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Confidential filing

Acid House Parties

HOME

AFFAIRS

Sept 1989

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
4.10.89							
6.11.89							
27.11.89							
5.12.89							
<p>PREM 19/2724</p>							



NBP
AT 5/12
cepk

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Rt Hon David Waddington QC MP
Secretary of State for
the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

5 December 1989

Dear David,

ACID HOUSE PARTIES

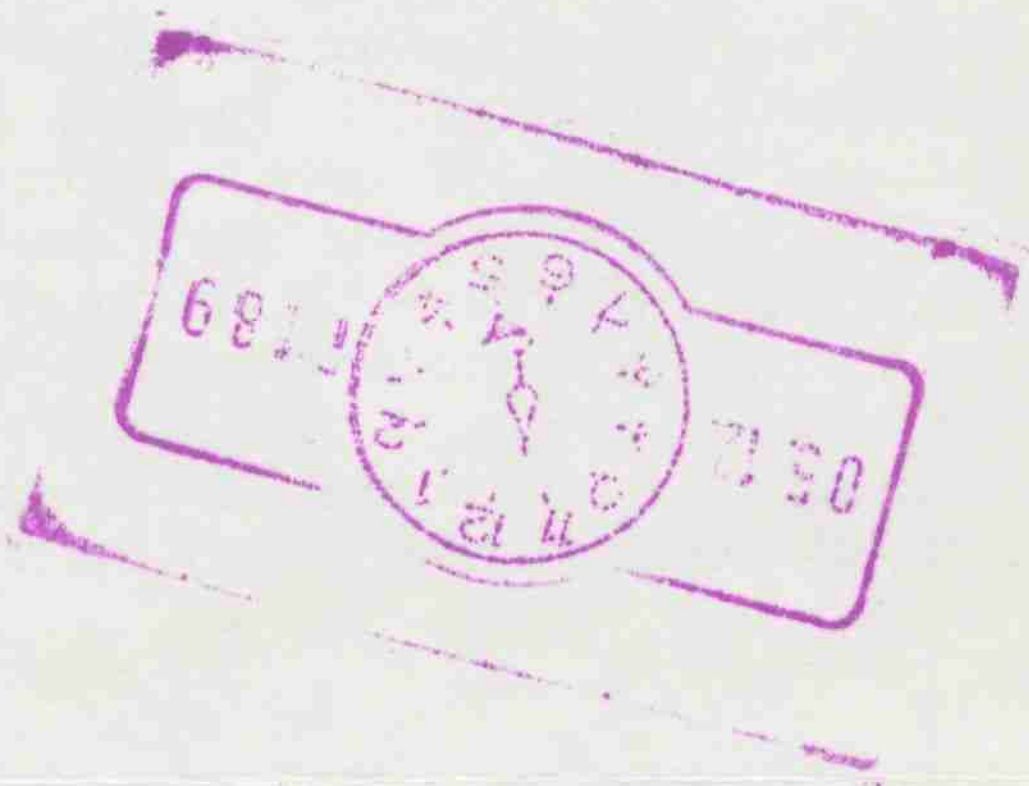
Further to my letter of 20 November, we have now received the views of our police and local authority associations on this subject and I am writing to confirm that the proposed Private Member's Bill should be extended to Scotland, though the point has been made that the offence to which the relevant penalties would attach will have to be very carefully drafted if we are to avoid catching entirely innocent events such as a barn dance. The position on confiscation remains as explained in my letter of 20 November, but we would wish the exceptionally high maximum summary fine and the increased term of imprisonment to apply here.

I am copying this letter as before.

Yours ever,
Malcolm Rifkind

MALCOLM RIFKIND

HONG AFFAIRS : Acid Papers Set 89





NBPM
28/11
SEPJ

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT



27 November 1989

Dear David

ACID HOUSE PARTIES

Thank you for your letter of 2 November seeking colleagues' policy and drafting approval to your proposal for a Private Member's handout Bill to increase the penalties for illegally organising acid house parties and to make the profits of such parties liable to confiscation.

The Prime Minister was content with your proposals. Malcolm Rifkind, Chris Patten and James Mackay wrote supporting them. Malcolm said that he was consulting with interested parties in Scotland about whether to extend the penalties provisions north of the Border. He felt that it would be premature to apply the confiscation provisions in Scotland in advance of the Scottish Law Commission report on the question of a general power to order confiscation of the proceeds of crime.

Chris Patten said that, in the light of the recent statement by the Association of District Councils on the adequacy of local authority powers in this area, a robust government statement was needed as soon as possible. I understand that you and he propose to issue concurrent statements by way of written Parliamentary answers on 4 or 5 December.

No other colleague has commented. You may take it therefore that you have H Committee's approval for your proposals.

I am copying this letter to the Prime Minister, members of H and L Committee, the Attorney General, Sir Robin Butler and First Parliamentary Counsel.

[Handwritten signature]

GEOFFREY HOWE

Rt Hon David Waddington QC, MP

Home Affairs.

Ac. o. Mail

Patrol Sept 83





NDPM
BF 22/11

CEP

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

The Rt Hon Sir Geoffrey Howe QC MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1

21 November 1989

Dear Lord President

at hand

David Waddington wrote to you on 2 November about the joint action we propose to take on acid house parties. I support his view that a positive announcement should be made, preferably well before Second Reading of the Environmental Protection Bill. Colleagues may be interested to know that we received on 16 November the response of the Association of District Councils to Virginia Bottomley's letter of 5 October asking for local authority views on the adequacy of their powers to deal with acid house parties. I attach a copy of the ADC response (which he publicised before we received it). It calls for comprehensive legislative changes, making it all the more important that we put out a robust Government statement as soon as possible.

I am copying this letter to the Prime Minister, members of H and L Committees (and the Secretaries to those Committees), the Attorney General, First Parliamentary Counsel and Sir Robin Butler.

CEJ Bush

PP CHRIS PATTEN

*(approved by the Secretary of State
and signed in his absence)*

ASSOCIATION OF DISTRICT COUNCILS

RESPONSE TO A REQUEST FOR INFORMATION CONCERNING ACID HOUSE PARTIES.

1. Introduction.

1.1 The Association has consulted all its 333 member authorities and ascertained that nearly thirty have had direct experience of the 'Acid House' and 'Pay Party' phenomenon. It is clear from these responses that district councils feel that the powers contained within the Control of Pollution Act 1974 and the relevant sections from the Local Government (Miscellaneous Provisions) Act 1982 and other legislation, are inadequate to deal with these parties.

1.2 Pay Parties have existed in various forms for some years and have mainly been confined to inner city areas. Such events have typically only required action by local authorities to deal with noise nuisance, with the main action undertaken by police officers who deal with associated illegal drinking, drugs and other criminal activities. Until the last two years the problems have been generally of manageable proportions, although it has never been felt that the legislation was adequate. The recent so-called 'acid house' parties are on a much larger scale, with more people, more noise and more public disturbance.

1.3 It is clear that, even disregarding media hype and public perceptions, many of the organisers have few scruples about obtaining venues by deception and are not concerned at the effect on local people. Thus the events become, in reality, unlawful unlicensed public entertainments which result in gross noise disturbance extending over a radius of several miles. They lack suitable safety arrangements, create serious traffic congestion and may result in problems involving public order.

2. Legislation

2.1 In the main local authorities have used three legislative means of control : firstly, the Control of Pollution Act 1974 (Noise Nuisance); secondly, the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 1 - Public Entertainment Licence); thirdly the Private Places of Entertainment (Licensing) Act 1967. The Local Authority must have decided to adopt the Private Places of Entertainment (Licensing) Act and also para 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 which authorises the authority to licence outdoor events (Pop Festivals) for these to be operational in the District Council area. In addition the Police have been involved and have utilised various legislative powers at their disposal.

2.2 The following details the Association's views concerning the use of each piece of legislation and suggests proposals for change.

3. Control of Pollution Act 1974

3.1 The major impact of many parties is the creation of noise nuisance. At present, a local authority may proceed to serve notice under Section 58 of this Act at three distinct stages

- i) before a noise nuisance is created to seek to prevent it
- ii) during the course of the nuisance to seek to abate it.
- iii) after the event to prevent reoccurrence.

