

JOINT PROTOCOL BETWEEN ESSEX POLICE AND ROCHFORD DISTRICT COUNCIL TO DEAL WITH UNLICENSED EVENTS

1 SUMMARY

- 1.1 This report is about a statutory service issue. It assesses the implications for the Council if it agrees to a joint protocol with Essex Police for dealing with unlicensed music and dancing events.
- 1.2 Section 79 of the Environmental Protection Act 1990 makes it a duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisance and where a complaint of a statutory nuisance is made by a person living within its area to take reasonably practicable steps to investigate the complaint.
- 1.3 Under the Local Government (Miscellaneous Provisions) Act 1982, a licence is required from the Council for most public music and dancing events and holding such events without a licence is an offence.

2 INTRODUCTION

- 2.1 In the recent past there have been several unlicensed music and dancing events occurring in the County. In order to prevent/deal with any such events in the future, Essex Police has asked all Councils to agree to a Joint Protocol, (see Appendix 1).

3 THE JOINT PROTOCOL

- 3.1 The document details the mutual support that Essex Police and the Council will provide to one another when dealing with unauthorised events within the force area. The protocol sets out the joint strategy for dealing with unlicensed events, detailing the requirements of each agency to promote effective partnership working with the overall objective of reducing the risk to public safety and the distress suffered by the community from these types of events.
- 3.2 The declared intention is to prevent unlawful events taking place by using a multi-agency approach at an early stage whenever the likelihood of such an event has been established.
- 3.3 Unlicensed events tend to fall into two categories – those where prior information or intelligence about the event has been received and those

where there is none. The former enables a pre-planned response and the latter would require a spontaneous response.

Pre-Planned Response

- 3.4 The Protocol received from Essex Police states that “*Local Authority Duty Officers will be expected to attend to support Police at the site of an unlicensed event*”.
- 3.5 It is not possible for the Council to commit itself to this expectation because it does not have “duty officers” who are on standby out of hours. Consequently, Essex Police have agreed to change the wording to: “*Local Authority Officers may attend on request if possible to support Police at the site of an illegal unlicensed event*”.

Spontaneous Response

- 3.6 Again, Essex Police have agreed to change the wording to: “*Local Authority Officers*”, because the Council does not have officers on standby out of hours and at present only has a small number of officers on its call down list with current knowledge and training in noise nuisance and seizure powers.
- 3.7 The Best Value Review of Public Regulation, Inspection & Protection Services has considered the issue of out of hours contacts and response, and costed options are being put forward for Members’ consideration.

4 RISK IMPLICATIONS

4.1 Strategic Risk

Most high performing authorities have out of hours noise standby arrangements. The Comprehensive Performance Assessment framework for Public space suggests that a high scoring Council will ensure that all callers reporting pollution problems will receive clear advice and an effective response and that an out of hours emergency number will be well advertised and reliably answered. It will not be possible to score highly in respect of problems arising outside hours unless it is possible, where necessary, for a suitably trained officer to attend and only a standby system guarantees this.

4.2 Resource Risk

Responding out of hours depletes resources because most officers receive enhanced time off in lieu rather than overtime. Even responding to a pre-planned event could be very resource intensive as it may be necessary to put officers on standby, subsequently granting enhanced time off in lieu. Although being on standby duty itself is unlikely to trigger the rest period requirements of the Working Time Regulations, if an officer was called during the night the

minimum rest period entitlement could mean that the officer was unavailable for work part or all of the following day.

4.3 Operational Risk

Dealing with an unlicensed event is very resource intensive and will adversely affect work programmes.

4.4 Reputation Risk

Although a public opinion survey carried out during the Best Value Review of Public Regulation, Inspection & Protection did not strongly support the need for out of hours standby noise arrangement, the Council's reputation could be adversely affected if it was unable to respond to a large unlawful event.

4.5 Regulatory Risk

Statutory noise nuisance and licensing provisions are enforced by the Council.

4.6 Third Party Risk

Being unable to respond out of hours may mean that the public's safety will be prejudiced and the community may suffer distress and disturbance from noise.

5 CRIME AND DISORDER IMPLICATIONS

5.1 The Joint Protocol aims to prevent/deal with crime and disorder from unlawful events.

6 ENVIRONMENTAL IMPLICATIONS

6.1 Large unlawful events can cause severe local environmental problems.

7 RESOURCE IMPLICATIONS

7.1 Establishing a standby service would have significant costs. Paying officers instead of granting time off in lieu would also have financial implications.

8 LEGAL IMPLICATIONS

8.1 The Council enforces Statutory Nuisance and Licensing provisions and there may be judicial recourse for an aggrieved individual should the Council fail.

