



# **CITY OF WESTMINSTER**

## **BYELAWS TO REGULATE TENTS AND OTHER STRUCTURES AND SLEEPING EQUIPMENT IN DESIGNATED AREAS IN THE CITY OF WESTMINSTER AND TO AMEND EXISTING BYELAWS TO ENABLE SEIZURE OF NOISE EQUIPMENT**

Byelaws made under section 235 of the Local Government Act 1972 by the Council of the City of Westminster for the good rule and government of the City of Westminster and for the prevention and suppression of nuisances.

### **INTERPRETATION**

1. In these Byelaws:

“authorised officer” means—

- (a) an employee of the Council who is authorised in writing by the Council for the purposes of these Byelaws, and
- (b) any other person who, under arrangements made with the Council (whether by that or any other person), is so authorised for the purposes of these Byelaws;

“the Council” means the Council of the City of Westminster;

a “prohibited item” means any item of a kind mentioned in Byelaw 3(2);

“Westminster Abbey” means the Collegiate Church of Saint Peter Westminster.

### **EXTENT**

2. (1) Subject to Byelaw 2(3), Byelaws 3 to 8 shall apply to the areas of the City of Westminster designated in the Schedule and shown edged red on the plan attached to these Byelaws.
- (2) Subject to Byelaw 2(3), in the event of any discrepancy between the area designated in the Schedule and the area shown on the plan, the area shown on the plan shall be deemed to be correct and shall prevail.
- (3) Byelaws 3 to 8 shall not apply to any park which is or may be the subject of regulations under section 2(1) of the Parks Regulation (Amendment) Act 1926.

### **USE OF TENTS AND SLEEPING EQUIPMENT, ETC.**

3. (1) A constable or authorised officer who has reasonable grounds for believing that a person is doing, or is about to do, any of the activities mentioned in Byelaw 3(2) may direct the person—
  - (a) to cease doing that activity; or
  - (b) (as the case may be) not to start doing that activity.
  
- (2) The activities are—
  - (a) erecting or keeping erected in any area to which Byelaws 3 to 8 apply—
    - (i) any tent; or
    - (ii) any other structure that is designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping or staying in a place for any period;
  - (b) using any tent or other such structure in any area to which Byelaws 3 to 8 apply for the purpose of sleeping or staying in that area;
  - (c) placing or keeping in place in any area to which Byelaws 3 to 8 apply any sleeping equipment with a view to its use (whether or not by the person placing it or keeping it in place) for the purpose of sleeping overnight in that area;
  - (d) using any sleeping equipment in any area to which Byelaws 3 to 8 apply for the purpose of sleeping overnight in that area.
  
- (3) It is immaterial for the purposes of an activity mentioned in Byelaw 3(2)—
  - (a) in the case of an activity within Byelaw 3(2)(a) or (b) of keeping a tent or other structure erected or using a tent or similar structure, whether the tent or structure was first erected before or after the coming into force of this Byelaw;
  - (b) in the case of an activity within Byelaw 3(2)(c) or (d) of keeping in place any sleeping equipment or using any such equipment, whether the sleeping equipment was first placed before or after the coming into force of this Byelaw.
  
- (4) In this Byelaw “sleeping equipment” means any sleeping bag, mattress or other similar item designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping in a place.
  
- (5) It is an offence for a person, without reasonable excuse, to fail to comply with a direction under Byelaw 3(1).

## **EXEMPTIONS**

4. (1) Byelaw 3 does not apply to anything done or to be done—
- (a) for police, fire and rescue authority or ambulance purposes;
  - (b) by or on behalf of a relevant authority;
  - (c) (in the case of those parts of the precincts of Westminster Abbey to which Byelaws 3 to 8 apply) by, on behalf of or with the consent of the Dean and Chapter of the Collegiate Church of Saint Peter Westminster through its Chapter Clerk;
  - (d) (in the case of those parts of the Parliamentary Estate to which Byelaws 3 to 8 apply) by, on behalf of or with the consent of the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords, as the case may be.
- (2) In Byelaw 4(1)(b) “relevant authority” means any of the following—
- (a) a Minister of the Crown or a government department;
  - (b) the Greater London Authority;
  - (c) the Council.
- (3) In Byelaw 4(1)(d) “the Parliamentary Estate” means land which does not form part of the highway and which is in the ownership or under the control of the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords.