3.2 If the authority is of the opinion that the service of a notice would afford an inadequate remedy it can under Section 58(8) of the Act seek an injunction in the High Court to restrain the person responsible for the nuisance or the owner or occupier of the premises from which the noise is emitted to cease or prevent causing the nuisance.

3.3 There are a number of practical difficulties:-

- i) an authority has to establish it is satisfied that a noise nuisance will occur;
- ii) a notice has to be served upon an organiser or land owner, and because of secrecy this is difficult;
- iii) some venues are used without the owner's permission;
- iv) local authorities could be liable for a cross petition for damages;
- v) an injunction to prevent or stop events depends upon the identification of defendants, counsel being briefed, and contacting a judge;
- vi) the identity of persons to be served are difficult to ascertain;
- vii) the fine limit for contravening a notice under s58 is not commensurate with the offence and is insufficient as a deterrent;
- viii) there is confusion concerning the scope of injunctions, ie whether they can be applied across the whole of a local authority area against a particular organiser;
- ix) there is a view that a Section 58 notice can be worded so as to require the person responsible to take steps to prevent a nuisance; an authority could use that wording to require the immediate removal of music reproduction and sound amplification equipment from the site and if the person failed to do so then action could be taken in default by the local authority under the powers provided by Section 69(2) of the Act. This itself will cause considerable difficulties for authorities in physically removing equipment safely and then storing in a secure place.

3.4 Suggested Amendments to the 1974 Act.

- i) that the legislation be amended to state that the **commission of a noise nuisance is a criminal offence in itself;**
- ii) given the profits to be made, a fine of £100,000 would not be unreasonable but consideration be given to making the offence triable either way with an unlimited fine and/ or imprisonment up to six months;
- iii) either legislative provision or guidance be given to magistrates and judges that local authorities and other public bodies should be fully reimbursed for all costs which they incur;
- iv) clarification in the form of amending legislation concerning the use of section 58 and 69 powers for seizure of equipment;
- v) a power should be added to enable an authorised officer of the local authority or constable to enter under the authority of a warrant to seize and remove any apparatus or equipment or other things whatsoever found in the place for production in Court;
- vi) the legislation should be amended to allow for the service of notices on "any person by whose act, default or sufferance the nuisance arises". This would allow the notices to be served on sound engineers, persons connected with the organisation including those who hire out equipment or transport, electricians etc. To be effective it must be possible to issue proceedings or notices on "persons unknown" (as in the case of squatter proceedings).

4. Local Government (Miscellaneous Provisions) Act 1982

4.1 Provisions within this Act allow the local authority to licence public entertainment and to specify conditions. The provisions do not apply to public entertainment in the open air unless the authority has resolved to adopt paragraphs 3 and 4 of Schedule 1. This then allows the Authority to impose conditions relating to public safety, including the maximum number of people permitted to attend the event, provision of sanitation and to prevent noise nuisance.

4.2 Schedule 1 of the Act makes it an offence for any person to organise or manage a public entertainment without a licence in force or to knowingly allow or let his premises to any person for the provision of a public entertainment without a licence in force.

4.3 An injunction can be applied for against both land-owner and organiser to stop:-

- i) an event that is to be held, which would not be licensed;
- ii) an event which is in progress which was not licensed;

4.4 Authorities have proceeded with prosecutions against persons who have held unlicensed events.

4.5 There are also practical difficulties associated with this legislation:

- i) events are organised in secret and it is difficult to ascertain organisers' names or venues until very close to the start time if then;
- ii) often events are or are alleged to be organised without the landowner's permission and the local authority must prove that he 'knowingly allowed the land to be used';
- iii) organisers claim that parties are private and not subject to the public entertainment licensing system it follows that a better definition of private is required for those purposes. See para 5.2.(iv) below;
- iv) fines are no deterrent to organisers, unless very substantial, who accept them as 'business expenses'.

4.6 Suggested Amendments to the 1982 Act.

- i) penalties should be increased as set out in para 3.4.(ii) above;
- ii) a national code of standard conditions be adopted along the lines of the GLC code of practice for Pop Concerts but also taking into account the views of Lord Justice Taylor's report on the Hillsborough Disaster. One of our authorities, Tandridge District Council, Surrey has adopted such conditions.
Local authorities would be able, as now, to impose additional special conditions on a particular licence. The penalties for breach of conditions should be the same as that for holding an unlicensed event;
- iii) a stop or prohibition procedure be devised similar to that which operates in the planning field. This would provide an alternative procedure to stop or prevent events without having to apply for an injunction; penalty for non-compliance would be as specified in (i) above;
- iv) to enable any person authorised under the Act from the local authority or the Fire Authority, or a Police Constable to obtain a warrant from a Justice of Peace to enter a place where they suspect a public entertainment is being organised or managed or about to be held without a licence in force from the appropriate authority. This would be in addition to the power already in existence which allows entry by warrant to an unlicensed event which is taking place;
- v) to make it an offence to refuse any such person or constable entry to such a place; the penalty for such refusal on summary conviction to be an unlimited fine or imprisonment for a term not exceeding six months or both;

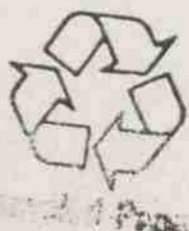
- vi) to enable any such person or constable to enter under the authority of a warrant to seize and remove any **apparatus or equipment or other things whatsoever found in the place for production in Court;**
- vii) to enable the Court to order such apparatus or equipment or other thing so produced to be dealt with in such manner as the Court deems appropriate;
- viii) to empower the Court to order the confiscation of all profits made by the organisation and/or management of such entertainment including the letting of the place for such an entertainment;
- ix) either legislative provision, or guidance be given to magistrates and judges that local authorities and other public bodies should be fully reimbursed for all costs which they incur;
- x) prior to licence being granted require the lodging of a deposit or bond liable to forfeit if conditions are breached;
- xi) a sliding scale of licence fees (determined by the number of persons permitted by the licence to attend the event) should be adopted by authorities. In this way local authorities could link the fee to the costs it will incur in administration and enforcement. The Association to advise authorities of this procedure;
- xii) the ADC to advise authorities to adopt paragraphs 3 and 4 of Schedule 1 to the Act.

5. Private Places of Entertainment (Licensing) Act 1967

5.1 This legislation has to be adopted by resolution by the local authority. It is a means by which 'private clubs' may be controlled and does allow the authority to licence and specify conditions concerning sanitation, safety etc.,

5.2 Practical Problems with the 1967 Act.

- i) no power of entry exists for local authority officers or Police;
- ii) penalties are lower than other legislation above;
- iii) the difficulties outlined for public entertainment licences also apply in this case;
- iv) definitions of "private" and "public" cause confusion which at present organisers exploit by arguing that these events are private functions, despite their size and the fact that in reality anyone could buy an admission ticket (see also para 4.5.(iii) above).



5.3 Suggested Amendments to the 1967 Act.

- i) the provisions of this Act and those under Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 should be consolidated;
- ii) in the interim the Association recommend that its members adopt the Act;
- iii) fees for the grant of a licence need to be increased substantially and in line with those (altered) fees for public entertainment licences;
- iv) penalties should be the same as suggested above for public entertainments.

6. Other Legislation Utilised

6.1 Some local authorities have advised the Association that they have used or would consider utilising Section 222 of the Local Government Act 1972 which allows injunctions to be brought in the interests of the locality.

6.2 The same difficulties appertain to the use of this power as to the use of injunctions indicated under other Acts above.

7. Other Suggested Amendments

Confiscation of the profits of organisers has been mentioned as a possibility; if invoked, it is felt that such a power should be given to the Police rather than the local authorities.

