to did not know if there were rules governing how the space should be used. All users we spoke to felt welcome in the space, and all would bring children to the square. 19 users that we spoke to felt safe or very safe in the market square, with three users citing that they feel safe due to the high number of people - “who can see you and you see them”. 18 of the 20 users we spoke to thought that the space was well looked after, and 15 said that they would pass through the marketplace at night. 13 out of 20 said that they would be affected if the space disappeared.

*“I feel welcome, though I kind of know they just want me to buy something.”*

User

*“It’s better than it was, though the stalls are pretty overpriced now.”*

User

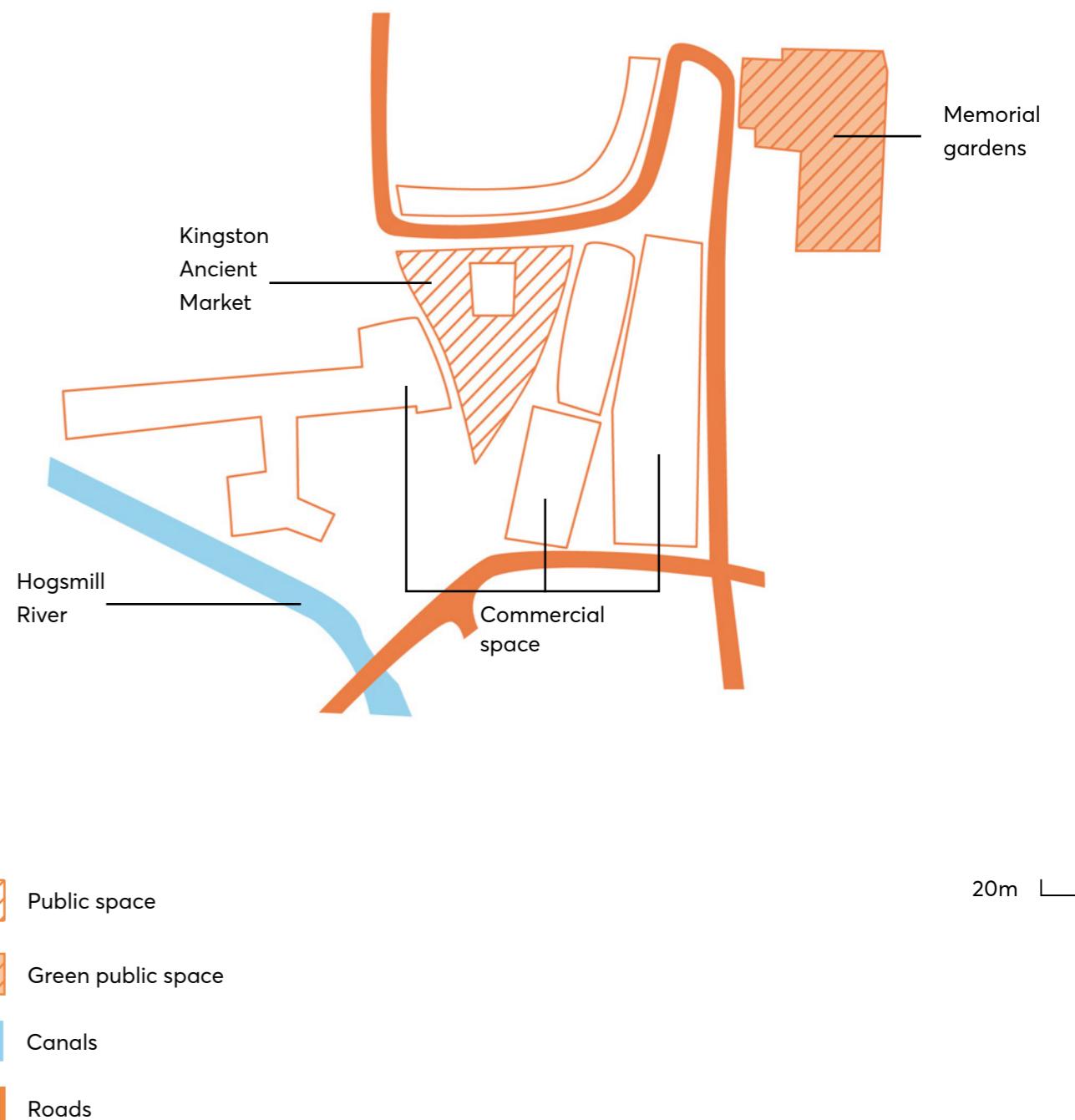
*“It’s better than other public spots in Kingston, they’re not as well maintained.”*

