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Your ref:  
Our ref: 11237679



10 February 2012

Nick James

Dear Mr. James,

## **ENVIRONMENTAL INFORMATION REGULATIONS (EIR) RESPONSE TO REQUEST**

Please accept our apologies for the delay in responding to your request for information.

On 10 December 2011, you made a request for information regarding the risk assessments and associated information relating to the recent and previous Lumiere Festival. Following an email exchange, the request was limited to the following questions.

As the information requested related to events that affected the environment and the public, we have considered it under the Environmental Information Regulations. (EIR). We are alerting you to this because the approach under the EIR regime is different from FOIA.

Please note that signatures and names of non-public facing employees have been removed as it constitutes personal information and would be removed under regulation.13 of the EIR.

**You requested:** 1. Can you produce any copies of any debriefs that happened during or after the Lumiere event

**Our response:** The Safety Advisory Group met to discuss the issue on 5 December 2011. The minutes are attached as [2011 Minutes 5 December]

**You requested:** 2. Any meetings relating to Lumiere where Health and Safety were mentioned in the months prior and post the event. Internally between County Council Staff, Visit County Durham and your Insurance Team Visit County Durham and County Council Staff, Artichoke Between Artichoke and Visit County Durham.

**Our response:** There were numerous meetings regarding Health and Safety since the 2009 event. The key ones were:

**17th October - Tabletop scenario planning.**

Blue lights, Artichoke, production team, Health and Safety, major Durham County Council agencies, Civil Contingencies Unit CU, Cathedral, University, stewarding and security in attendance.

This is where the theoretical event plan was tested against a number of scenarios before the operational plan is produced.

There are no formal minutes from this - the results were fed directly into the next version of the event plan - the copy of the final event management plan 2011 is attached.

**18th October - Stakeholders quarterly meeting**

DCC, Visit County Durham, Cathedral, University, Artichoke in attendance  
Quarterly meeting of the key stakeholders (reps are all senior management /decision makers) [Minutes attached as 2011 Minutes 18 October]

**19th October – Safety Advisory Group**

Attendees listed on the minutes.  
Final pre-event Lumiere SAG meeting  
[Minutes attached as 2011 Minutes 19 October]

**5th December – Safety Advisory Group**

Attendees listed on the minutes  
SAG de-brief  
[Minutes attached as 2011 Minutes 5 December]

Throughout the planning process Health and Safety issues were being considered These were not limited to specific meetings although these are the most prominent meetings where it was a main focus.

**You requested:** 3. Details of the Council's insurance cover for Lumiere any emails sent internally and externally relating to this.

**Our response:** The insurance cover for the event is attached as document reference [2011 Lumiere Insurance Contract Reference 11237679]. The Council has public liability insurance policy, which all local authorities have, to operate. At the same time, the Event Company as part of its operating requirements has similar insurance. Each of the installations are insured by the artists or their representatives. The email exchanges that took place regarding insurance related to the confirmation that all parties, including the installations, had the required insurance policies to the appropriate levels. All parties were insured appropriately.

**You requested:** 4. Any emails relating to Lumiere in relation to Health and Safety and crowd control sent during and after the event. Was there ever a SWOT (a standard management practice to identify Strengths, Weaknesses, Opportunities, Threats) produced within any document by Visit County Durham for the 2009 or 2011 event ? I would like to see this and the document it is within. Was this considered when agreeing the event was to go ahead in Durham City?

**Our response:** For both the 2009 event and the 2011 event, Event Management Plans were developed. A copy of each plan is attached. See [2009 Event Management REDACTED] and [2011 Durham Lumiere Event Management REDACTED]. These contain the risk assessments of the event as well as addressing the potential issues, such as crowd control and overall health and safety, that would be managed throughout the event. For each event, the Safety Advisory Group (SAG) approved the Event Management Plan. There was also a discussion of crowd control at the Lumiere Stakeholders Meeting on 27 January 2010. See document [2010 Lumiere Stakeholders meeting mins Jan 27] as well as a discussion of the lessons learned in January 2010 See [2010 Lumiere 2009 - Lessons Learnt meeting Jan 12] Finally, there was a debrief session following the 2009 event see document [2009 SAG Lumiere de-brief minutes 26 November]

**You requested:** 5. Who decided to hold it in the City and decided to increase the scale of the event despite H&S issues two years ago. I am seeking recorded information on the decision Who proposed to Cabinet for example that the event took place in the City. If a director who advised that Director, Was the Chief Executive involved in any way with any of these discussions Was the decision made under delegated powers as outlined in the Council's constitution? If so who if not was policy followed if not what action will be taken against those who did not follow procedure?

**Our response:** The decision to host the event was made at the County Durham Partnership meeting on Thursday 23 September 2010. The notes of meeting are attached as document [2010 County Durham Partnership Notes September]. The decision was made to fund Lumiere as a cultural initiative to underpin the County's economic regeneration, using special central government "performance reward" funding.

