

ASSOCIATION OF CHIEF POLICE OFFICERS PUBLIC SAFETY POLICY

INTRODUCTION

- 1.1 In general the public perception is that the Police are the lead agency for approving all public events including those which take place on the public highway. In reality the Police have no authority to either approve or ban such events and in fact, Police powers to regulate traffic for planned events are extremely limited. Furthermore, the Police have no general duty to preserve public safety at any public event, except where there are imminent or likely threats to life.
- 1.2 Legal opinion suggests that the responsibility for public safety rests with the organisers of an event, the owners of the land on which it takes place and possibly the Local Authority if the event takes place on a road. However, other persons or agencies who undertake actions regarding public safety at an event may assume a duty of care and, therefore, also become responsible.
- 1.3 In the past, the Service has taken the lead and undertaken actions to facilitate public events, acting for what they believed to be the public good. However, with the emerging spectre of civil litigation, a more focused approach, confining Police action to those issues which are part of our core responsibilities and where there is legal authority, is becoming necessary. This situation is potentially damaging to many public events and the Police will be seen as the 'villain of the peace' if situations are not handled with great sensitivity. The public will not want to know why they cannot hold an event, but how they can proceed with police approval.
- 1.4 This policy is aimed at standardising the Police approach to all organised events staged in a public place and on all public highways. It creates an environment where, through consultation and partnership, public events will continue to take place. A greater awareness of the individual responsibility of the organisers and those of the other agencies involved should emerge, which will ensure a more focused approach by all concerned resulting in a better planned, safer and more resilient event.

POLICY

- 2.1 The Police Service is often viewed as the first point of reference for those who organise public events, the assumption being that the Service can authorise or ban them. That is not the case, and it is vital that this perception is changed. The Police Service will, therefore, encourage Borough and District Councils and Metropolitan Authorities to establish a standing Safety Advisory Group. The Group should be comprised of Senior Officers or Executives from the Fire Service, Ambulance Service, Highways Authority and Police: it should be chaired by the Local Authority.
- 2.2 The Group will act as the first point of reference for all those who are intending to organise a public event, on or off the highway. It will provide advice and guidance regarding the specific areas of responsibility for both the organisers and the other agencies involved and also refer to aspects of best practice for the information of the organisers.
- 2.3 There is no legal requirement for the organisers to refer events to the Group but it is hoped that local impetus can be generated to develop, such referrals as best practice amongst organisers. Moreover, there is also no legal requirement for the organisers of a public event to comply with the advice and guidance given by the Safety Advisory Group (See 2.7 and 2.8 for actions).
- 2.4 Assessment of the need for Police attendance and action at Public events will be principally based on the need to discharge or core responsibilities which legal advice indicates are as follows:

- a. Prevention and detection of crime.
- b. Preventing or stopping breaches of the peace (see note below).
- c. Traffic regulation within the legal powers provided by statute, a Road Closure Order (TPCA 1847) or a Traffic Regulation Order (RTRA 1984).
- d. Activation of a contingency plan where there is an immediate threat to life and co-ordination of resultant emergency service activities.

Please note: *Where a public event involves a public procession intended to demonstrate support for or opposition to the views of others, publicise a cause or campaign, or mark or commemorate an event, the organisers have additional legal responsibilities and Police additional legal powers under Section 11 of the Public Order Act 1986.*

- 2.5 The level of Police resources committed to the event and the action undertaken will be proportionate to the assessment of risks posed by the event. They will also be restricted to these core areas of Police responsibility.
- 2.6 Police resources will not be routinely deployed to tasks, which the risk assessment suggests are necessary but for which there are no legal responsibilities or legal powers.
- 2.7 Where it becomes known that an event is planned which has not been referred to the Safety Advisory Group, the Police Service will make every effort to persuade the organisers to do so. However, where this approach is resisted and the event proceeds in such a manner that reasonable grounds exist to suggest that the risks caused by the event are within Police core responsibilities, we will take immediate action to mitigate the risks.
- 2.8 Prior to taking such action however, if practicable, a notice in writing, will be served on the organisers. This notice will detail the risks posed and the action to be taken by Police. It will clearly state that the action taken is intended to mitigate the hazard created by the organisers and in no way relieves them of their responsibility for the safety of the public involved in the event as either participants or spectators (Please see Appendix A).
- 2.9 Events of national significance, such as Armistice Day Parades and Services are particularly sensitive within the community and it is imperative that they should be allowed to proceed. This is so even where the Police action required would be outside normal policy. This generally involves short-term traffic regulation. The Police Service will pursue a solution to this problem in partnership with the local Highways Authority for each event, through the promotion of local closure orders. In the meantime, necessary action will be taken to facilitate such events, although attention should be given to areas of risk that should be reduced to the lowest possible level by adjustment of the route and/or the use of temporary emergency signage.
- 2.10 If the local Highways Authority have no policy regarding the authorisation of road closures for public events, the police service will encourage the formulation of such a policy. The resulting traffic management should comply with the requirements of the Traffic Signs Manual and be 'self policing'. Police Officers will not be used as part of a traffic management plan introduced in consequence of a closure order unless this is completely unavoidable.
- 2.11 The current policing dilemma is created by a number of conflicting issues, although the lack of legislation to regulate public events is a major factor. Inconsistency has resulted. This has the potential to cause disaffection between the Police and the public and to significantly damage community relationships, which are vital to the Police Service.
- 2.12 The Police Service will, therefore encourage the promotion of legislation to properly regulate and control such events in the future.