User

*“There’s a good mixture of people but not everybody interacts.”*

User

## Kingston Ancient Market, Kingston





## Windrush Square, Brixton

**Land ownership:** London Borough of Lambeth

**Management:** London Borough of Lambeth

**Terms of public access:** Common land

**Planning consent:** 2007

**Opening:** 2010

### Plans

The redesign of Windrush Square connected the former Tate Gardens and Windrush Square as a large, pedestrianised open space. Funded by the GLA group (as part of the Mayor of London's "100 Public Spaces" programme), "a safe, high-quality public space"<sup>3</sup> was delivered alongside the relocation of the Black Cultural Archives to adjoining Raleigh Hall.

The square is situated on Common Land - it is therefore a designated park and no structure encroaching on the open nature of the space can be built.

### Vision

The original vision for Windrush Square was to create a public space "highlighting Brixton's unique character as a vibrant, multicultural community"<sup>2</sup>. It was proposed that

the square "would accommodate small community events."<sup>3</sup> It's one of the few open spaces in Brixton town centre.

### Layout

Windrush Square provides paved space, open to the street on three sides, and accessible. A grassed area at the far end of the square provides seating for users. There are 23 trees on the square, including a mature London Plane that sits centrally in the paved area outside the Ritz Cinema and public Tate Library. The national African and Caribbean War Memorial was installed on the square in June 2017.

There is a curved granite seat, and several singular wooden seats scattered across the square and fixed to the ground. Though there is some seating available, according to the local authority, the square "lacks a critical mass of chairs to encourage wider use".

### Rules

Byelaws made under section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906 by the Council of the London Borough of Lambeth with respect to pleasure grounds, public walks and open spaces apply to Windrush Square. These include:

- 20. No person shall skate, slide or ride on rollers, skateboards (...) except in a designated area

- 40. No person shall without the consent of the Council hold or take part in any public show or performance.

Public Space Protection Orders (PSPOs) are in place on the square, though some "are a source of local tension".<sup>4</sup> A borough-wide order is in place prohibiting the "possession and misuse of Novel Psychoactive Substances (NPS)".<sup>5</sup> Lambeth is also a controlled drinking zone, enabling the police and police community support officers (PCSOs) to "confiscate alcohol from someone who is drinking in a public place if they believe their behaviour is or is likely to cause antisocial behaviour".<sup>6</sup>

Events taking place on the square are "controlled under separate legislation and with appropriate licensing".<sup>7</sup>

### Management

Multiple agencies within Lambeth Council are responsible for the management of Windrush Square, including regeneration, assets, parks and events teams. London Borough of Lambeth contract out the daily management of the square to private enforcement officers, though their shifts are skewed towards the daytime. We didn't see enforcement teams during either of our visits. Litter picking is undertaken by Veolia as part of Lambeth's street cleansing contract.

It wasn't clear whether the organisations located at the square's edge play a soft role in the management of Windrush Square: a fight broke out during the first of our site observations, staff members in the public Tate Library did not help when we asked for them to do so, citing that it was not within the remit of their role.

### Users

*Diversity of activity:* The majority of users we spoke to were visiting the square to spend time with friends and family, stopping off before heading elsewhere, and passing through. People also mentioned "skateboarding" and some users were lounging. We also observed street drinking during both of our visits, which on one occasion turned violent.

10 of 14 people said they interacted with someone they did not come with that day.

*Diversity of users:* Windrush Square attracts a multicultural user group. Of the users we spoke to, eight were residents of the local area. A further eight were visiting the area from elsewhere in London. During one visit to the square, six users declined to fill out the survey, the majority of whom did not speak English.