8. Conclusion

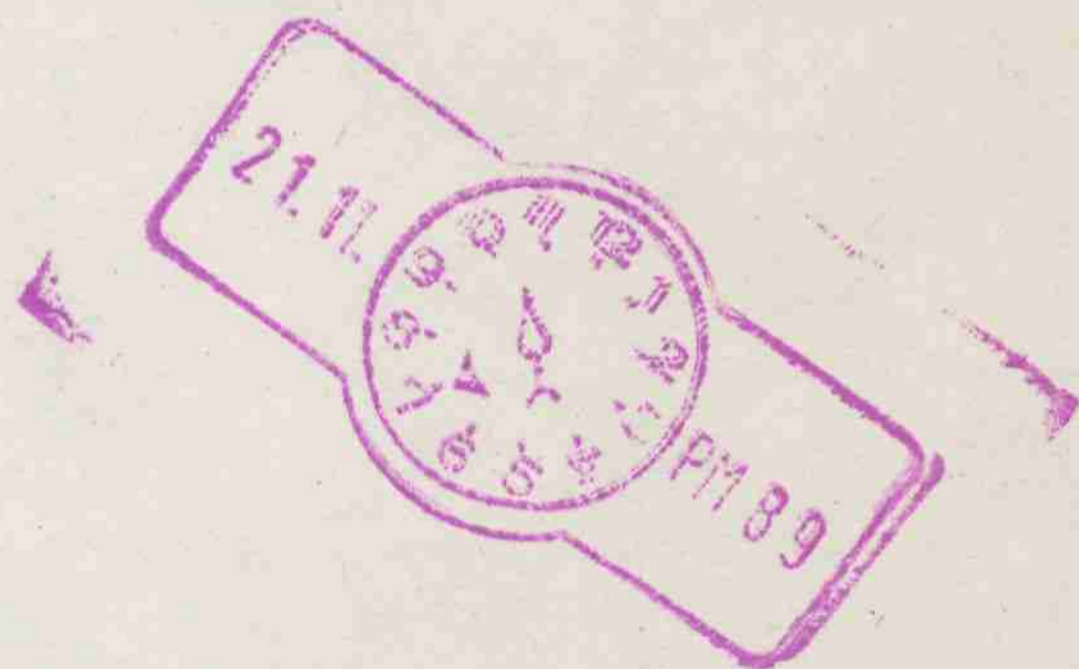
8.1 The Association is very concerned that events are taking place, attracting many thousands of people, which are causing disturbance and nuisance, but also at which those attending do so with no controls over safety and with inadequate organisation. Having seen over the past few years a number of disasters at large public events, the Association feels that urgent action should be undertaken to stop any unlicensed events.

8.2 To date many local authorities and police forces have been placed under great pressure attempting to utilise inappropriate and unclear legislation.

8.3 While accepting that major legislative change may well be difficult, this paper sets out proposals considered essential to cope with a crisis. The Association urges urgent action on legislative change.

PCR/JL 9 November 1989.

Home Affairs: Acid House
Partners
Sept 89





NDAM
ST. ANDREW'S HOUSE
EDINBURGH EH1 3DG

ccfll
20/11

Rt Hon David Waddington MP
Home Secretary
50 Queen Anne's Gate
LONDON SW1H 9AT

20 November 1989

Dear Secretary of State

ACID HOUSE PARTIES

Thank you for copying to me your letter of 2 November to the Lord President.

I agree with you about the need for a firm response to the problem of acid house parties, though I am glad to say that these are not yet a serious problem north of the border. We, of course, have common law offences such as breach of the peace which, if taken on indictment in the High Court, could carry penalties up to and including life imprisonment and/or an unlimited fine; and these offences might well be relevant to the activities of the organisers and facilitators of acid house parties. We are currently consulting the Association of Chief Police Officers (Scotland), and the Convention of Scottish Local Authorities about the issues involved. I have asked for an early response; and I shall of course want to be guided in this matter by the Scottish Law Officers.

Subject to that, I am inclined to agree with your proposals to apply exceptional maximum penalties on summary conviction for the relevant offences under licensing legislation. This is a course which we are increasingly adopting where criminals stand to make substantial profits by ignoring the law and where their behaviour causes an immediate danger to the public. I am therefore asking my officials to liaise with yours on the preparation of the proposed Private Member's Bill so that it can be extended to Scotland should we conclude that this is desirable. I hope to be able to give a firm decision on this before the end of this month.

On the question of confiscation, the Scottish Law Commission recently circulated a consultative memorandum which considered the possibility of giving the courts a general power to order confiscation of the proceeds of crime, subject to a lower limit of £10,000. The consultation period expires on 30 November but I fear we are unlikely to see their final recommendations until late 1990. Meantime, whatever decisions may be

taken about legislation, it would seem premature to extend any confiscation provisions to Scotland; and indeed, given the point made above regarding the possibility of an unlimited fine in serious cases, there may be rather less need for such a provision in Scotland.

I am copying this letter to recipients of yours.

J Rville

PP

MALCOLM RIFKIND

*Approved by the Secretary of State
and signed in his absence.*



HOME AFFAIRS

Acid House Parties

Sept 1984



FROM THE RIGHT HONOURABLE THE LORD MACKAY OF CLASHFERN



NB 17

BT

14/11

HOUSE OF LORDS.

LONDON SW1A 0PW

Our ref: DL 167/196/01

November 1989

Dear David

Acid House Parties

Thank you for sending me a copy of your letter of 2 November to Geoffrey Howe describing your proposals for tackling acid house parties by increasing the penalties available by means of a new handout bill.

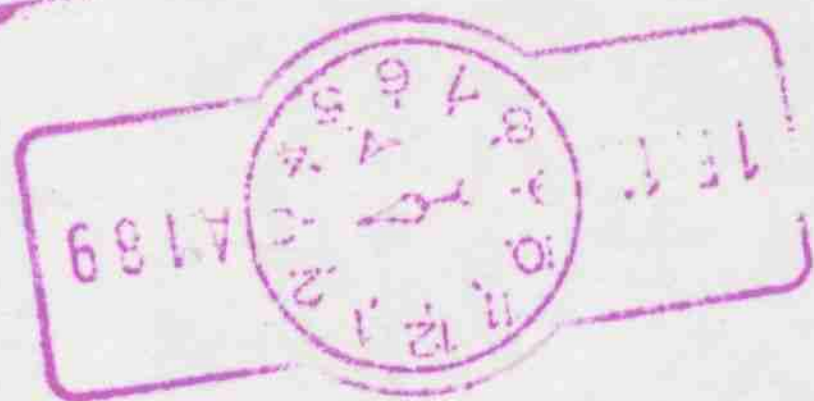
I support the suggestion that those in breach of public entertainment licensing arrangements who illegally organise acid house parties be liable on conviction in the magistrates courts to fines up to £20,000 and imprisonment up to six months; and that the resulting profits in excess of £10,000 be confiscated.

I am copying this letter to the recipients of yours.

Jamie,

Jamie.

The Right Honourable
David Waddington QC MP
Secretary of State
for the Home Department
Queen Anne's Gate
London
SW1H 9AT



HOME AFFAIRS : And Home Parties 1899



file
Shw

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

6 November 1989

Dear Colm.

ACID HOUSE PARTIES

The Prime Minister has seen the Home Secretary's letter of 2 November to the Lord President. She was content with his proposals to increase the penalties for illegally organising acid house parties and for making the profits from such parties liable to confiscation. She was content also that this should be done by means of a hand-out Bill.

I am copying this letter to the Private Secretaries to members of H and L Committees, Stephen Wooler (Law Officers Department) and Sir Henry de Waal.

Yours sincerely
Andrew Turnbull

(ANDREW TURNBULL)

Colin Walters, Esq.,
Home Office.

cc de Waal	SO	CWO
LOD	WO	DOT
Gentlemen-at-Arms	LCO	CDH
M/S Ho	LPO	DTH
FST	DIS	DTM
M/S Fro	DSE	NIO
HMT	CO	DES
LAD	CT	
LPSO		

dg



*Prime Minister's
Content will be Home Sec's
Proposals*

(i) *to increase penalties*
(ii) *to make proceeds subject
to confiscation?*

QUEEN ANNE'S GATE LONDON SW1H 9AT

2 November 1989

AT 3/11

C. H. U.

Sir Geoffrey,

Colleagues will be aware that Douglas Hurd was considering what action might need to be taken in response to the recent development of so-called acid house parties.

The problem is clearly a serious one. We understand from the Metropolitan Police that so far this year 223 such parties have taken place in London and the South East, of which 96 were actually stopped after they had begun. A further 95 planned parties have been prevented by pre-emptive action by the police or local authorities. The problem has also surfaced in other parts of the country.