## **DIRECTIONS UNDER BYELAW 3: FURTHER PROVISION**

5. (1) A direction requiring a person to cease doing an activity may include a direction that the person does not start doing that activity again after having ceased it.
- (2) A direction requiring a person not to start doing an activity continues in force until—
- (a) the end of such period beginning with the day on which the direction is given as may be specified by the constable or authorised officer giving the direction; or
  - (b) if no such period is specified, the end of the period of 90 days beginning with the day on which the direction is given.

- (3) A period specified under Byelaw 5(2)(a) may not be longer than 90 days.
- (4) A direction—
  - (a) may be given orally;
  - (b) may be given to any person individually or to two or more persons together; and
  - (c) may be withdrawn or varied by the person who gave it.
- (5) In this Byelaw, “direction” means a direction given under Byelaw 3(1).

### **SEIZURE OF PROHIBITED ITEMS**

- 6. (1) A constable or authorised officer may seize and retain a prohibited item that is on any land in any area to which Byelaws 3 to 8 apply if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under Byelaw 3(5).
- (2) A constable may seize and retain a prohibited item that is on any street or other public place in the City of Westminster and outside any area to which Byelaws 3 to 8 apply if it appears to the constable that the item has been used in connection with the commission of an offence under Byelaw 3(5).
- (3) A constable may use reasonable force, if necessary, in exercising a power of seizure under this Byelaw.
- (4) If no proceedings are commenced for an offence under Byelaw 3(5) against the person from whom an item was seized under this Byelaw before the end of the period of 28 days beginning with the day on which the item was seized, the item must be returned to the person from whom it was seized.
- (5) If proceedings are commenced against the person from whom an item was seized under this Byelaw for an offence under Byelaw 3(5) before the end of the period of 28 days mentioned in Byelaw 6(4), and on the conclusion of those proceedings—
  - (a) the item has not been returned; and
  - (b) no award is made of costs to be paid by the accused to the Council,the item must be returned to the person from whom it was seized.

- (6) If proceedings are commenced against the person for an offence under Byelaw 3(5) before the end of the period of 28 days mentioned in Byelaw 6(4), and on the conclusion of those proceedings—
- (a) the item has not been returned; and
  - (b) an award is made of costs to be paid by the accused to the Council,
- the item must be returned to the person from whom it was seized when the costs have been paid.
- (7) If it is not possible to return an item under Byelaws 6(4) to (6) because the name or address of the person from whom it was seized is not known—
- (a) the item may be returned to any person appearing to have rights in the property who has come forward to claim it; or
  - (b) if there is no such person, the item may be disposed of or destroyed at any time after the end of the period of 90 days beginning with the day on which the item was seized.
- (8) Byelaws 6(5) to (7) do not apply if a court makes an order under Byelaw 7(1) for the forfeiture of the item.
- (9) The references in Byelaws 6(1) and (2) to an item that is “on” any land, street or other public place include references to an item that is in the possession of a person who is on any such land, street or other public place.

### **FORFEITURE OF PROHIBITED ITEMS**

7. (1) The court may, on the conviction of a person of an offence under Byelaw 3(5), make an order providing for the forfeiture of any prohibited item that was used in the commission of the offence.
- (2) The power of the court to make an order under Byelaw 7(1) is in addition to the court’s power to impose a fine under Byelaw 8.

