

Special Events and Filming: Key Principles and Corporate Approach

1 Background and purpose

This paper sets out the key principles with which Westminster City Council, with its key partners including the Greater London Authority, Metropolitan Police Service and Transport for London, approach the authorisation and management of special events and filming within the City of Westminster. The principles are based on a range of requirements which arise from legislation and the council's formally adopted policies, and nothing contained within them should be regarded as implying any variation to those requirements. The approach is applicable to events and filming that impact on the public realm, whether it be publicly managed streets or parks and open spaces.

The number of special events has increased over the past years. In 2009 there were over 1500 applications for filming, 50 film and theatre premieres and nearly 100 events of national importance. This is a significant increase on the number of film shoots and events on the five year period since 2004, with filming applications nearly doubling. This demand puts added pressure on the residents and businesses of an already busy city. The City Council is therefore committed to supporting well-managed events and film shoots while balancing the right of residents, businesses and visitors to enjoy reasonable access to the amenities available in the City of Westminster.

Up until now the City Council has not explicitly stated what will be expected of promoters and organisers of events and filming when operating in the City of Westminster and how the City Council reaches a view on whether a film shoot or event is practical or appropriate. By setting out the key principles the City Council aims to make the process transparent leading to more successful and efficiently planned film shoots and events.

The key principles for special events and filming also ensure that Westminster City Council service providers and their partners are consistent in their approach to events in the City of Westminster. Furthermore, they are meant to aid understanding of everyone's roles and responsibilities in relation to running special events and filming, and of the significant time and effort that can be involved in facilitating them. Detailed processes and procedures for planning events and filming are set out in complementary guidelines which also explain requirements in specific areas of the city, which are regularly used for such activities.

2 Benefits of special events and filming

Well-managed and appropriate special events and filming can bring positive benefits to Westminster, London and the country as a whole, helping promote the city as a place of business, culture and community.

Special events and filming contribute towards enhancing Westminster's reputation as:

- The home of iconic sites attracting international interest;
- A major centre of culture and entertainment;
- A shopping centre of international renown;
- An area with a wide range of outstanding parks and open spaces;
- The seat of government, national celebration and national remembrance;
- A sporting hub; and
- A place to live and work.

3 Key requirements

3.1 Safety

- Responsibility for safety rests with the organiser but the City Council and its partners have a duty to ensure all relevant health & safety guidance is followed, including the preparation of full risk assessments and method statements
- The first priority of all involved in managing events and filming must be zero deaths and injuries.

3.2 Organisers' obligations and making preparations in time

- The organiser must have appropriate insurance and liability cover
- Permissions, licences and safety documentation must be sought well in advance, in accordance with the timetables set out in the more detailed guidelines which accompany these key principles
- Not complying can jeopardise the event, future events planned by the organiser and result in penalties and fines

3.3 Balance of needs

- Special events and filming that reinforce the character and reputation of the city as a place of culture, business and community will be encouraged where there is no unreasonable impact on local activities or amenity
- Local sensitivities in particular areas of the city will restrict what is possible and appropriate. These limitations will be set out in specific guidelines for the affected area and / or type of activity
- The demand for popular locations will be balanced against the right of residents, businesses and visitors to enjoy reasonable access to the parks, open spaces and other amenities available in the City of Westminster, and the stress that over-use could place upon a particular site. If the City Council believes that a site is being damaged through over-use, or that the cumulative impact of events within that site is creating a negative impact upon the local residents and businesses, the City Council

reserves the right to temporarily withdraw that site from use as an event or filming location.

- Events and filming may also be subject to cancellations and limitations over which the City Council has limited control.