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance



#### Welcoming



#### Safety



#### Most common words to describe the space:

**Busy, welcoming, open**

11 of the 17 users we spoke to said they felt "safe" or "very safe" in the square. Of those that felt less safe, one user said "it could be the safest space in London, but someone could walk through and it could all change" and another "it depends on the atmosphere at a point in time". Despite mixed feelings of safety, all but one user felt welcome in the square. 8 of 14 said they would be affected if the space disappeared.

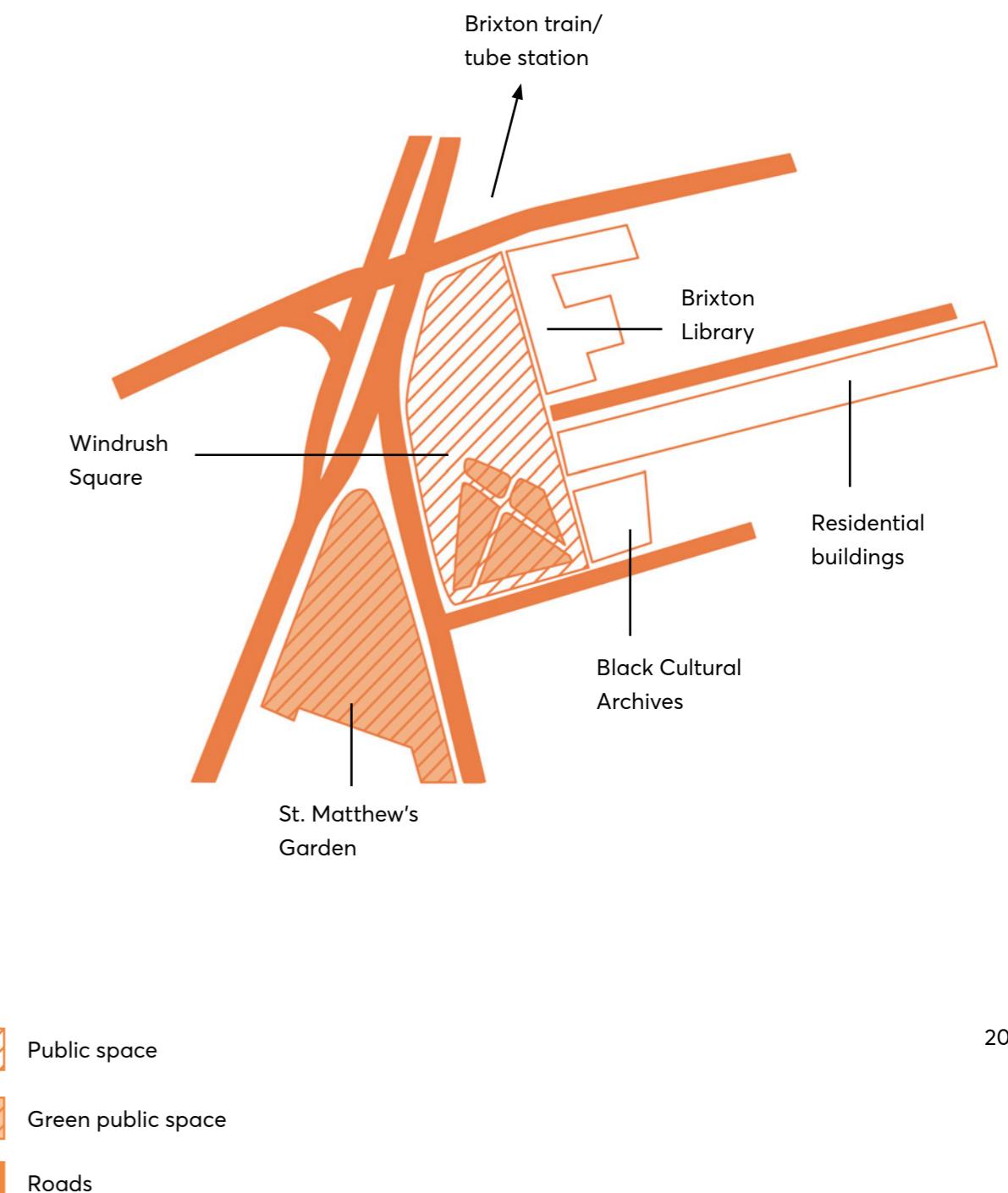
"There's a mixture of people. To me it's sociable."