### **PENALTY**

8. Any person offending against Byelaw 3(5) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## AMENDMENT OF BYELAWS

9. The Byelaws for the Good Rule and Government of the City of Westminster (No. 2) made on 20<sup>th</sup> July 2001 are amended by the insertion of the following Byelaws after Byelaw 4—

### **“SEIZURE OF NOISE EQUIPMENT**

- 4A. (1) A constable or authorised officer may seize and retain a prohibited item that is in a street or public place to which these Byelaws apply if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under Byelaw 3.
- (2) A constable may use reasonable force, if necessary, in exercising a power of seizure under this Byelaw.
- (3) If no proceedings are commenced for an offence under Byelaw 3 against the person from whom an item was seized under this Byelaw before the end of the period of 28 days beginning with the day on which the item was seized, the item must be returned to the person from whom it was seized.
- (4) If proceedings are commenced against the person from whom an item was seized under this Byelaw for an offence under Byelaw 3 before the end of the period of 28 days mentioned in Byelaw 4A(3), and on the conclusion of those proceedings —
- (a) the item has not been returned; and
- (b) no award is made of costs to be paid by the accused to the Council,
- the item must be returned to the person from whom it was seized.
- (5) If proceedings are commenced against the person from whom an item was seized under this Byelaw for an offence under Byelaw 3 before the end of the period of 28 days mentioned in Byelaw 4A(3), and on conclusion of those proceedings —
- (a) the item has not been returned; and
- (b) an award is made of costs to be paid by the accused to the Council,
- the item must be returned to the person from whom it was seized when the costs have been paid.

- (6) If it is not possible to return an item under Byelaws 4A(3) to (5) because the name or address of the person from whom it was seized is not known—
  - (a) the item may be returned to any person appearing to have rights in the property who has come forward to claim it; or
  - (b) if there is no such person, the item may be disposed of or destroyed at any time after the end of the period of 90 days beginning with the day on which the item was seized.
- (7) Byelaws 4A(4) to (6) do not apply if a court makes an order under Byelaw 4B(1) for the forfeiture of the item.
- (8) The references in Byelaw 4A(1) to an item that is in a street or public place include references to an item that is in the possession of a person who is in any such street or public place.
- (9) In this Byelaw, “prohibited item” means an item of any kind mentioned in Byelaws 3(b) or (c).

#### **FORFEITURE OF NOISE EQUIPMENT**

- 4B. (1) The court may, on the conviction of a person of an offence under Byelaw 3, make an order providing for the forfeiture of any prohibited item (within the meaning given by Byelaw 4A(9)) that was used in the commission of the offence.
- (2) The power of the court to make an order under Byelaw 4B(1) is in addition to the court’s power to impose a fine under Byelaw 6.”.

## SCHEDULE

The designated areas for the purposes of Byelaw 2 are:

- (a) those parts of Parliament Square which are outside the controlled area of Parliament Square (within the meaning given by section 142(1) of the Police Reform and Social Responsibility Act 2011),
- (b) Little George Street, and the pedestrianised area in front of the Supreme Court between Little George Street and Broad Sanctuary,
- (c) Great George Street between its junction with Parliament Square and an imaginary perpendicular line drawn across it from the boundary between no. 10 and no. 12 Great George Street,
- (d) Broad Sanctuary,
- (e) Storey's Gate between its junction with Broad Sanctuary and an imaginary line drawn across it continuing the building line on the south side of Matthew Parker Street,
- (f) all the paved and grassed area to the front of the Queen Elizabeth II Conference Centre between Storey's Gate, Little Sanctuary and Broad Sanctuary,
- (g) Tothill Street between its junction with Storey's Gate and an imaginary perpendicular line drawn across it from the front boundary wall line of no. 2 Victoria Street and including the area of footway in front of no. 2 Victoria Street between Tothill Street and Victoria Street,
- (h) Monck Street,
- (i) Great Peter Street between an imaginary line drawn across it continuing the building line on the west side of Monck Street and an imaginary line drawn across it continuing the building line on the east side of Marsham Street,
- (j) Marsham Street between an imaginary line drawn across it continuing the building line on the north side of Great Peter Street and an imaginary line drawn across it continuing the building line on the south side of Horseferry Road,
- (k) Horseferry Road between an imaginary line drawn across it continuing the building line on the west side of Monck Street and an imaginary line drawn across it continuing the building line on the east side of Marsham Street,
- (l) the paved and grassed areas not comprising highway adjoining the constituent buildings of 2 Marsham Street,