Acid house parties are already subject to control under the public entertainment licensing law or the law governing private entertainments promoted for public gain, depending on the circumstances of each individual case. The former is provided for in Greater London by the London Government Act 1963 and in the rest of England and Wales by the Local Government (Miscellaneous Provisions) Act 1982. The latter is found in the Private Places of Entertainment (Licensing) Act 1967, which only applies, however, in a particular area if the local authority has adopted its provisions. Under these Acts it is, generally speaking, an offence to provide music and dancing without a licence obtained in advance from the local authority or in breach of any conditions etc the authority has imposed on such a licence. The problem is that the penalties for these offences are so relatively light that the organisers of these very profitable acid house parties can afford to ignore the law.

The police have a wide range of powers available to them which they are using to good effect. But this does not necessarily inhibit the organisers from continuing to arrange parties because of the large profits involved and the relatively small penalties which may be incurred. At present the maximum penalty which may be imposed for an offence under the 1982 Act on summary conviction is a fine of £2,000. The maximum fine for an offence under the 1963 Act is the same, but in that case conviction may also attract imprisonment of up to three months. The penalties available under the 1967 Act are a fine of up to £1,000 or imprisonment for up to three months, or both.

The Rt Hon Sir Geoffrey Howe, QC., MP.
Lord President of the Council
WHITEHALL, S.W.1.

/cont.....

There is now some evidence that criminal elements are becoming involved in the organisation of acid house parties and this, coupled with the need to reassure the public that the existing law can be made effective, has led us to conclude that offences against the entertainment licensing laws should attract far greater penalties. I therefore propose that provision be made for fines of up to £20,000 and imprisonment for up to six months to be available on summary conviction for the relevant offences in all three Acts which apply in this connection. This has the support of the Association of Chief Police Officers.

Primary legislation will be required and I would therefore be grateful for colleagues' agreement to the drafting of a handout Bill for this purpose. The subject is much in the news at the moment and I think that the prospect of changing the law will appeal to backbenchers. We shall aim to find a Private Member high in the Ballot to take it on.

The relevant offence provisions in both the 1963 and 1982 Acts also catch certain other more innocent activities for which a licence is required, in particular indoor sports entertainments to which the public are invited as spectators. I intend to ensure that the enhanced penalties apply only in respect of music and dancing and like activities.

But tough fines are not enough in themselves. We also need to get at the profits which organisers make from these events. I therefore intend to lay an order adding the offences to which these enhanced penalties will apply to those listed in Schedule 4 to the Criminal Justice Act 1988. This will enable the magistrates to hit the pockets of those convicted of organising unlicensed parties or allowing their land or premises to be used for them, by making a confiscation order under section 71(3) of the Act. To do so they will need to be satisfied that the offender has benefited from the offence concerned, or from that offence taken together with some other offence of which he is convicted in the same proceedings, and that the benefit is at least £10,000. The combination of greatly enhanced maximum fines for breaches of the entertainment licensing laws and the possibility of a confiscation order will, I think, give the courts the means to strike effectively at the proceeds made by the organisers of illegal parties and those who assist them. This seems to be the best way of meeting the Prime Minister's point, set out in Mr Turnbull's letter of 16 October, that, if possible, the penalty paid by the organisers of such events should be linked to the proceeds from them.

I should be grateful if, in his response to this letter, Malcolm Rifkind would indicate what, if any, action he considers necessary for Scotland.



3.

I should add that, while the nuisance caused by noise is a major consideration in connection with these parties, Chris Patten and Douglas Hurd had already agreed that it could not be isolated from wider consideration of noise pollution. Chris Patten intends to conduct a review of noise pollution in general and we have it in mind to issue a joint or simultaneous statement(s) to cover the action for which I am now seeking agreement and his issue of a circular setting out guidance for local authorities on the enforcement of the existing legislation in connection with acid house parties.

I am sending copies of this letter to the Prime Minister, members of H and L Committees, the Attorney General, First Parliamentary Counsel, the Secretaries to H and L Committees and Sir Robin Butler.

Yours truly
J. G. [Signature]

Handwritten initials



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

25 October 1989

ACID HOUSE PARTIES

Thank you for your letter of 16 October to Andrew Turnbull, which the Prime Minister has seen and noted.

PAUL GRAY

Miss Kate Bush,
Department of the Environment.

Handwritten initials



CEPU.

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

Prime Minister 2

Rec 6

18/10

mb

My ref:

Your ref:

Andrew Turnbull Esq
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

16 October 1989

You commented on an earlier
Home Office note that the Control of
Pollution Act, with its dependence
on injunctions, is unlikely to be
able to react quickly enough.

mb

AT 22/10

Dear Andrew

Peter Storr copied to Roger Bright his letter of 4 October to you about Acid House Parties. As he said in his letter this Department has an interest through our responsibility for noise legislation. I attach a copy of a letter which Mrs Bottomley has sent to the Chairmen of the Local Authority Associations seeking their views about the adequacy of the noise control provisions of the Control of Pollution Act 1974. Our Ministers have made it clear that if necessary these powers will be strengthened.

Yours

KATE BUSH

KATE BUSH
Private Secretary



DEPARTMENT OF THE ENVIRONMENT
2 MARSHAM STREET LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

05 OCT 1989

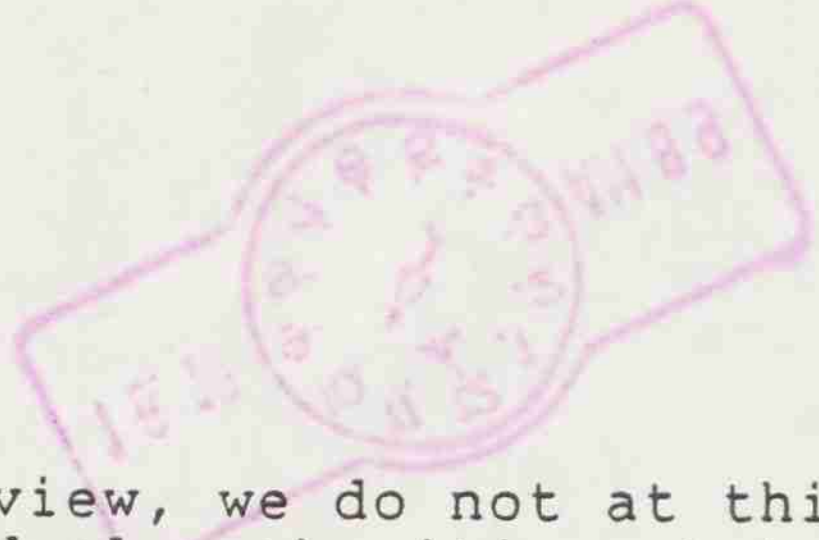
Dear Jack,

You will be aware of the disgraceful scenes at recent so-called Acid House parties, including last weekend's events near Reigate. We are anxious to explore with local authorities, the Home Office and the police whether we are satisfied that the powers currently available to councils to prevent or control such parties are adequate. I am therefore announcing today that we will be undertaking an urgent review of these powers with a view to strengthening them if necessary.

The Home Office have already consulted your Association about the possibility of providing an additional penalty of three months imprisonment for the offences of holding an unlicensed public entertainment, or one where the terms of a licence have been breached, in paragraph 12 of Schedule I to the Local Government (Miscellaneous Provisions) Act 1982. They are now urgently considering the need for even stiffer penalties for these offences in both the 1982 Act, and the London Government Act 1963 which provides the licensing control in Greater London. The possibility of confiscating the profits made by the organisers is also being considered. If you have any comments on the Home Office's original proposals, or on these further points, they would, I know, appreciate hearing from you by 13 October if possible.

We are particularly interested in the operation of the relevant noise provisions of the Control of Pollution Act 1974. I am aware that some authorities - Brentwood, Windsor and Croydon are examples - have taken action to secure injunctions under these provisions. It would be most helpful to have the pooled wisdom of these and other authorities in looking at the adequacy of existing powers.





Because of the urgency of this review, we do not at this stage intend formally to consult individual authorities, but I would be grateful if you could let me have an indication of the views of your members by 17 November if possible.

I am writing in similar terms to Councillor J Allison CBE.DL.(ACC); Councillor K R Thomason OBE (ADC), Ms M Hodge (ALA) and Sir Peter Bowness (LBA).