9 RECOMMENDATION

9.1 It is proposed that the Committee **RESOLVES**

To authorise the Head of Housing, Health & Community Care to sign the Protocol after it has been amended in accordance with paragraphs 3.5 and 3.6.

G Woolhouse

Head of Housing, Health & Community Care

Background Papers:

None

For further information please contact Rob Peacey on:-

Tel:- 01702 318053

E-Mail:- robert.peacey@rochford.gov.uk

**JOINT PROTOCOL BETWEEN ESSEX
POLICE AND ROCHFORD DISTRICT
COUNCIL TO DEAL WITH
UNLICENSED EVENTS**



Introduction

This document details the mutual support that Essex Police and Rochford District Council will provide one another when dealing with unauthorised events within the force area. The Protocol sets out our joint strategy in respect of unlicensed events, detailing the requirements of each agency to promote effective partnership working with the overall objective of reducing the risk to public safety and the distress suffered by the community from these types of events.

Strategy

It is our declared intention, wherever possible, to prevent unlawful events taking place, by using a multi-agency approach at an early stage whenever the likelihood of such an event has been established.

We will:

- As a priority; gather, collate and share information concerning unlawful events with our partners, landowners and other relevant agencies as permitted under Section 115 Crime & Disorder Act 1998, ensuring compliance with the Data Protection Act 1998 and information sharing protocols.
- Encourage and, as far as is practical, support landowners in taking action to prevent or curtail unlawful events from taking place.
- Carry out an operational review of the information available and, whenever appropriate, take action to prevent or curtail an unlawful event from taking place.
- Endeavour to attend all unlawful events discovered or brought to attention, and, when resources and legislation permit, seek to prevent them being established, seize property as permitted by legislation, and gather evidence with a view to prosecuting organisers or landowners as appropriate.
- When intervention is inappropriate, police should seek to provide a presence to reassure local communities. Both agencies should gather evidence and intelligence to support proceedings against persons identified as being in breach of legislation or for use in preventing future unlawful events
- Share information and evidence between police and local authority staff to enable the prosecution of organisers of unlawful events.
- Pursue a policy of openness with the media to highlight the dangers of unlawful events and the resolve of a multi-agency co-operation to prevent them. Whenever possible joint press releases should be issued and should seek to assure local communities.

Unlicensed events

Unlicensed events tend to fall into two categories - those in respect of which the authorities have received prior information or intelligence regarding the event, and those where they have not. The former enables a pre-planned, multi-agency response. The latter would require a spontaneous response that would normally be initiated by the police because of information received.

Pre-Planned Response

- We will apply the declared strategy of sharing information and intelligence, with a view to preventing the event through early intervention where the law and resources permit.
- We will work together to ensure that both permissive landowners, and organisers are aware of their legal obligations. Owners of land adjacent to proposed sites may be warned, allowing sufficient time to apply preventative measures where possible.
- Where time permits, we will make contact with the community likely to be affected, being open and honest regarding the actions we intend to take. Where resources permit, high visibility policing will be used to provide reassurance.
- **Local Authority Duty Officers will be expected to attend to support Police at the site of an unlicensed event.**

Spontaneous Response

- We will seek to apply our declared strategy. Police officers will attend all unlawful events brought to their attention and, where resources and the law permit, seek to prevent them being established and secure evidence with a view to prosecuting organisers and or land owners.
- **The decision to stop a large unlicensed event from continuing has resource and serious safety implications for the officers implementing the decision and for persons attending the event. The decision to stop the event will normally be made by the Duty Police Silver Commander following a full operational review and risk assessment. If, taking into account the ongoing risk to public safety, the event is allowed to continue, a full audit trail of decisions and risk assessments MUST be available.**
- When intervention is considered inappropriate, the Police should seek to provide a continuing presence to reassure local community. Both Agencies when possible will seek to gather evidence and/or intelligence to support proceedings against persons identified as breaching legislation or for use preventing unlawful events.
- **Local Authority Duty Officers may attend on request if possible to support Police at the site of an illegal unlicensed event.**

Other issues

Following any action taken in accordance with this Protocol, Police and Local Authority Officers will participate in a debrief. Information on preventative operations will be discussed and best practice and areas of weakness identified, All information/evidence surrounding an event will be shared with a view to taking decisions on prosecution or future licensing applications.

Any action by the Police and/or Local Authority will comply with the Human Rights Act 1998 and other relevant legislation. It is recognised that the human rights of those attending an unlicensed event will, in certain circumstance, have to yield to the public interest in the protection of disorder and crime and the rights of others to life, security, and property.

Signed on behalf of Rochford District Council.

Chief Executive Dated

Signed on behalf of Essex Police.

Divisional Commander Dated