User

"Even with the traffic and noise it still feels personal."

User

## Windrush Square, Brixton





## Gillett Square, Dalston

**Land ownership:** London Borough of Hackney

**Management:** London Borough of Hackney

**Terms of public access:** Designated public open space

**Planning consent:** 2005

**Opening:** 2006

### Plans

Gillett Square was built on the site of a former council-owned car park, as part of the Mayor of London's "100 Public Spaces" programme. Hackney Cooperative Development (HCD), the non-profit owner of surrounding buildings, led the formation of the Gillett Square Partnership, a conglomerate of architects, developers, businesses and public sector bodies that developed the plan and vision for Gillett Square.

### Vision

Gillett Square is described as a "creative quarter" in the borough's core strategy.<sup>1</sup> When completed, it "injected new life into Dalston".<sup>2</sup> The square has been the site of numerous events – including a jazz festival, a skateboarding festival, a

carnival celebration which, together with its day-to-day life, support "the cultural, creative and community sector".<sup>3</sup> As landlords of the affordable workspaces and market pods, HCD facilitate the square's animation, alongside their market pod tenants. They also set up a pop-up playground twice weekly, weather permitting.

We were told that some people using the square are vulnerable, either by way of substance and alcohol misuse or mental health issues. HCD believe that these individuals "are as much a part of the square's community as anyone else", and as a result are working to involve these users in their vision and animation of the space.<sup>4</sup> They also recognise that a tension exists, between "people who would like the space to be clear of street drinking, and those who think it is a great space in need of preservation".<sup>5</sup>

### Layout

The square is a paved, rectangular space, flanked by 10 single story market pods, a jazz club and a car park. A council report identified the latter as negatively affecting the spatial quality of the square.<sup>6</sup> Whilst there is little formal public seating (one length of bench to sit approximately 10 people), a large decked area with four pine trees provides shade and informal seating. Steps leading up to the market booths also provide seating. There are public urinals but no public toilets.

### Rules

The London Borough of Hackney's byelaws for open spaces mention that no person shall play or perform music and sports without Council consent or outside of designated areas.<sup>7</sup> They also state that no person shall "interfere with, obstruct or annoy" anyone lawfully complying with the byelaws. A borough-wide Controlled Drinking Zone gives police the power to confiscate alcohol or stop people drinking if they are causing disorder or threatening behaviour in Gillett Square. A Public Space Protection Order (PSPO) is in place preventing skateboarding after 22:00.

### Management

There is a high degree of self-management in Gillett Square: according to HCD, that the site feels community-led on the ground is a testament to the "high level of communication among the different users".<sup>8</sup> This came up in some of the survey responses too, with users saying:

**"It's a communal space where everyone looks after each other."**

**User**

**"We [the users] manage the space here, we police it because it's ours, so we have to take care of it".**

**User**

HCD allow informal use of the space in front of their pods by stall holders. HCD regard the informal curtilage by market pod tenants as vital to the management of the space by the site managers and users alike, animating the space and providing "soft monitoring".<sup>9</sup>

HCD are informally tasked with the management of Gillett Square – "the public often turn to us when there is an issue, such as anti-social behaviour" – and there is currently a dialogue between HCD and the London Borough of Hackney to formalise this arrangement. Whilst no dedicated security team operate on the square, there is a panning CCTV camera, connected to the Metropolitan Police. There is also a visible police and Community Safety team presence on the square, on average three to four times a week.<sup>10</sup>

### Users

**Peak time activity:** A popular space, we counted between 36 and 55 people using the space at any one time throughout afternoon (15:00) and early evening (19:30). Whilst our survey found the square to have many regular users, the type of animation taking place drew different groups of users – e.g. families when the 'playground' was set-up.

**Diversity of activity:** Of all the squares, Gillett had the greatest variety of activities and "reasons for coming". These include: meeting up with friends, "relax", "chill", have lunch or a coffee break, "drinking rum and dub", skateboarding, taking grandkids to play, film.