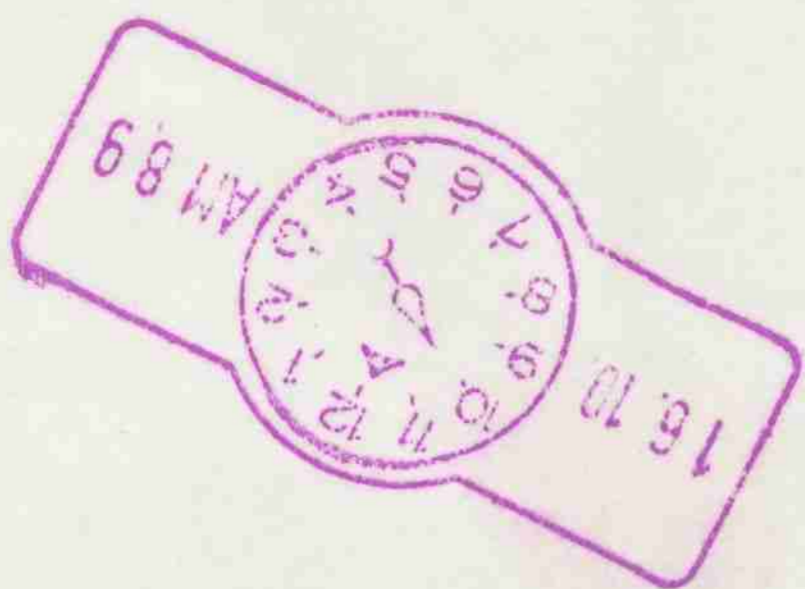
yours ever
Virginia

VIRGINIA BOTTOMLEY

Councillor J Laydon

Home Acc: Acid House
Patia

Sept 89





10 DOWNING STREET
LONDON SW1A 2AA

PM
c:\wpc\lacs\pps\acid
Hi
a Mrs Sinclair

From the Principal Private Secretary

16 October 1989

Dear Peter

ACID HOUSE PARTIES

The Prime Minister has seen your letter to me of 4 October. She welcomes the work that is being done to fill in any gaps in the powers the police have to intercept or break up such parties. She hopes that this work will be pursued urgently. She has commented that the priority is to increase the penalties for staging illegal parties, possibly linking fines to the proceeds of such events. She was doubtful whether greater use of the Control of Pollution Act would be effective as the need was for action at short notice outside working hours.

I am copying this letter to Roger Bright (Department of the Environment).

Yours sincerely
Andrew Turnbull

ANDREW TURNBULL

Peter Storr, Esq.,
Home Office.

W

ACID HOUSE PARTIES

This note examines the options for dealing with acid house parties currently being considered by the Home Office and the Department of the Environment. It concludes that the most promising course is to tighten up the existing public entertainment licensing rules, with much tougher penalties and confiscation of profits.

BACKGROUND

The main problem with acid house parties is the nuisance caused by the noise. The police wish that they were called "pay parties". Drugs are not the main issue. The parties are a form of unlicensed public entertainment for which people buy tickets.

There is also surprisingly little alcohol.

There are four ways of combatting the noise:

- (i) Under the licensing law which governs public entertainment;
- (ii) Under Section 14 of the Public Order Act 1986;
- (iii) Under the common law powers available to the police to prevent public disturbance;
- (iv) Under the Control of Pollution Act 1974.

(i) Public Entertainment Licensing Law

All indoor entertainment - including acid house parties held in a building - needs to be licensed. An organiser

should apply to the local authority for a licence 28 days in advance of the event. He is obliged to notify the police and the fire brigade at the same time. Conditions may be imposed when the licence is granted. This is a way of controlling the numbers, noise and duration of the parties.

On outdoor entertainment, the law leaves it to local authorities to decide whether a licence must be obtained. This is mandatory in some areas, but not in others.

The problem is that most organisers of acid house parties are flouting the law by not applying for a licence.

Where a licence is required, it is a criminal offence to hold a public entertainment without one. A local authority which gets wind of a planned party without a licence can apply for an injunction to stop it taking place. Windsor has already done this. But the penalties are limited: £2,000 fine, or imprisonment for up to 3 months.

It would be possible to increase the penalties sharply - the fine could be unlimited. And a link could be made which would allow the proceeds of acid house parties to be confiscated in addition to the fine. An increase in the penalties would require legislation - the Home Office are thinking of a Private Member's Bill. The link with the confiscation provisions in the Criminal Justice Act 1988 could be made by Order.

(ii) Section 14 of the Public Order Act 1986

This gives the police powers to impose conditions on the size and duration of a public assembly held out of doors. But they do not have similar powers to control an assembly indoors eg an acid house party in a warehouse.

Extending Section 14 powers to indoor gatherings would require legislation. Officials believe it might be contentious:

it would have to be a general power, not one directed specifically at acid house parties. Apparently consultation before the passage of the Public Order Act 1986 did reveal misgivings about an indoor power for the police.

(iii) Common Law Powers

Strictly speaking the police have no power to intervene to stop a party purely on grounds of noise. But if they receive complaints about the noise, they can intervene using common law powers. The greater the volume of complaints, the stronger the case for acting to preserve the peace (lest citizens take the law into their own hands).

The reported reluctance of the police to intervene is due

- (a) mainly to the sheer numbers involved in some of the parties - the risk would be too great;
- (b) slight nervousness about relying on common law powers alone - this leaves them open to challenge.

Too much weight should not be put on (b). The police have been using their common law powers effectively to stop acid house parties taking place - see attached article in the "Express".

(iv) Control of Pollution Act 1974

Excessive and sustained noise, measured in decibels, is a civil offence under this Act. Enforcement is in the hands of local authority Environmental Health Officers. The police

are seldom brought in. Most cases involve noise made on construction sites, or in factories. Remedy through the courts is slow.

The Department of Environment have been thinking for some time of making noise a criminal offence. They would like support from the police. Environmental Health Officers can find themselves intimidated on building sites and in factories.

Virginia Bottomley has written to local authorities asking them what they think should be done about acid house parties. Making noise a criminal offence is canvassed as a possibility.

But this does not look attractive as a means of dealing with acid house parties. It is too broad brush. It would involve the police in every row about a neighbour's party, and in enforcing noise control in factories. This may be something we want to do, but it would need to be justified on wider grounds.

CONCLUSION

There are adequate powers to deal with the problem (though some local authorities need to be encouraged to make licenses mandatory for outside entertainment).

There is already a requirement to notify the police in advance under the public entertainment licensing rules (the police themselves seem to be in a muddle about this). The problem at present is that those organising the parties mostly ignore this requirement.

What is needed is a way of hitting at the profits made by the organisers. This should discourage the craze. Much tougher penalties for failure to obtain a licence should help. So would confiscation of profits - though the police

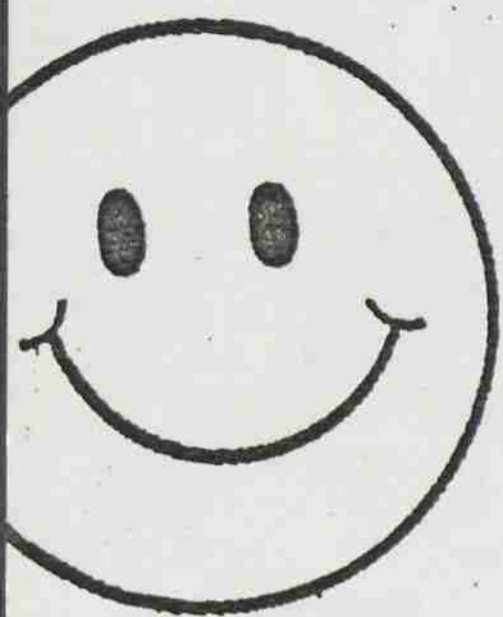
would have to be able to prove that the profits came from the event in question. The licensing rules can be used to crack down on acid house parties without new bureaucratic procedures which could catch every wedding party.

Home Office officials are working up a penalties/confiscation package designed to make the public entertainment licensing law a more effective tool for controlling acid house parties. It looks sensible.

