



Policy of July 31st 2020, no. 861/GEZ, regarding Events Policy on the island in light of the current coronavirus / COVID-19 pandemic establishing guidelines, policies and measures safeguarding public health and safety (St. Eustatius Events Policy).

St. Eustatius Events Policy

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Oranjestad, July 31st 2020

Introduction

Events are very important for the Island territory of St. Eustatius. They help boost the image of the Island territory, stimulate social cohesion and economic growth. There is currently no policy with regards to location, quantity or eligibility of organizations or individuals requesting an event permit. There are special guidelines and rules necessary to ensure a safe and healthy event.

The Island Government is charged with the responsibility to facilitate publicly organized activities within the community. These activities are based on request of private sector organizations. They may be of a social, religious, secular or commercial nature. The Island ordinance regulating event permits defines the criteria for issuing of permits for the hosting of public events, however the experience of several years has shown that as the demand for event permits has increased the need for an established policy in the issuing of these permits has become necessary. The main consideration in granting an event permit is public order and - safety. Based on this consideration event permits are issued by the cabinet of the Island Governor. These events are then judged based on their impact on public order and safety (influence on traffic, Potential noise disturbance, and health and environment risk). This lack of regulation along with yearly increasing request for event permits underscores the need for an established policy in this area in order to allow for transparent and structured process with regards to issuing of event permits. In reviewing the statistics on event permit request of the last year we observe an increasing quantity of request for event with commercial nature (fundraisers). This trend is explained in part by an increase in the number of establishment, and activities of, NGO's in the past years. While some NGO's enjoy structured subsidies or sponsorships as a means of financial support fundraising forms an important part of their overall financial viability. We have also noted that an increasing number of individuals are using this vehicle of event permits to generate funds for private objectives. This is currently possible as the law does not specify a review of the commercial objective of the event when considering the issuing of an event permit. Owners/managers of restaurants or bars that wish to keep an event are required to request a separate event permit per event. The provision in a business license that states that it is allowed to play music or keep a show to entertain their guest at their location, does not give permission to host an event.

Chapter 1. Events on St. Eustatius

1.1 Definition of an event. Legal basis

For the understanding of this policy an event can be defined as “Any planned activity or function that requires specific planning where people congregate for a unique purpose. The purpose may include but not limited to community, cultural and environmental gatherings, commercial activities, celebrations and sporting events.”

1.2 Event forms and application procedure

- All event forms should be submitted within 20 working days prior to the scheduled event and must include all required approval signatures and documentation. Requests for large

scale events with more than 100 participants are to be submitted at least 3 months prior to the event are to be accompanied with a contingency plan to organise its own security and how the requestor intends to meet the safety-, as well as the hygiene requirements by the competent authorities such as the Police, the Fire department and Public Health department, for approval.

On the event forms the requestors will have to indicate the place and the date of the event. If the application form is complete, and does not require any additional information, a determination is made within 10 days (2 weeks). The applicant can object to this decision in writing. It is the responsibility of the organizer to make sure that date/time/place of their event is available, before making it known to the public. In order not to exceed the maximum amount of events on the same day, the organization may be requested to schedule the event for another date/time/place. The 20 days' notice is also to ensure that third parties can be given the room to make their grievances known in writing. After those grievances have been made known, the Island Governor will make a final decision on the application form.

All stipulations/conditions as stipulated in the permit must be followed at all times in order to avoid cancellations. Controls will also be carried out by the Police as well as the Fire Department or the Inspection department of public Health. Failure to adhere to the stipulations mentioned in the event permit will be deemed as having acted without a business permit. Any activity which involves the closure or partial closure of a roadway or lane or parking lot are in principle, a safety concern and will require the advice of the Police department.

The organizers are to indicate if any alcoholic drinks or food will be sold at the event. The organizers will have to indicate as well if there are any stages or racks that will be used for the event. All event forms that are lacking information will not be processed and the applicant will be made known of this.

1.3 Public order and - safety

Public order and - safety are both legal responsibilities of the Island Governor. If the event poses a threat to public order and safety the event will not be permitted. A risk assessment will need to be ascertained by the Police department the inspection unit of public health and Fire department.

The applicant is also to indicate on the form what the effect will be on public safety with regards to noise pollution and hindrance. The goal is to make organizers more aware of the impact of an event on public order and safety and on other citizens. If public order and safety of the visitors of the Event cannot be guaranteed by the event organizer, an event permit will be refused or revoked.

In the normal process the Police -, Public Health Department, Fire Brigade and the Cabinet of the Government collectively assess events and advise the Government Commissioner on the approval of a request for an event.

The Island Governor can, together with the relevant competent authorities, decide that the amount per week and size of events (amount of participants) needs to be limited in keeping with public health, - safety and – order regulations.