Many people in the square were using the space to sit, relax and hang-out with others. For the most part, diverse activities are undertaken side by side. Street drinkers co-exist with skateboarders, and skateboarders cease skating when moveable play equipment is set up for children to use.

16 of 21 spoke to someone on the square they did not come with, and 14 of 21 users said they recognised a familiar face or someone they know.

**Diversity of users:** We observed a very diverse population of users in the square, the ages of those we spoke to range from 21 to 56 and a majority of users were from a BAME group. The majority of users were male. Many users lived locally, some had moved away but come back to use the square.

**Sociability:** 16 of 21 spoke to someone on the square they did not come with, and 14 of 21 users said they recognised a familiar face or someone they know.

### Perceptions (All respondent reactions recorded below).

- reactions neutral and above
- reactions below neutral

#### Maintenance



#### Welcoming



#### Safety



#### Most common words to describe the space:

**Easy-going, multicultural, fun**

6 of the 21 people we spoke to thought it was owned by a private organisation. No user we spoke to said that they feel unsafe in the square, though 6 of 21 users said they feel "neither safe nor unsafe". Reasons given for feeling this included "depends on the day you come", "I often get threatened with aggressive behaviour" and "it's Hackney".

**"Despite feeling safe as a local with friends around and a familiar face to most, I often get threatened with aggressive behaviour."**

**User**

Despite uncertainty among some users, only 4 users said that they would avoid the space at night. 14 of the 21 users we spoke to felt very welcome in Gillett Square, whilst two felt very unwelcome. 6 out of 20 thought that the space wasn't looked after well.

**"We need these little spaces, [they're] a dying species."**

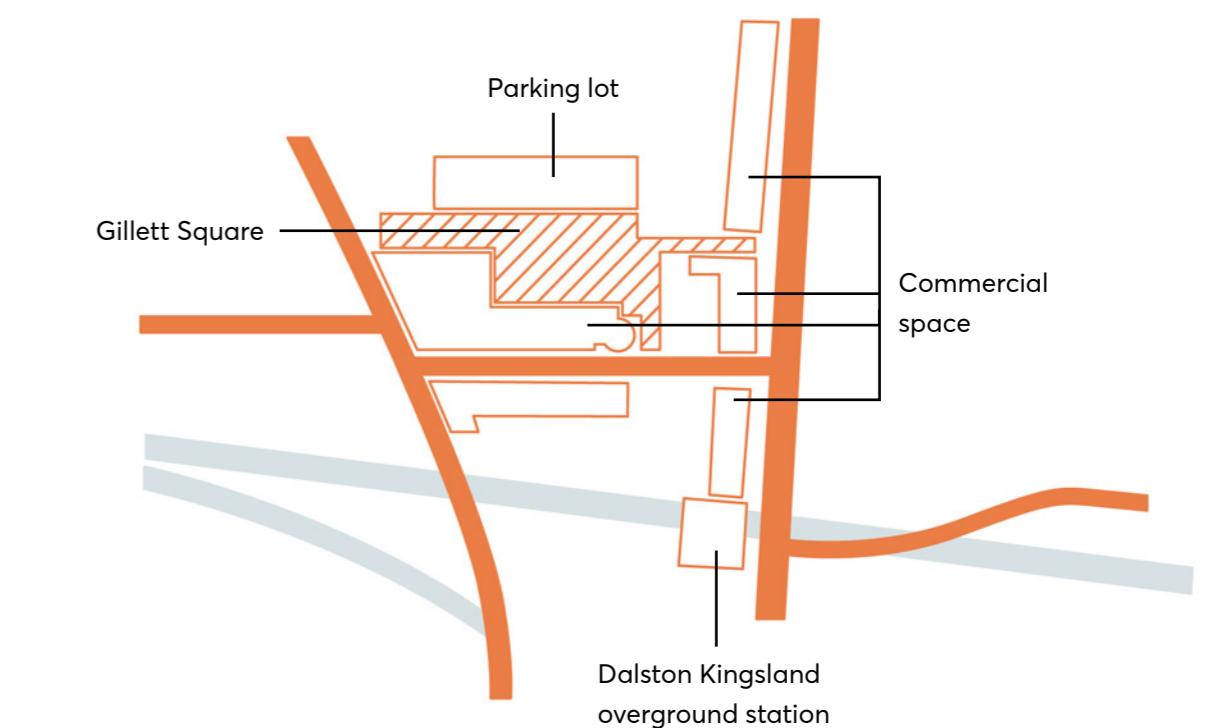
**User**

**"It's the best square in London. The only outdoor hangout area that's not a park."**

**User**

16 out of 20 users we spoke to said they would be affected if the space disappeared.