Meanwhile the police should be quietly encouraged to use their intelligence to stop illegal parties taking place, working in conjunction with the local licensing authority. No amount of statutory power will make it feasible for police forces to take on crowds of thousands on a regular basis. We cannot have another drain on police resources equivalent to policing football matches.



CAROLYN SINCLAIR



the Acid House symbol

POLICE

WARNING TO TORY CONFERENCE

Baker: High interest rates could lose us the election

By NICHOLAS ASSINDER Chief Political Correspondent

THE Tories could face defeat at the next election unless interest rates are brought down, party chairman Kenneth Baker warned yesterday. Mr Baker delivered his stark message as the party faithful gathered in Blackpool for their most important conference of the decade. Ministers are under orders to turn the tide after a series of polls showing Labour ahead. And new Green Minis-

ter Chris Patten has emerged as the key figure in the party's bid to promote a caring image.

But Chancellor Nigel Lawson's central economic strategy remains the top priority.

Mr Baker warned that if inflation were not beaten and if interest rates stayed at about 15 per cent, the next election could be lost.

But he said: "We expect

Page 2 Column 5



Stark warning: Baker

By Express Reporter GRAHAM DUDMAN

DRUG-BUSTING police sealed off an entire town twice at the weekend to claim their first victory over the Acid House cult.

Six thousand revellers were turned back from Chatham, Kent, in the early hours of yesterday after a specially trained squad of 250 officers outmanoeuvred them across three counties.

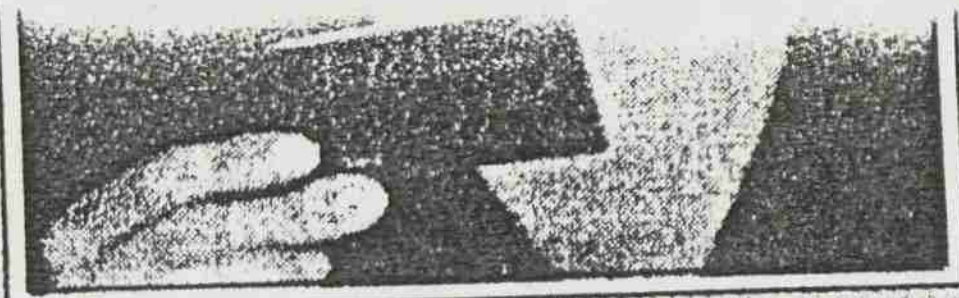
Then, yesterday afternoon, a second attempt was made to stage the huge party. Up went the road blocks again and whole convoys of cars were turned back. The Express was there to report the victory exclusively.

Other police forces are now studying the methods used successfully in Operation Jute. Officers believe the tactic of racing revellers to a party venue is the best way of beating the cult.

A senior officer working on Operation Jute said: "If we get to a party with thousands already dancing away it's safer to let them continue rather than cause trouble by breaking it up. The trick is to get to the venue and seal it off before the party starts."

The squad infiltrates the parties by pretending to be ordinary revellers calling the special tele-

Page 4 Column 1



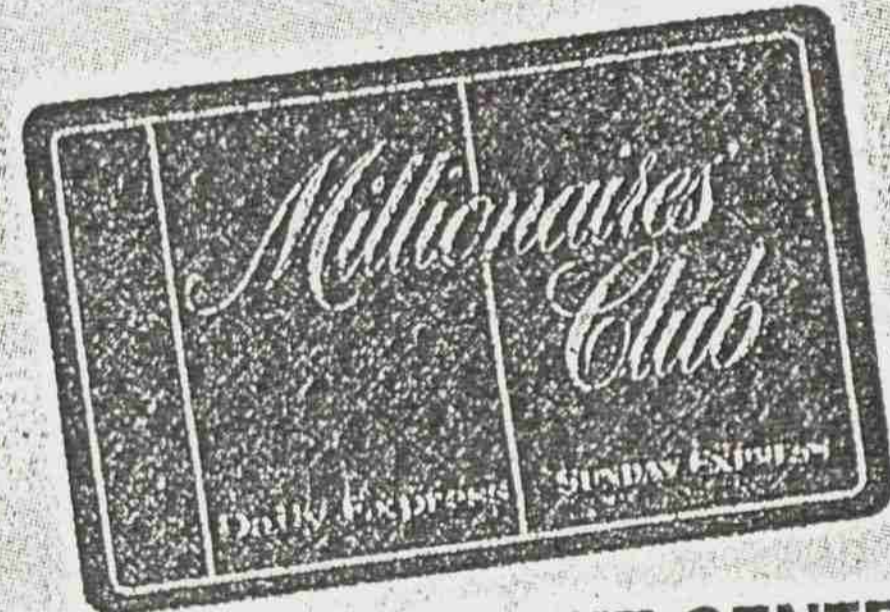
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YOU could win ONE MILLION POUNDS by playing our new Millionaires' Club game today. And we promise that one lucky reader is going to win the dream prize.

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Don't be fooled by pale imitations from our rivals with their paltry payouts. Now turn to Page Five and we will tell you how to get your card if you haven't got one yet. If you have one, play today on Page 34. Good luck.



NOW TURN TO THE CENTRE PAGES AND PAGE 34

SIDE: Weather 2, Opinion 8, Jon Akass 9, World Report 10, Expressions 15, Ross Benson 17, Money Plus 19 - 30, TV & Radio 32 - 33, Air Miles 38, Stars, Target 40, Sport 42 - 48

A DAILY EXPRESS INVESTIGATION BY GRAHAM DUDMAN INTO THE MENACE OF ACID HOUSE

Police roadblocks foil 6,000 on way to drug cult party

From Page One

phone hotlines printed on tickets.

Police also have a network of former partygoers who quit the scene in disgust.

One squad member said: "Most of the information is available if you know where to look."

"We get a lot of people who used to go to the parties but stopped when they saw how bad the drug scene was and they keep us in touch with the big events."

Operation Jute came just after Home Secretary Douglas Hurd pledged to crack down on the parties.

They attract up to tens of thousands of youngsters at a time, go on all night and can be heard miles away.

The authorities are particularly worried about the level of drug-taking.

The 6,000 youngsters whose plans were thwarted at Chatham were left holding tickets costing £20 for a party that never happened.

No refund will be given by the organisers, who pocketed £120,000, and police hope disgruntled partygoers will now

refuse to pay for tickets unless future events have been licensed.

Using tactics last seen against flying pickets in the miners' strike, the youngsters were turned away from Chatham before reaching the derelict drill hall where the illicit party, called Paranoia 2, was to have been held.

Senior officers resorted to the action because they fear that youngsters' lives could be at risk with so many packed into old buildings.

Chief Superintendent Ken Tappenden, who master-

mind Operation Jute, said: "When you have so many people in a confined space, with cars blocking the roads, there is no way emergency services could reach the party."