These include:

- Events of national importance (such as parades, Royal marriages or funerals or sporting celebrations)
- Incidents that may compromise safety (such as fires, transport incidents or terrorist attack)
- Conditions that may compromise safety or damage the booked location (such as extreme or inclement weather, or previous prolonged rainfall)

3.4 Environment and amenity

- Squares and open spaces intended for people to enjoy should remain open and available for their enjoyment. Commercial activities within those spaces may be restricted by statute, and in the great majority of cases it will not be possible to close off public access to the major part of any garden square or open space
- Some of the City's parks and open spaces are governed by additional Acts and bye-laws, which may restrict their use as event or filming locations.
- The historic character and fabric of the city must not be damaged.
- Temporary, reversible decoration may be justified in some circumstances.
- Additions to the street may require planning permission and advertisement consent
- The City Council must agree any works that affect the highway and associated equipment, including additions to lamp columns, in advance. It reserves the right to carry out any agreed work itself
- All branding and advertising must have consent from the council as this can undermine the character and image of the city, and obscure essential information
- Any damage or disrepair caused to a park, open space or the public highway as a result of any event or filming activity will be reinstated by the City Council or its contractors, with the event or film organiser meeting the full costs of any works deemed necessary by the City Council to restore the location.
- The return to the normal life of the city following an event is to be achieved as quickly and as safely as possible

3.5 Noise

- Noise generated from an event or filming needs to be agreed in advance and kept at a reasonable level
- Noise should not create an unreasonable impact on any business or residential premises in the vicinity of the event site. The organiser is expected to reduce sound levels on the day if conditions require it

- If the event benefits from a Premises Licence, then it must operate in accordance with any sound level limit or conditions attached to the Licence
- A sound level limit may need to be set and/or continuous noise monitoring put in place, to ensure compliance with Licence conditions and ensure that the event does not cause a statutory nuisance, as currently set under the Environmental Protection Act 1990
- Events and filming must also comply with The Control of Noise at Work Regulations 2005 for staff and contractors on site

3.6 *Parking*

- Additional parking requirements resulting from events and filming must be planned, such as servicing, dropping off visitors by coaches, and space for taxis
- Suspensions of residential and paid-for visitor bays can be arranged for public events (or privately organised events which are open to the wider community or public), and also for filming, at a cost. Such arrangements will only be made if wider parking needs in the affected area can still be met
- Special bay types (e.g. for disabled people, doctors and ambulances) are only suspended in exceptional circumstances. If such bays are suspended they must be relocated within a reasonable distance. A further charge will be applicable for this relocation
- For large scale suspensions of bays used by residents, alternative parking for residents will need to be provided nearby, by the removal and temporary conversion of paid-for visitor parking bays. The conversion of these bays is chargeable
- Parking will not be suspended to create space for VIP arrivals or departures unless the circumstances are exceptional

3.7 *Transport and accessibility*

- Events and filming requiring traffic management measures, such as road closures, must be co-ordinated with other activities in order that the City Council can meet its obligation to keep traffic, including pedestrians, moving around the city
- Residents, visitors and those engaged in business must be able to move reasonably freely through the city, and public services should be able to operate without unreasonable disruption
- Occupiers must be able to access their premises with minimum disruption, with advance notice given of any changes of access route or mode, with particular reference to the needs of people with mobility and sensory impairments
- People with disabilities will not be discriminated against by the actions of any party
- Access for emergency vehicles must be maintained with minimal impact on response times

3.8 Waste and recycling

- The event and filming organiser must provide a waste management plan which is approved by the City Council
- The City Council will use its own contractors to ensure the site is kept as close to the Westminster standard during the film shoot or event as practical and returned to the Westminster standard at the end
- The waste management plan should, however, show how the organiser will work with the City Council to reduce the amount of extra City Council cleansing that is needed
- The waste management plan should show how the organiser will manage, recover and recycle or dispose of waste and street litter safely, and meet all environmental regulations and statutory requirements such as those arising from the Environmental Protection Act 1990 and the Code of Practice on Litter and Refuse.
- The cost of any additional cleansing that is required will be met by the event or film organiser.
- The City Council has a strict 'No Glass' policy at events

3.9 Public conveniences and welfare facilities

- The event organiser is responsible for the welfare of the public, which includes temporary toilets
- Temporary toilets must not obstruct the highway, and meet all health and safety requirements