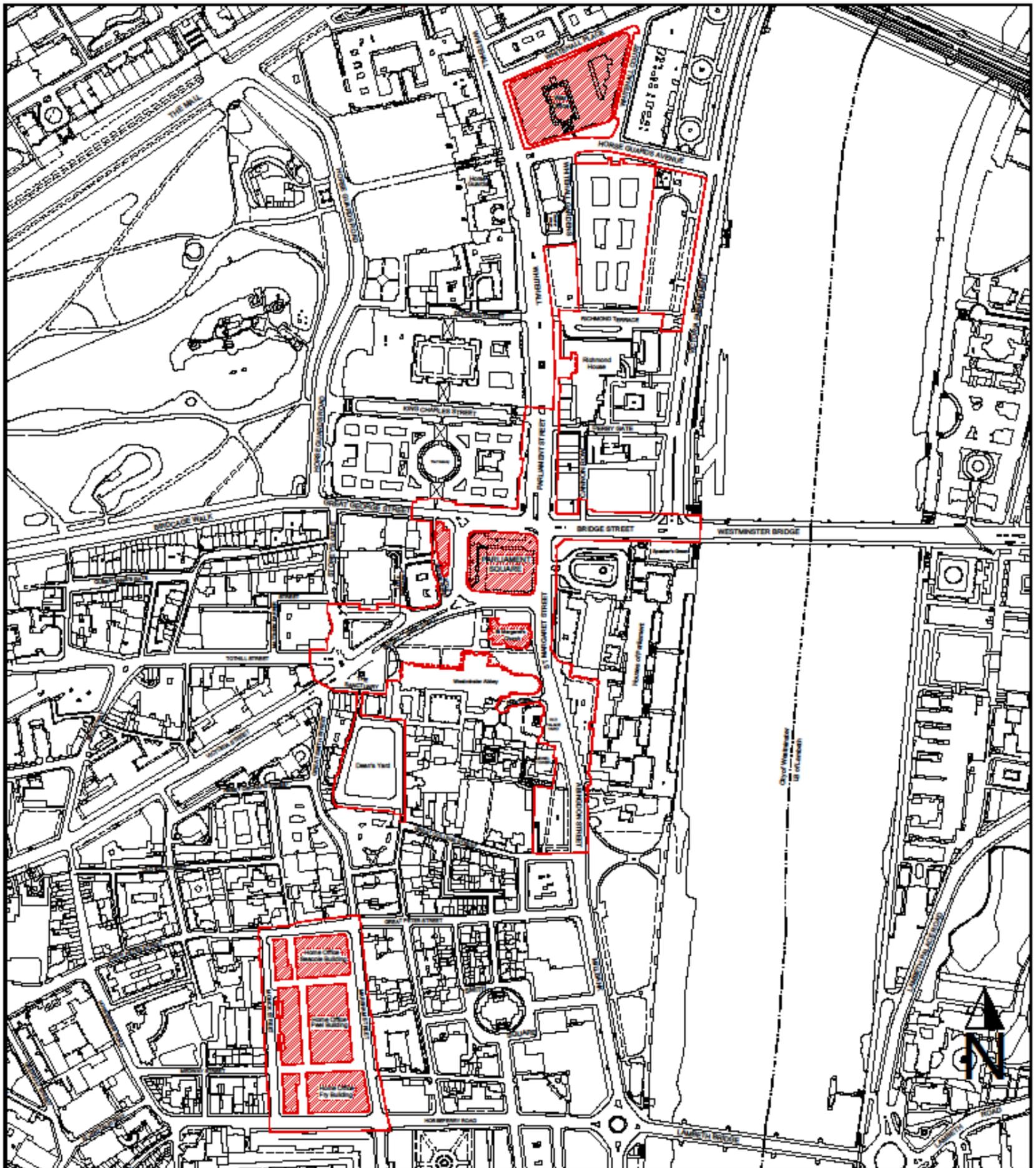
- (m) parts of the precincts of Westminster Abbey (including Dean's Yard and the Sanctuary),
- (n) Abingdon Street Garden and its pathways, being the garden constructed on the sites of properties formerly known as 18-28 (both inclusive) Abingdon Street, London SW1,
- (o) the north footway of Great College Street between its junction with Abingdon Street and the entrance to the Abingdon Street car park,
- (p) Old Palace Yard,
- (q) Abingdon Street,
- (r) St. Margaret Street,
- (s) Bridge Street between its junction with Parliament Square and its junctions with Westminster Bridge and Victoria Embankment, including the section of footway on the east side of Victoria Embankment at its junction with Bridge Street and Westminster Bridge, in front of the statue of Boadicea and including the raised and covered area of footway adjoining Portcullis House on the north side of Bridge Street,
- (t) Canon Row between its junction with Bridge Street and the security gates for Portcullis House,
- (u) Parliament Street, which extends from Parliament Square to an imaginary line continuing the building line on the north side of King Charles Street eastwards,
- (v) the paved area to the front of 79 Whitehall (Richmond House),
- (w) the garden known as Raleigh Green, adjoining Whitehall outside the Ministry of Defence main building, and situated between Whitehall Gardens and Richmond Terrace,
- (x) the footway on the east side of Whitehall between its junction with Parliament Street and its junction with the south side of Whitehall Gardens,
- (y) the footway on the north side of Richmond Terrace between its junction with Whitehall and an imaginary line drawn across it continuing the eastern boundary of the garden known as Raleigh Green,
- (z) the footways of Whitehall, Whitehall Place, Whitehall Court and Horseguards Avenue adjoining the Old War Office building,