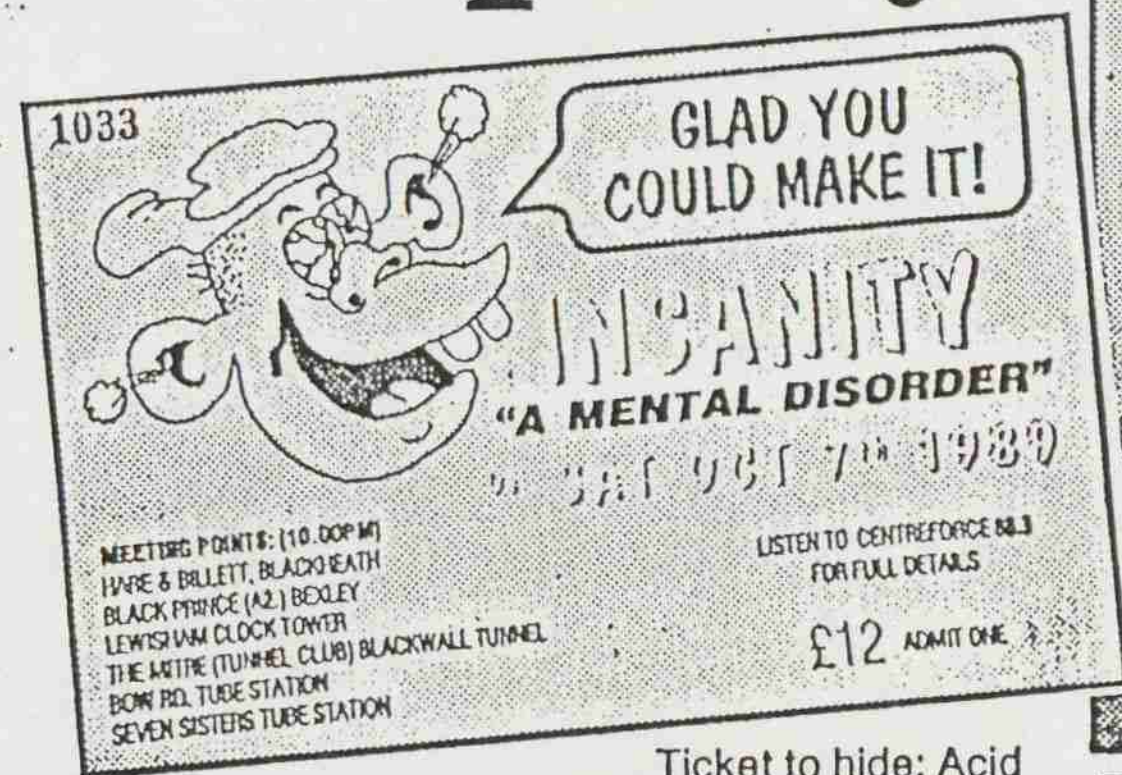
Disaster

"Can you imagine what would happen if there was a fire inside one of these buildings? You would be talking a major disaster."

Operation Jute was the result of three weeks' planning. Shortly after a special briefing at 5 pm on Saturday more than 250 officers were



The party's over before it begins: Acid House squad police stop and search at the roadside



Ticket to hide: Acid House "invitation"

taken to selected spots across the county.

Detectives began monitoring three pirate radio stations, waiting for DJs to give out last-minute details of venues.

By 9 pm the first tip-offs from contacts were radioed to senior officers at selected motorway junctions and service stations.

The race was on. For hours police played cat and mouse with revellers — and won.

Last night Medway MP Dame Peggy Fenner welcomed the police crackdown.

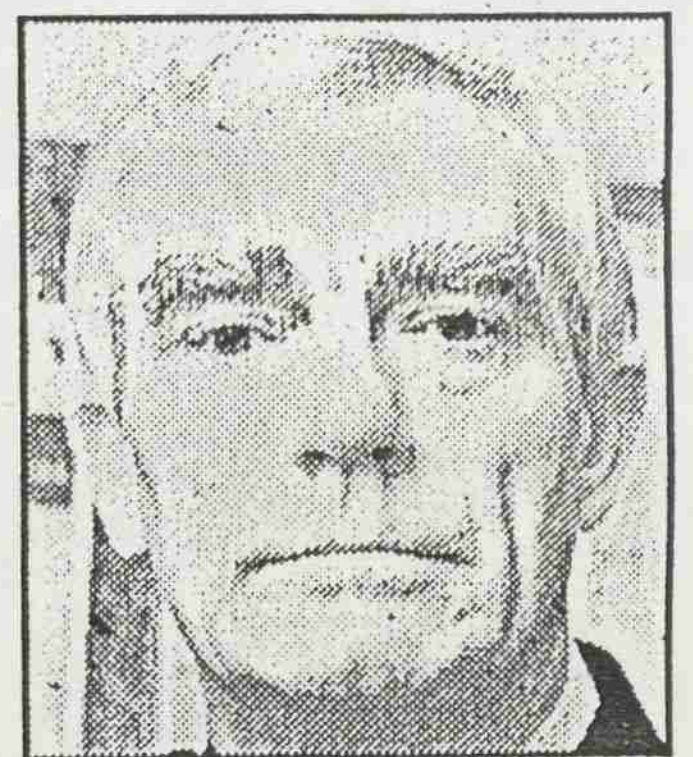
"I'm fully in support of the

police taking the action they have to stop them," she said.

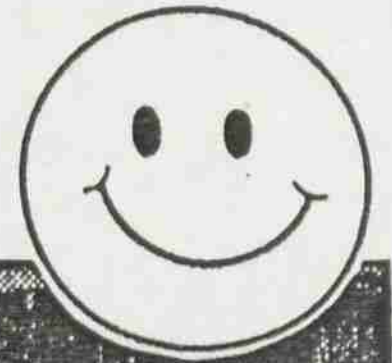
The Police Federation's parliamentary advisor, Tory MP Michael Shersby, said he would be tabling a Commons' question on the problems of Acid House parties.

He said: "I think new legislation is required to control them and the disturbance they create. Using large numbers of police officers costs the ratepayer."

He was backed by a Police Federation spokesman, who said members hoped Mr Hurd would pledge further action at this week's Tory conference.



Tappenden: Mastermind



HOME AFFAIRS: Acad Home

paper Sept 87

MISS SINCLAIR

h te 26

ACID HOUSE PARTIES

The Prime Minister received some papers about the powers available to the police to intercept or break up acid parties - Flag A. I asked for advice from the Home Office - Flag B. Could you consider whether their proposals for future action measure up to the problem and then prepare a note which I could put to the Prime Minister.

One problem which occurs to me is that the police have no powers to intervene on the grounds that a party is excessively noisy. It will not be sufficient to give local authorities extra powers if they are not around at 3 a.m. to enforce them. Is there some way in which the police could be given powers to act in flagrant cases as they are around at that time of the night and have the resources to enforce their ruling?

Andrew Turnbull

4 October 1989

c:acid



Prime Minister
This reports as work Home Office have
in hand. Miss Sinclair's note attached
argues that the problem is not really
one of powers, but of getting penalties
which are commensurate with profits
being made.

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

4 October 1989

The Control of Pollution Act seems to have
little to contribute.

Agree Home Office are working on right lines
but be urged to make haste?

Dear Andrew

AT 13/10/89 es

mf

ACID HOUSE PARTIES

flap

Thank you for your letter of 18 September recording the Prime Minister's request for an account of police powers to prevent or close down acid-house parties.

Present Powers

The police have powers to deal with any criminal offences, such as drug dealing and disorderly behaviour, which may occur at these parties. In some cases, action to deal with suspected drugs or other offences may in practice result in the party being brought to an end. In relation to open air parties, the police have used their powers under section 14 of the Public Order Act 1986 to impose conditions as to numbers and duration of a public assembly seriously disruptive to the life of the community. Failure to comply with a direction issued by the police would give a power of arrest. Although useful for open air parties, the power is not available for parties held in warehouses or other premises.

Apart from those specific powers, the police are generally relying on their wide common law powers to prevent a breach of the peace. The use of these powers depends on the circumstances of the case and, for example in relation to action to block access to a site, is vulnerable to legal challenge. Where a party is already under way and the police are receiving complaints from members of the public who may be threatening to take matters into their own hands, there is a clearer justification for using breach of the peace powers. In this way, police have been able to persuade organisers to pack up voluntarily and have on occasion seized sound equipment on the grounds of preventing a breach of the peace.

The police do not have any powers under the Control of Pollution Act 1974 which governs nuisance caused by excessive noise. This is the responsibility of the local authority,

/although the

Andrew Turnbull, Esq
Principal Private Secretary
10 Downing Street

although the police will, of course, provide support. Although this is a matter for the Department of the Environment, we understand that in Croydon the Environmental Health Officers (EHO) are arranging to issue notices under the Control of Pollution Act requiring not only the cessation of the noise, but also the immediate removal of the sound equipment. Failure to comply gives the EHO a power to seize the equipment. Officials are liaising with DOE to see whether this approach is tenable and should be brought to the notice of all local authorities.

The other main area of control is the public entertainment licensing law which in practice local authorities are responsible for enforcing. There have been several examples of a local authority or the police obtaining an injunction under the Local Government Act 1972 to prevent a possible breach of the public entertainment licensing law provisions and so preventing a party from taking place. If an injunction is sought and granted a few hours before the party is due to begin, then the organiser stands to lose a substantial sum.