3.10 Sharing information

- Communications and publicity about events and filming must be co-ordinated with the City Council and its partners
- All productions are expected to fully disclose any information relating to or impacting upon any aspect of the event, so the City Council and its partners have no surprises that have not be assessed for risk and danger to the public

4 Regulatory requirements

4.1 The Special Events Team

The Special Events team at Westminster City Council provides a co-ordination function to guide events and filming organisers through the process of seeking the right permissions. Planning for events will necessarily involve prior consultation with agencies such as Transport for London, the Metropolitan Police, the Fire Brigade etc., and the timetable for making application to the Special Events Team reflects this requirement.

Responsibility for running an event or film shoot is shared between the organiser, the City Council and its partners. The City Council and partners

must be satisfied that the organiser will discharge health and safety and other obligations properly.

There are approximately thirty Acts of Parliament that may apply to the running of events and filming. More detail is included within the guidelines of each event type. Regulations and requirements do change from time to time in the light of experience.

4.2 Environmental Health licensable activities

Through the Environmental Health Consultation Team, the City Council exercises its duty to give advice and guidance to educate and inform event organisers of their statutory duties. Event organisers must comply with best practice in order that the event can be safe for the public and all others involved in it. The Team deals specifically with Food Safety, Health and Safety, Noise and Licensing. Working in partnership with the Special Events Team, the Environmental Health Consultation Team attends multi-agency safety advisory group meetings, liaises with internal and external partners, and reviews all event documentation including the event management plan. Site inspections are carried out for events on a risk-rated basis. For certain 'major impact' events, officers remain on site for the duration of the event to deal with any issues affecting the health, safety and welfare of the public.

- Licensable activities:
 - Events that include 'licensable activities', such as the sale of alcohol and regulated entertainment (such as live music) need to be covered by a Premises Licence
 - While small events can be covered by a Temporary Event Notice (TEN) larger events will be required to apply for a Premises Licence
 - The Environmental Health Consultation Team is consulted on all Premises Licence applications as a 'Responsible Authority' and assesses applications in line with the four licensing objectives:
 - Prevention of Crime and Disorder
 - Promotion of Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
 - The EH Consultation Team can request conditions to be attached to any licence that address the four objectives listed above.

- Premises licences in the public realm:
 - Westminster City Council has granted licenses for 'regulated entertainment' for certain areas of publicly accessible streets and open spaces, which means that these areas are treated as premises, or 'venues' for Licensing purposes.
 - Areas with Premises Licenses are subject to change but at the time of publication include Berkeley Square Gardens, Covent Garden Area, Embankment and Whitehall Area, Leicester Square Area, Leicester Square Gardens, Piccadilly Area, Regent Street Area, Soho Area, Victoria Embankment Gardens, West End Area

- Special events in this area will be expected to be run under the conditions of the existing Premises Licence. Temporary Event Notices will not be issued
- Other activities in the street needing licences:
 - Other types of Licences may be required for particular activities or events, including Massage and Special Treatment Licences and Street Trading Licences.

4.3 Planning permissions and advertisement consent

- All temporary uses within a building, and temporary moveable structures placed within the curtilage of a building, will normally require planning permission
- Temporary events on land *not* within the curtilage of a building, and associated moveable structures, are allowed up to 28 days in any calendar year without the need for planning permission. This reduces to 14 days where events involve street trading and some other activities such as motor racing.
- Some parks are also governed by additional bye-laws and restrictions upon advertising within the park or attaching banners or wrapping to trees, which may limit the type and range of possible advertisements
- Advertisements (including sponsorship branding) normally require advertisement consent. This includes the display of sponsors' details on banners and directional signage
- Any attachment or alteration to a listed building or listed structure will normally require listed building consent

4.4 Parks and open spaces

- Events and filming in squares and many open spaces are restricted through the London Squares Preservation Act and, in some instances, the Metropolitan Open Land Act. Any event must comply with the terms of the relevant Acts, which may limit the scope for events in these spaces
- Some parks are also governed by additional bye-laws and restrictions upon their use, which may limit the type and range of possible activities

These restrictions may include:

- The number of times that the specific park or open space can be used for filming and events per year
- The character of the park or open space. Some parks or open spaces are residential in character and are unsuitable for events, but may be suitable for some filming activities
- The number of days that a park or open space can be reasonably closed to the public
- The amount of space within a park that an event or filming activity can occupy.