**You requested:** 6. Any copies of lessons learnt, debriefs from the 2009 event that mention crowd control or crowd issues.

**Our response:** Please see our response to question 1.

**You requested:** 7. Any SWOT Analysis carried out for Lumiere.

**Our response:** A SWOT analysis is not appropriate in planning an event of the complexity of Lumiere. Instead an Event Management Plan was produced in line with industry standards. The Event Management Plan for Lumiere 2011 is attached. [2011 Durham Lumiere Event Management REDACTED]

Within the document, there are risk assessments for each of the installations. Some parts of the event management plan have been redacted [blacked out]. The redactions have been made for three reasons.

The first is personal information, names of non-public facing employees, which would be exempt under regulation.13.

The second is for specific items that relate to the intellectual property rights of the author of the event management plan. These sections are removed under regulation 12 (5) (c) Intellectual property rights. In particular, there is a specific reference to the “locks” used for crowd control purposes. The technique and the approach used by the event manager are unique. As such, they would be considered trade secrets and their commercial advantage, and thus their economic interest, would be damaged by disclosure.

Thirdly, some items were removed as they related to specific safety measures that the event management company uses. The approach described in this document is particular to the event management company employed to work on this event and would have an adverse effect on public safety at future events if disclosed. We are withholding this under 12(5)(a) Public safety.

Under EIR, a public interest test has to be considered with the use of any exception. In this case, we believe the public interest would not be served by disclosing this specific information as it would have an adverse effect on the event management company’s intellectual property rights and on public safety. Even though there is a case for disclosure implicit within the EIR, we believe that this information would not meet the test because the unique nature of the devices and the methods that are employed.

**You requested:** 8. Details of what experience Visit County Durham Staff have of managing large events.

**Our response:** The Council commissioned Artichoke, a professional events management company, to run the event. They, in turn, commissioned a Crowd Management Consultant to handle the crowd safety for the event.

**You requested:** 9. What was their role in these events and their job title. Copies of CVs detailing experience that I may check and confirm. I am particularly concerned with Visit County Durham as they were leading the event and have a member of staff who has stated that they are responsible doing so.

**Our response:** Visit County Durham staff were involved with the project in managing the communications campaign and problem-solving of day-to-day issues. They worked alongside Artichoke who were the commissioned professional events management company, tasked with the responsibility of running the event.

The CVs of the staff involved would be exempt from disclosure under r.13. As personal information it would be exempt from disclosure because it would not meet the Data Protection Act requirements as set out in the EIR. In this regard, we would consider that disclosure of someone’s CV would be unfair as they would not expect their personal information, which is held by the Council, to be disclosed in this way. As a result, it would contravene the first data protection principle which is that personal information is not fairly processed if it does not meet at least one of the conditions set down by the Regulations.

**You requested:** 10. Any emails sent by and to the Chief Executive George Garlick relating to Lumiere during the event and also in the following two weeks.

**Our response:** The emails are attached, see document [CX Emails Lumiere].

**You requested:** 11. The spokesperson for Artichoke was saying she may not come back implying the people of Durham did not deserve it, this was widely reported and damages the County's reputation. It implies the people of the County is not worthy of quality arts. I would like to see how the council planned to manage this and any emails relating to this very damaging public statement. I would like to see any emails between Visit County Durham and DCC staff or Artichoke relating to future Lumiere in future years, again figures can be struck to enable it not to be business sensitive.

**Our response:** The Council and its partners have not yet decided on what the next event will be. Following a full evaluation (scheduled for June) the Council will consider what it wants to do with regard to any future events. Therefore, a decision has not been made concerning its future. Any discussions with Artichoke are focused on reviewing the recent event.

The Council and its partners are committed to cultural events as part of the long-term economic regeneration of the County. We believe that Durham offers a unique venue, possessing a world heritage site, as a cultural destination. Durham's status is enhanced by the vibrant cultural infrastructure throughout County Durham and Lumiere has been a highlight.

I hope that this information is of assistance. However, if you are dissatisfied with the handling of your request, please contact:

The Information Management Team  
Durham County Council  
Assistant Chief Executive's Office  
Room 4/140  
County Hall  
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Email: [foi@durham.gov.uk](mailto:foi@durham.gov.uk)

After you have exhausted our internal appeals procedure, you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 745

Fax: 01625 524 510

Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

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Yours sincerely,

**Lawrence Serewicz**  
**Principal Information Management Officer**  
**Attachments (11)**

1. 2011 Minutes 5 December
2. 2011 Minutes 18 October
3. 2011 Minutes 19 October
4. 2011 Lumiere Insurance Contract Reference 11237679
5. 2009 Event Management REDACTED
6. 2011 Durham Lumiere Event Management REDACTED
7. 2009 SAG Lumiere de-brief minutes 26 November
8. 2010 Lumiere Stakeholders meeting mins 2010 Jan 27
9. 2010 Lumiere 2009 Lessons Learnt Meeting Jan 12
10. 2010 County Durham Partnership Notes September
11. CX Emails Lumiere