Food sales and bingos will not be counted in the aforementioned maximum amount of events.

Each week the government will evaluate the events of the past week and decide if changes are needed or possible for the way events are organised and how the limits are maintained and managed.

The government can also instruct event organisers:

- To limit the amount of bands and/or DJ's per event
- To limit the duration to the time specified in the permit or license of an event and/or coupling of events

Chapter 2. Various categories of Events

At present there are three major events that are held annually on St. Eustatius. These are 1) Easter, 2) Carnival and 3) Statia Day. Event permits are denied if they do not fall within the program of the committee. An exception to this is Easter. There is no committee that is organizing or overseeing the activities at the lower town area during Easter. However, there are other applications for permits on the beach and at other locations on the Island.

2.1 Small events (category A)

For small or minor events such as street-, private parties or barbecues, foodsale and/or bingos the Island Governor may grant dispensation of the obligation to apply for a permit.

There are certain conditions that a small event would need to adhere to. Such as:

- 1). The street-, private party or barbecue should be mentioned to the Island Governor at least two weeks before the appointed date.
- 2). In addition to this the event may not obstruct the normal flow of traffic. The activity may not pose an obstruction/ closure or partial closure to a lane, roadway or parking lot or a threat to public order and safety.
- 3). The duration of the street-, private party or barbecue may not carry on longer than a day and no later than 24:00.
- 4). The total amount of visitors attending the event should not be more than 60 persons.
- 5). If sound amplifying equipment is being used, the noise may not be excessively loud, and should end by 23:00.
- 6). At the end of the small event the area is to be left in a respectable manner. In the case of default the organizer will be held responsible.

2.2 Category B events

Category B events are events where applying for a permit is necessary. At these events approximately between 300 - 800 persons are expected.

2.3 Category C events

Category C events are major events that lasts more than a day and may pose a risk to public order, -safety and health because of the vast amounts of persons congregating at one location (800+ persons). The Island Governor's Cabinet decides in what type of category the event will fall in. That is based on the information filled in on the application form and a risk scan carried out by concerned municipal bodies.

Chapter 3. Littering and Public Health and after events

Presently, there is an issue with the spoiling of public places through littering of water- and beer bottles, left-over- food items, food packaging materials, wrappers etc. during public events adversely.

To ensure cleanliness after public events and gatherings, the organizers of such events will be made accountable for ensuring cleanliness and may be required to pay a security deposit depending on the type of event and its location. In case of default by organizers, concerned municipal bodies will undertake cleaning operations using the deposit money.

3.1 Collection bins and adequate public conveniences

The organizer must ensure adequate and sufficient collection bins and public conveniences at his own cost. In the terms of the agreement/event permit it states that each organizer is to ensure that all public places are left in a respectable manner after events. To ensure that public places are left in a respectable manner after events, there will be controls carried out by the Public health department before and after the event is scheduled to take place. All public places are to be cleaned up within 12 hours after the event has taken place.

Chapter 4. Noise, Noise complaints and closing hours events

Music at events are very important in helping to enhance the atmosphere and ambiance of festivities. However, it can also be a hindrance for the surrounding citizens. For this reason additional guidelines have been introduced.

4.1 Excessively Loud music

In planning an event if the noise produced by music is “excessively loud” the event can be shut down. In the rule excessive noise is against the law. The onus is on the permit holder to ensure that there is adherence to the permissible sound pressure levels stipulated in the Island ordinance St. Eustatius.

Hindrance is usually dependent on the type of music and the location that the event will be held. If sound amplifying equipment is being used it may not in any way intrude on the privacy of the surrounding residents. It is the responsibility of the organizer to inform all surrounding residents of the event.

The Island Governor will, in the case of major and/or large-scale events seek out the advice of police, fire department and the public health department before coming to a final decision.

4.2 Closing hours allowed

Amplified music on Sundays to Thursday evenings are generally considered to be a hindrance rather than on Friday- and Saturday evenings. That is why for this purpose this distinction is made.

The closing hours for events on Sundays to Thursdays evenings are 24:00. The noise production and giving out of drinks should end at 23:30.

For (major) events on Friday- and Saturday evenings the closing hours will be permitted until 2:00. The end time for noise distribution and giving out of drinks is 01:45. In special cases the Island Governor can always deviate from the closing hours. The closing hours can differ, per

location and per event, to the hours aforementioned. (e.g. an event that takes place on a National Holiday)

Chapter 5. When will the evaluation of the policy occur?

This policy will be evaluated at the end of the calendar year by the Island Governor and the events committee members.

Adopted on July 31st, 2020 on St. Eustatius
The acting Government Commissioner,

w.g. Mrs. A. Francis