## Gillett Square, Dalston



20m

## 5. Appendices



### TOUGH WOMEN IN SPORT AND ADVENTURE

By Nyla Sammons

Tuesday 5 March - Friday 5 April  
Open daily until 8pm  
Free

A photographic exhibition by Nyla Sammons showcasing the phenomenal achievements of 'Tough Women' in sport and adventure. Nyla's series of portraits of women from around the world who have overcome challenges have gone beyond the ordinary to profit athletes, war medals and breast cancer survivors. Nyla's portraits are complemented by two portraits, one photographed in the studio and the other photographed in their natural environment, to better tell their story.

By Nyla Sammons, 'Tough Women in Sport and Adventure' is the second series after photographing the first 'Tough Women in Sport and Adventure' series. Nyla Sammons is a professional portrait and fashion photographer based in London. During her time in New York, Nyla was inspired by the location it was while doing this that Nyla was introduced to the world of adventure. After photographing for the first time, inspired, Nyla was driven to showcase the achievement of Nylahouse and the many other incredible women like her.

Nyla Sammons' portraits give us a snapshot of the lives of these women, demonstrating their ambitions and the challenges they face. Through her work, Nyla highlights the stories and accomplishments of these Tough Women, with the aim of inspiring others to break barriers.

TOUGH WOMEN IN SPORT AND ADVENTURE Exhibition by Nyla Sammons, 5 March - 5 April, Crossrail Place, Canary Wharf, London E14 5AA. Curated by Nyla Sammons. Photography by Nyla Sammons. Design by Nyla Sammons. Production by Nyla Sammons. © Nyla Sammons 2013.



## Appendices

### Criteria for selecting case study public spaces

Size and profile of space From neighbourhood-focused to city-wide attraction	Neighbourhood	District	Town centre	Metropolitan
Ownership Including builder	Private	Community group or partnership	Semi-public bodies (e.g. Universities, BIDs)	Public
Rules Who makes the rules governing the space	Private sector rules with no public oversight	Private sector rules with public sector sign-off (e.g. S106 agreement)	Byelaws, public space protection order	
Management Who enforces the rules	Private sector	Other		Public sector
Context Central, inner or outer London borough	Central	Inner		Outer

### Dates and times of site visits

Space	Profile	Ownership
Elephant Park, Elephant and Castle	Thursday 25 April, 11:30-13:30	Monday 27 April (Bank Holiday), Friday 31 April, 14:00-16:00
Perkyn Park, Tottenham Hale	Friday 26 April, 15:00-17:00	Monday 27 April (Bank Holiday), 14:00-16:00
Westfield London, White City	Thursday 25 April, 15:00-17:00	Monday 27 April (Bank Holiday), 11:00-13:00
Granary Square, King's Cross	Monday 1 April, 12:00-14:00	Tuesday 23 April, 16:00-18:00
Crossrail Place Roof Garden	Friday 22 March, 09:30-11:30	Friday 5 April, 12:00-14:00
Town Square, Ealing Broadway	Friday 22 March, 15:00-17:00	Thursday 11 April, 10:00-12:00
Paternoster Square, St Pauls	Tuesday 23 April, 16:00-18:00	Friday 24 April, 14:30-16:30
Kingston Ancient Market Place	Wednesday 27 March, 10:30-12:30	Wednesday 10 April, 13:00-15:00
Windrush Square, Brixton	Monday 25 March, 15:30-17:30	Friday 24 April, 12:00-14:00
Gillett Square, Dalston	Wednesday 17 April, 17:00-19:00	Thursday 16 April, 15:30-17:30

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