Further Action

It is clear that Acid House parties are a continuing problem. The police are often able to take effective action against them but the Home Secretary has asked officials to examine urgently whether further powers are necessary. In particular he has asked officials to consider the case for increasing penalties under the public entertainment licensing law so that they bite on the organisers of the parties. The necessary outside consultation on this is in hand. We shall also be considering whether there is a case for using the confiscation provisions of the Criminal Justice Act 1988 to get at the profits which the organisers make. Senior officials will shortly be discussing with the Association of Chief Police Officers whether there is a case for additional police powers. One possibility, which the Chief Constable of Surrey has suggested, following the well publicised Acid House party at Reigate last weekend, is to amend the Public Order Act 1986 to require organisers of parties to give notice to the police of their intention to hold gatherings. This would represent a major change to the Act with implications for many private occasions as well as public assemblies and demonstrations. Advance notice is already required under the public entertainment licensing law, but we shall consider the options further.

/When this

When this urgent work has been completed, we shall be considering whether there is a case for a hand out Private Member's Bill to make any changes to the law quickly and effectively. In order to achieve the support necessary this would probably need to avoid controversial changes to the Public Order Act.

It is also clear that the local authorities have an important part to play in tackling the problem of acid house parties. Their officers must work closely with the police in the enforcement effort. We are considering with the Department of the Environment whether general guidance could usefully be issued to local authorities about their responsibilities and powers. DOE intend to review the operation of the Control of Pollution Act and are consulting the local authority associations. The Home Secretary will be meeting the Secretary of State for the Environment shortly to discuss this aspect of the law.

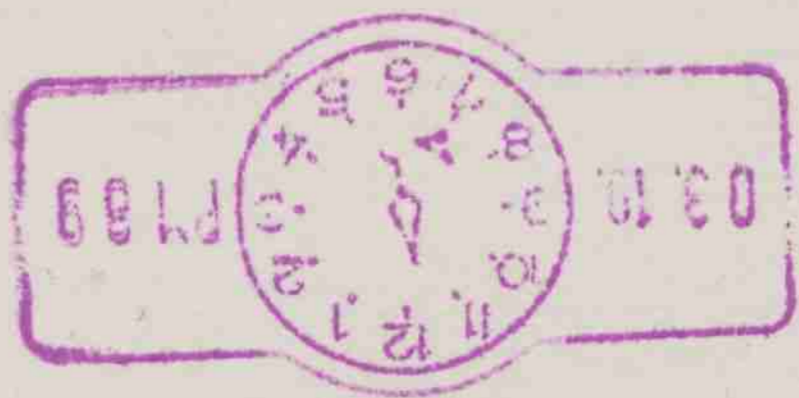
I shall keep you informed of developments. I am copying this letter to Roger Bright (DOE).

Yours ever,

Peter Storr.

P R C STORR

HOME AFF: Asia Ho Parties Sep 89





10 DOWNING STREET

From the Principal Private Secretary

18 September 1989

ACID HOUSE PARTIES

The Prime Minister, in common with a number of other MPs, has been receiving correspondence about acid house parties. She would be grateful for an account of the powers available to the police either to intercept these parties before they take place or to disperse them once they have started. In particular, she would be interested to know whether the police can act on the grounds of excessive noise.

ANDREW TURNBULL

Colin Walters Esq
Home Office

File
SAM.A.
Acid

bc Archive
Hamilton

ET

Archie Hamilton, M.P.

R81A



House of Commons
London SW1A 0AA

6 September 1989

Andrew Turnbull Esq
Principal Private Secretary
10 Downing Street
London SW1

Prime Minister (4)
To note as a sample
of what is going on.
Would you like a note
from the Home Office on
the police's power?

Yes - if this is
a new 'fashion' we must be
prepared for it and refer to
previous such things from
past. 8/21/89

Dear Andrew

Please find enclosed a copy of correspondence
from my Uncle - Mr Gerald Coke of Jenkin
Place, Bentley, Hampshire - who is very
disturbed by an 'acid house' party that
took place in his village recently.

He wanted me to bring it to the notice of
the Prime Minister and I would very much
like to be able to tell him that I have
done that.

Yours ~~sincerely~~

cc: Michael Mates Esq MP

COKE

From Mr Gerald Coke, CBE, DL

To Lieut.Colonel Michael Mates, M.P.

22nd August 1989

Dear Colonel Mates,

I am afraid that you will be bombarded with letters about the "Acid House party" which took place in Bentley on the night of Saturday, 19th August. I am sorry to add to the deluge but, as I was concerned for many years with the lay administration of justice in the County and as one of the oldest (both in age and length of residence) inhabitants of the village, I feel that I should lend what weight I can to their representations.

As you probably know already, the noise, which started at 1.30 a.m. and went on until 7.30 a.m., kept the whole village, including the Quinta Nursing Home with some terminally ill patients, awake and was heard for more than a mile in all directions. One man at Rowledge, in Mrs Bottomley's constituency, about three miles away as the crow flies could not sleep and drove over to see what was going on.

Virtually everyone in the village rang the police at some stage but the answer in every case (including to me when I rang anonymously) was that this was a private party and that they could do nothing. After a time the Alton police did not even answer the telephone. One neighbour who rang Winchester, because he could get no answer from Alton, discovered that the police were involved in another similar party (which I see from this morning's paper was at Fareham) which had developed into a riot and which obviously occupied police personnel and resources.

My Law is a bit rusty since I went on the supplemental list as a magistrate some twelve years ago but from my recollection of it I am not sure that they are quite as powerless as they make out (e.g. under the Public Order Acts, Noise Abatement legislation, to say nothing of the Prevention of Drug Offences), but the trouble is that under present legislation they cannot interfere until the "party" has got going and then do not want to do so. I cannot blame them because two or three constables cannot do much against a crowd of several thousand (I am told that the number in Bentley was estimated at 3,000) consisting largely of undesirable characters, many of whom are under the influence of drugs or alcohol and most of whom have come from London or other big cities. Moreover, they feel that, if they attempt to interfere, the crowd may go on the rampage and break up the village.

The most distressing aspect of the whole episode to me, having been concerned with the magistracy (as Chairman of the Alton Bench for twenty years, as Chairman of the Magistrates' Courts Committee and as a member of the Police Authority) is the feeling of so many of my village neighbours of all classes and at all social levels that they can no longer depend on the police to whom they have always looked for protection against invasions of this sort. If the police cannot provide this protection, where are they expected to look to find it? The answer in some cases will be to themselves and this was very much the mood in the village on Sunday morning. Such action would, of course, be quite fruitless and could well lead to bloodshed or serious damage to property, but sooner or later whether here or elsewhere it is what will happen. I have never known such a feeling of collective anger and helplessness as I did after this episode and everyone to whom I have spoken feels very strongly that the Government must legislate to

3.

give the police whatever powers they need to enable them to deal with these invasions of privacy, which is what they really are. Because prevention is better than cure surely the easiest way to deal with the trouble is to make an assembly out of doors starting, or continuing, after midnight subject to a magistrates' license if it is likely to exceed (say) 30 in number or if sound reproduction and amplification equipment is to be used. At least three or four weeks' notice would have to be given and the police would be entitled to be represented and to object if the chosen area would be difficult to control. If the licence is refused it is a much simpler task for the police to prevent cars reaching the site than to interfere with a "party" which has been going on for an hour or two.

Using licensing by Magistrates' Courts to control these gatherings does not entail setting up new machinery and could be quickly implemented by a short Bill, which would presumably include substantial penalties against both the organisers and the site owner, who will be receiving a large rent, for arranging an assembly without a licence.

But, of course, it is not for me to suggest the best way of dealing with a problem which has been aggravated by the long hot summer. I think, however, that it must be said that these gatherings are partly provocative in character and those who attend them are half hoping for a confrontation with the police or the local inhabitants. Some unpleasant incidents have already occurred and I am glad to say that our local example passed off with "vox et praeterea nihil", but if

a riot or near-riot resulted in casualties, the Government would come under severe criticism for having made no attempt to deal with the root cause - and you have enough troubles on your hands without adding to them!

I hope that you will not mind but I have sent a copy of this letter to my nephew, Archie Hamilton. Having been Mrs Thatcher's P.P.S. he may be able to ensure that she is made personally aware of the need for action.

Please no answer needed.

Yours sincerely,

(signed) GERALD COKE

Lieut.Colonel Michael Mates, M.P.,
House of Commons,
LONDON SW1A 0AA.