



# PS 175 Emergency Boarding Up Policy

May 2014

Version No 1.0

## Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

## Table of Contents

Aims and objectives of the policy .....	2
Policy statement .....	2
Power to force entry to premises.....	2
Decision to force entry.....	3
Securing property after forced entry .....	3
Forced entry by persons other than police officers.....	3
Abandoned / Empty Property .....	4
Charges / Costs .....	4
Sharing of information .....	4
Related documents and Appendices .....	5
Administration.....	5
Registered Owner .....	5
Monitoring and review .....	5
Version Control .....	5

## AIMS AND OBJECTIVES OF THE POLICY

On occasion, Nottinghamshire Police are required to force entry to premises or property often resulting in unavoidable damage to doors and windows.

This policy details the use of the emergency boarding up service following a forced entry into a property by Nottinghamshire Police.

## POLICY STATEMENT

### Power to force entry to premises

The police have a number of legal powers to force entry into premises. For example, police may force entry into a property to:

- Prevent a breach of the peace.
- Saving life or limb or preventing serious damage to property.
- Searching for items relating to the offence for which a person has been detained or to search for items relating to like offences.
- Under a warrant issued by a Magistrate or Judge.

This list is not exhaustive.

## Decision to force entry

The decision to force entry into a property is taken by the officer at the scene based on the information available at that time. Before a forced entry is attempted, the officer will assess the need to enter the property and establish possible methods of securing entry without causing damage or putting themselves or others at risk. The length and depth of this assessment will be determined by the prevailing circumstances. For example, an ongoing breach of the peace or clear evidence of a life in danger will necessitate a faster response to gain entry to the property in question.

## Securing property after forced entry

Where Nottinghamshire Police has forced entry to a property, we are required to ensure that the premises are adequately secured on leaving the scene. **Nottinghamshire Police are not liable for any emergency boarding charges incurred following the result of any criminal act or following forced entry by police officers in the lawful execution of their duties. This includes where contact could not be made with the owners or occupants of the insecure property at the time of police officers attendance.**

The responsibility for adequately securing the property lies with the owner, occupier or other responsible person. If this isn't possible because such a person is not present at the time, Nottinghamshire Police will arrange for the property to be secured by emergency boarding up of the premises by a contractor from an approved scheme. Similarly, officers will not be able to remain at the premises for excessive periods of time awaiting the arrival of an owner or other person to secure the property.

Emergency boarding repairs are defined as "those repairs necessary to secure premises adequately to provide a duty of care following entry by persons know or unknown or following forced entry by police officers in the lawful execution of their duties". It does not involve replacement of doors, windows or locks or costs over and above emergency repairs.

If the owner, occupier or other responsible person is present, but unable to make their own arrangements for securing the property, Nottinghamshire Police will act as facilitators and arrange for one of the scheme contractors to make contact with the owner, occupier or other responsible person.

Any work and repairs undertaken is a private contract between the owner, occupier or other responsible person and the contractor. The arranging the service does not create any contractual or legal liability on the part of Nottinghamshire Police. If such a request is made, details of the person requesting the service will be recorded on the incident log.

## Forced entry by persons other than police officers

Nottinghamshire Police are not responsible for securing a property where the entry has been forced by persons other than police officers, for example during a burglary or breaking and entering. Responsibility for securing the property will lie with the owner, occupier or other responsible person. If the owner, occupier or other responsible person cannot be contacted or are unable to attend the scene within a reasonable time, Nottinghamshire Police will arrange for emergency boarding up to secure the property.

The costs for this will be charged by the contractor to the owner, occupier or other responsible person. Nottinghamshire Police are not responsible for setting these charges or paying any cost incurred.

## **Abandoned / Empty Property**

If Nottinghamshire Police force entry to an abandoned property that is secure at the time of entry, the owner of the property will be responsible for securing the property. If the owner, occupier or other responsible person cannot be contacted or are unable to attend the scene within a reasonable time, Nottinghamshire Police will arrange for emergency boarding up to secure the property. The costs for this will be charged by the contractor to the owner or other responsible person. Nottinghamshire Police are not responsible for setting these charges or paying any cost incurred.

Securing insecure abandoned and empty property is not the responsibility of the police. Requests to secure abandoned properties in these cases must be forwarded to the relevant local authority or council.

## **Charges / Costs**

**Nottinghamshire Police are not liable for any emergency boarding charges incurred following the result of any criminal act or following forced entry by police officers in the lawful execution of their duties. This includes cases where the property requires securing, but contact could not be made with the owners or occupants of the property at the time of police officers attendance.**

Emergency boarding up of property is not a free service and all cost will be charged by the contractor to the owner, occupier or responsible person. The costs are determined by the contractor.

**Police officers at the scene do not have the authority to agree to any costs or charges being paid by Nottinghamshire Police.**

Where entry has been forced under any lawful power of entry, but is later established that it was as a result of malicious complaint, Nottinghamshire Police may consider compensation claims for the costs of boarding up and repair. In these circumstances, the cost of securing the property remains with the owners, occupiers or responsible persons of the property. Any compensation claim must be submitted to the Force Solicitor for consideration on a case by case basis.

## **Sharing of information**

In order to operate the emergency boarding up scheme, Nottinghamshire Police will share information with our scheme operators and contractors. This information will include details of owners, occupiers or responsible persons for use by the scheme's contractors to recover any costs and charges associated with the provision the emergency boarding up service.

## RELATED DOCUMENTS AND APPENDICES

### ADMINISTRATION

<b>Registered Owner</b>	
<b>Owner</b>	<b>Author</b>
Head of Contact Management	Tim Trevor, CM Systems Manager

<b>Monitoring and review</b>	
<b>Measure</b>	<b>Date/period and process of review</b>

<b>Version Control</b>	
<b>Section changed</b>	<b>Details of change</b>
1.0	New Policy