



Haverling

L O N D O N B O R O U G H

CRIME & DISORDER SUB-COMMITTEE

AGENDA

7.00 pm	Thursday 24 September 2015	Committee Room 1- Town Hall
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Members 6: Quorum 3

COUNCILLORS:

Ian de Wulverton (Chairman)
David Durant (Vice-Chair)
Ray best

Garry Pain
John Mylod
Linda Van den Hende

**For information about the meeting please contact:
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Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

What is Overview & Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board pass to the Council's Executive.

Terms of Reference

The areas scrutinised by the Committee are in exercise of the functions conferred by the Police and Justice Act 2006, Section 19-22 and Schedules 8 & 9.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) – receive.

3 DISCLOSURE OF PECUNIARY INTEREST

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES OF THE MEETING (Pages 1 - 4)

To approve as correct the minutes of the meetings held on 2 July 2015 and authorise the Chairman to sign them.

5 DRUG MISUSE AND ALCOHOL STRATEGIES

To receive an oral report from the Director of Public Health.

6 CRIME STATISTICS AND METROPOLITAN POLICE UPDATE

To receive an oral report from the Borough Commander.

7 SERIOUS YOUTH VIOLENCE STRATEGY - UPDATE

To receive an oral report from Community Safety.

8 PSYCHOACTIVE SUBSTANCES BILL - UPDATE (Pages 5 - 8)

To consider the attached document.

9 IMPRISONMENT OF THOSE WITH MENTAL HEALTH ISSUES

To consider whether or not to establish a Topic Group to investigate how prisoners with Mental Health issues are dealt with. Various papers have already been circulated to assist members.

10 PERFORMANCE INDICATORS. (Pages 9 - 14)

To consider the attached report.

11 CONSULTATION ON POWERS OF POLICE STAFF (Pages 15 - 38)

To consider the attached consultation paper and decide whether to submit a response.

12 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specific in the minutes that the item should be considered at the meeting as a matter of urgency.

**Andrew Beesley
Committee Administration
Manager**

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**MINUTES OF A MEETING OF THE
CRIME & DISORDER SUB- COMMITTEE
Committee Room 3A - Town Hall
2 July 2015 (7.00 - 9.05 pm)**

Present:

Councillors Ian de Wulverton (Chairman), David Durant (Vice-Chair), Ray Best, John Mylod, Gillian Ford (In place of Linda Van den Hende) and Roger Westwood (In place of Garry Pain)

Apologies for absence were received from Councillors Garry Pain and Linda Van den Hende

1 MINUTES OF THE MEETING

The minutes of the meeting held on 22 April 2015 were agreed as a correct record and signed by the Chairman.

2 ISSUE OF SEARCH WARRANTS

The Deputy Borough Commander had advised the Sub-Committee that since the Magistrates Courts had been reorganised search warrants had to be obtained from Barkingside Magistrates Court, unless it was an emergency. This did not cause local police a problem. In a normal week local police would obtain 5 to 6 warrants, mainly in respect of drugs.

Similarly following the reorganisation Domestic Violence Protection Notices had to be obtained from Thames Magistrates Court.

All prisoners held overnight at Romford would travel to Barkingside for hearings the next morning.

The Sub-Committee **noted** the report.

3 MOPAC DASHBOARDS

Officers had provided the Sub-Committee with links to both the MOPAC Dashboards and the Metropolitan Police data and information sites. A demonstration of the data available from these sites had been provided.

Examples of the data available included details of the boroughs performance against the 4 year target of a 205 reduction across seven

crime types. The local police were very close to achieving their targets, having achieved a 19.4% reduction.

Officers were thanked for giving the demonstration.

4 **CRIME STATISTICS**

The Deputy Borough Commander, Superintendent Cheryl Burden, had advised the Sub-Committee that the policing of the We 'R' Festival had been a success this year. The proactive stance taken had seen reported thefts of mobile phones reduce from 100 cases to 26. There had been two robberies and two cases of GBH.