4.5 Traffic and highways management

- The City Council is required to consider all traffic and highways management implications of events to fulfil its duty to keep London moving. More due diligence is required in Westminster compared with other areas because of the intensity of activities within it and journeys through Westminster, and because of security concerns
- A minimum period as set out in the guidelines is required to implement traffic management measures, such as Temporary Traffic Orders to close roads, advance warning signs of events, diversion routes, and traffic controls. The time period required increases for major events.
- The process for organising road closures and other traffic management measures includes advertising the notice in advance and arranging Strategic Road Notification authorisation with Transport for London to ensure the impact on traffic primary routes is managed (TfL)
- No section of road should be closed more than three times in a calendar year without permission of the Secretary of State of the relevant government department
- Structures in the highways such as cranes and scaffolding require a highways licence which must be sought in advance
- The City Council must give permission for any change to the highway, such as removing street furniture to alter the character of a street, and would typically require that it carry out the works itself

Complaints procedure

A procedure for complaints is set out in the guidelines accompanying this statement of key principles. A decision to withhold a letter of 'no objection' always involves consultation with all City Council services and partner agencies.

5 Impact on residents, visitors and businesses

5.1 Balancing benefits and needs

The City Council's aim is to balance the demands placed upon Westminster as a world class location for special events and filming activities with our obligations to residents, businesses, and visitors, ensuring that these activities continue to be regarded by all as safe, lawful, successful, and fair.

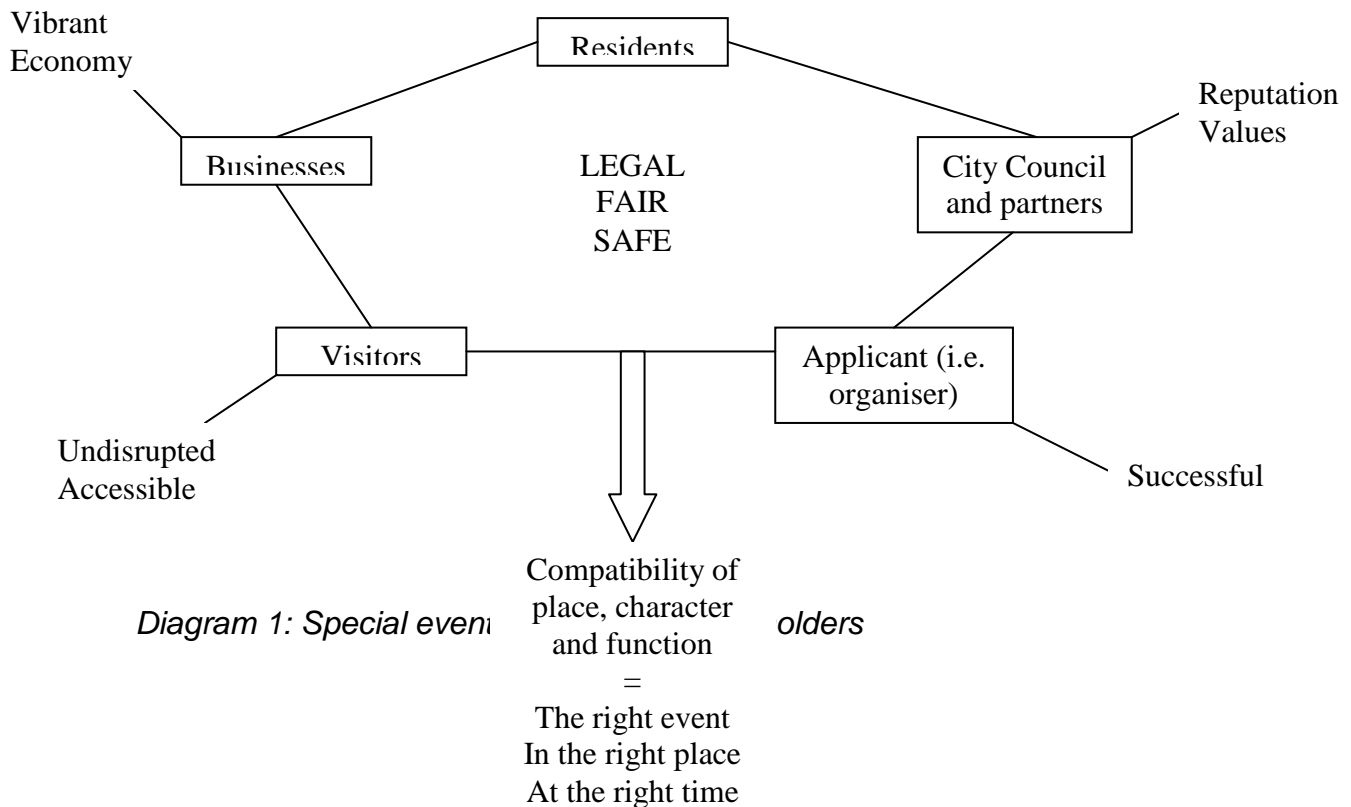
Every event is considered against a framework to reach a fair and transparent balance which involves consideration of:

- Function and character
- Disruption
- Co-ordination and cumulative impact
- Benefits of an event

The greater the disruption, the stronger the justification there needs to be. The benefits of an event or filming must be in proportion to the disruption it might cause. If there is an unreasonable impact on any one local interest, be it

resident, business, visitor or other, then that gives cause to prevent a proposed event or film shoot from taking place.

The City Council aim is for its assessments of events to be transparent and clear in order that all stakeholders can understand how their views and the impact of the event on them have been taken into account and managed through the event plan, if the event or film shoot is allowed to proceed.



- **Function and character**

There should be some inherent reason for the event being held where it is proposed. It should not be proposed merely to take advantage of the numbers of people who happen to be there, nor to create interest merely by the novelty of being held there.

In general, events outside the Central Activities Zone (CAZ) – shown in Appendix 1 – should be local in character and related to the local residential and business communities in which they are proposed. Exceptions include well-established events such as Notting Hill Carnival and cricket events around Lords in Regents Park. The historic character of Conservation Areas, which many other areas also have, may limit the type and scale of event, which can appropriately be accommodated outside the CAZ. Promotion of local shopping streets may be appropriate.

The CAZ is more suited to events that are celebrating the life and work of the capital and will attract people from a wide area. Nonetheless, in considering the appropriateness of an event within the CAZ, the character and function of

the particular area within which the event is proposed remains a major consideration.

- **Disruption**

Westminster residents and businesses regularly work around temporary inconvenience without complaint, particularly if they have been advised in advance and are prepared; but a balance must be struck to minimise disruption and the degradation of the City that people come to see and enjoy.

Disruption involves assessing key issues such as:

- Noise
- Parking (resident and visitor parking, and delivery requirements of businesses)
- Movement and access by all modes and stakeholders
- Other issues specific to some events resulting from disruption to the transportation network

An assessment of disruption must consider the length, amount and frequency of disruption during an event. Disruption can of course be reduced by altering the event and introducing extra mitigating measures.

- **Co-ordination and cumulative impact**

Even if the disruption associated with an individual proposal appears reasonable and manageable, the cumulative impact of events over time must be considered alongside co-ordination with activities happening at the same time.

In considering the number of events appropriate to a particular area, the City Council will have regard to:

- planning limits of 28 days per year outside areas with a premises licence reducing to 14 days if involving street trading
- no more than three road closures per year unless agreed by the Secretary of State
- limits on events in Westminster's parks
- limits set in areas with premises licences

If the proposed activity overlaps with sporting, cultural or construction activities in terms of duration or space occupied, it may require co-ordination.