- (za) the paved area to the front of the Ministry of Defence main building adjoining Horseguards Avenue (between its building line on the west side and its building line on the east side) and the southern footway of Horseguards Avenue adjoining that paved area,
- (zb) the footway on the west side of Victoria Embankment immediately adjacent to the Victoria Embankment Gardens (Whitehall Extension) and the Eastern end of Richmond Terrace including the Victoria Embankment Gardens (Whitehall Extension) themselves (and their pathways) adjoining the Ministry of Defence main building,
- (zc) Richmond Terrace between its junction with the west side of Victoria Embankment and the Ministry of Defence security gates situated opposite the Victoria Embankment Gardens (Whitehall Extension).



**PLAN**

THIS IS THE PLAN REFERRED TO IN BYELAW 2(1) OF THE BYELAWS TO REGULATE TENTS AND OTHER STRUCTURES AND SLEEPING EQUIPMENT IN DESIGNATED AREAS IN THE CITY OF WESTMINSTER AND TO AMEND EXISTING BYELAWS TO ENABLE SEIZURE OF NOISE EQUIPMENT



Westminster City Council Byelaws 2012: Designated Areas Figure 1

<b>Built Environment</b> City Commissioner of Transportation	<b>Legend</b> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid red; width: 20px; height: 10px; display: inline-block;"></div> <span>Controlled Area</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); width: 20px; height: 10px; display: inline-block;"></div> <span>Excluded Areas</span> </div>	<b>Scale in Metres</b> Date : 07.12.11 Drawn : <i>CHRS</i>
	<small>BASE MAP REPRODUCED FROM THE ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE (© ORDNANCE SURVEY, CITY OF WESTMINSTER, 001987). UNAUTHORISED REPRODUCTION INFRINGES ORDNANCE SURVEY'S COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. (YEAR AS MAP DATE)</small>	Acad File Name: WCC BYELAWS 2012

THE COMMON SEAL OF WESTMINSTER  
CITY COUNCIL was hereunto affixed

This 26<sup>th</sup> day of January 2012

in the presence of:

Peter Large

Head of Legal Services