She had also reported that Smart trace was to be introduced in to 3 wards this year. The Metropolitan Police would be facing a further challenge to save £800m by 2020.

Across London Operation Omega was being introduced targeting the 7 MOPAC targets.

The report had been **noted**.

5 **TRANSFORMING REHABILITATION**

Lucy Satchell-Day, Assistant Chief Officer: Barking/Dagenham & Havering, The London Community Rehabilitation Company Limited, had attended the meeting and delivered a presentation on the current position with the new Community Rehabilitation Company.

The Sub-Committee had been informed that the Government's rationale for reform had been:

- The need to reduce reoffending rates;
- The need to encourage new investment and new ways of working to fund a statutory service for those sentenced to under 12 months custody;
- The need for greater flexibility to do what works;
- To provide a greater diversity of providers; and
- To allow market forces to drive right behaviours if rewards were based on outcomes.

The Ministry of Justice had run a procurement process, with contracts having been signed in December 2014. The service transition began in February 2015 when ownership of the London CRC transferred to MTCnovo.

MTCnovo was a joint venture involving:

- MTC (Management & Training Corporation), a predominantly U.S. based social rehabilitation and justice company with expertise in improving lives and rehabilitating ex-offenders for over 30 years. Each year MTC helped tens of thousands of offenders learn new academic, technical, and social skills to become more employable and productive members of society;
- novo – a consortium with public, private and third sector shareholders including:
 -
 - RISE – a probation staff community interest company,
 - A Band of Brothers – a charity,
 - The Manchester College – a public sector education provider,
 - Thames Valley Partnership – a charity, and
 - Amey – a private company.

London was the largest of the 21 CRC's with approximately 25,000 cases. Within Havering there were 1600 cases. Locally the CRC would be responsible for the management of all medium risk and low risk cases, excluding MAPPA, both in the community and custody. They would also be responsible for prison resettlement contracts to enable 'through the gate' services.

One of the biggest changes introduced under the Offender Rehabilitation Act was the concept of release on licence for those serving less than 12 months custodial sentences. Such offenders would now receive extended supervision periods as would those serving sentences up to 24 months. There would also be a new Rehabilitation Activity Requirement. Offenders will be required to carry out supervised activities.

The change introduced by MTCnovo had been the introduction of a new operating model which included working with offenders in cohorts. These cohorts were from October 2015:

- 18-25 year old males;
- 26-49 year old males;
- 50+ males;
- Women;
- Mental health and intellectual disabilities (as the primary presenting need).

Community Payback would remain as a distinct service delivery arm.

The Sub-Committee thanked Lucy for her interesting and informative presentation.

6 **WORK PLAN 2015/16**

We have considered the draft work programme submitted for our consideration and **adopted** the plan as set out below:

(24 September 2015)	(19 January 2016)	(1 March 2016)
Crime Statistics and Metropolitan Police update – including report on ASB over the summer holidays	Reducing Re-offending – possible Topic group to look at the imprisonment of those with Mental Health issues. (consider mental health concordat)	Crime Statistics and Metropolitan Police update
Psychoactive Substances Bill - update	Review of Annual Prevent Plan	Review of Youth Offending Services
Serious Youth Violence Strategy - update	Reducing Reoffending Strategy	Reducing Business Crime Strategy
Drug Misuse and Alcohol Strategies consultation.	Report on crime over Christmas and New Year	

Chairman

Psychoactive Substances Bill

Fact sheet: Overview of the Bill

1. The Queen's speech on 27 May 2015 included a commitment to bring forward "new legislation [to] ban the new generation of psychoactive drugs". The Psychoactive Substances Bill will protect people from the risks posed by untested, unknown and potential harmful drugs. The Bill will create a blanket ban which would prohibit and disrupt the production, distribution, sale and supply of new psychoactive substances ("NPS") in the UK.