- **Benefits**

A decision on an event or filming application will consider how it promotes the image of the city and its reputation as a place to visit, and any potential economic benefit to the city as a whole. Westminster's Economic Development Strategy (EDS) contains the aim of being a business friendly City and supporting tourism and the visitor experience.

5.2 Charging principles

The City Council will always charge for commercial events and filming to recover its reasonable costs in considering, consulting upon and facilitating applications. A commercial event is defined as one where an event is organised around an identifiable commercial business or group of businesses which will be beneficiaries of the event. It shall not be sufficient to claim that an event organised around one business or a group of businesses is in some way of wider community benefit.

All additional costs to the authority resulting from the event or intervention, feasibility for it or other service costs resulting from it are expected to be borne by the promoter. Costs that are recoverable include:

- Special Events Team co-ordination
- Traffic management, road closures and highways licences
- Parking management and suspensions
- Planning permissions, advertisement and pre-application advice
- Environmental Health license applications and advice
- Cleansing
- Reinstatement costs for restoring parks, gardens or open spaces
- Specialist advice from Parks Managers

In addition, there can be further rental charges if the organiser wishes to use one of the council's assets such as parks, buildings, car parks, street furniture or other structures.

The presumption is that costs associated with community events are recovered too. However, in recognition of their contribution to local community life, such events may be exempted in whole or part if the level of disruption and inconvenience is minimal.

If an event or filming is not able to proceed because of a reason outside the City Council's control on the day, such as inclement weather or a security incident, any fees paid are non-returnable.

6 Compliance

Event and filming organisers are only expected to do what they have permission to do. Failing to comply will jeopardise cooperation and assistance with the applicant's future events, and may also result in penalties and fines. Lessons from past events and filming are reviewed and past experience with organisers will not be overlooked in considering any further applications they might make.

Permissions must be sought in due time, in accordance with the timetables for application set out in the accompanying guidelines. The timetabling of preparations for events or interventions will vary according to the complexity and scale / nature of the proposal. These timelines will be set out in the guidelines for each type of event or intervention. It is important to leave enough time to prepare properly and obtain consents. Applicants who miss critical dates may have to defer implementation to a future year or later date.

Changes to an agreed proposal similarly may have to be deferred or incur an additional charge for re-assessing the revised proposals, particularly if this involves overtime or weekend / holiday working.

Infringements during an event can be dealt with in a number of ways:

- The Environment Health Consultation team will deal with any areas of non-compliance with legislation in line with its Enforcement Management Model and also will respond to complaints and accidents in relation to an event. A debrief report is provided to the event organiser including any recommendations and action points for future events
- Planning infringements will be enforced against by the Planning Enforcement Team, whose powers include the use of injunctions
- Unauthorised parking can result in parking penalty notices and removal of vehicles
- Unauthorised use of parks, gardens or open spaces can result in the activity being stopped, any structures being removed at the expense of the organiser, and any costs for reinstating the park or open space being charged to the organiser
- Unauthorised road closures can be reversed 'on the spot' and fines imposed
- Unauthorised structures can be removed at the expense of the organiser

The City Council reserves the right to require the event organiser to consult and inform others about the event.

7 Exclusions

These key principles do not apply to the following types of event, where different considerations and protocols apply:

- Demonstrations such as marches, protests and political rallies that arise, sometimes at short notice, and can involve a different set of public order considerations;
- State ceremonies such as coronations, state funerals and the State opening of Parliament; and
- National celebrations such as celebrations of sporting and other achievements of national significance.

8 Working in partnerships

Successful city management and the delivery of safe and satisfactory events both require partnership. The City Council works closely with other organisations including:

- GLA family – TfL, Metropolitan Police Service and London Development Agency
- Port of London Authority
- Royal Parks Agency
- Visit London

- Olympic Delivery Authority

In very many instances, the assent of these partner agencies will be required if a particular proposal is ultimately to receive a letter of 'no objection'. If our partners say no, the City Council will say no.