Psychoactive substances

2. For the purpose of the Bill, a psychoactive substance is a substance which is capable of producing a psychoactive effect in a person who consumes it and is not an exempted substance (see paragraph 3). A substance causes a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state.
3. Schedule 1 to the Bill lists a number of exempted substances which fall outside the definition of a psychoactive substance for the purposes of the Bill. Exempted substances are included in Schedule 1 either because they are already controlled through existing legislation (alcohol, tobacco and nicotine, medicines (including those subject to testing in clinical trials) and controlled drugs) or because their psychoactive effects are negligible (caffeine and foodstuffs). The Bill contains a power, by regulations (subject to the affirmative resolution procedure) to vary or add to the list of psychoactive substance. Before making regulations the Home Secretary is required to consult the Advisory Council on the Misuse of Drugs, the Government's scientific advisors under the Misuse of Drugs Act 1971.

Offences

4. The Bill makes it an offence to: produce; supply; offer to supply; possess with intent to supply; import or export a psychoactive substance. The maximum penalty, on conviction on indictment (that is, in the Crown Court), is seven years' imprisonment, an unlimited fine, or both. In line with the recommendation of the NPS Expert Panel (see separate fact sheet), there is no offence of simple possession.
5. No offence is committed under the Bill if the conduct is covered by an exception specified in regulation. Such regulations might provide for the exclusion from the ambit of the offences healthcare professionals (and those in the distribution chain) when acting in their professional capacity supplying to a patient a psychoactive substance which falls outside the exemption list.

Civil sanctions

6. There are four civil sanctions in the Bill: a prohibition notice, premises notice, prohibition order and premises order. These civil powers afford law enforcement agencies, such as the police and local authorities, an alternative route to criminal proceedings as a way of tackling the NPS supply chain. The use of these powers

will enable law enforcement officers to take action swiftly to nip a problem in the bud or to adopt a more proportionate approach to low-level offending. It will be a matter for the relevant law enforcement agency to determine which approach to adopt in any given circumstances. Where there is evidence of a criminal offence under the Bill, there is no requirement to apply the civil sanctions in the first instance as a criminal prosecution may be the appropriate action to take. Equally, if a prohibition notice or premises notice has been served and is then breached, the relevant law enforcement agency might proceed to a criminal prosecution or pursue a prohibition order or premises order, as the case may be.

7. Prohibition notices and premises notices may be issued by a senior police, National Crime Agency (“NCA”) or Border Force officer or by a local authority. A prohibition notice would require the subject of a notice to stop carrying out “prohibited activity”, that is producing, supplying, offering to supply, importing or exporting a psychoactive substance or assisting or encouraging such an activity. A premises order would require a person, for example the landlord of head shop (retail premises selling NPS), to take all reasonable steps to prevent prohibited activities taken place on the relevant premises. There is no direct penalty for breach of a prohibition or premises notice; they effectively act as a warning to the recipient of further consequences should they continue to undertake prohibited activities, or fail to prevent such activities taking place on premises for which they have some responsibility.
8. A prohibition order or premises order are made by the courts. These orders may contain such prohibitions, restrictions and requirements that the court considers appropriate. In particular, a prohibition order may require the subject of the order, for example a head shop proprietor, to hand over stocks of psychoactive substances. Both a prohibition order and a premises order may also include “an access prohibition” effectively closing specified premises for up to six months. Breach of a prohibition order or premises order is a criminal offence punishable by a prison sentence of up to two years, an unlimited fine, or both.

Powers of entry, search and seizure

9. The Bill enables police and NCA officers and customs officials to stop and search a person where they have reasonable grounds to suspect the person has committed, or are likely to commit, one of the main offences under the Bill (that is the offences of production, supply etc of a psychoactive substance or an offence of breaching a prohibition order or premises order). There are also powers to search vehicles, vessels and aircraft (if not a dwelling) if an officer has reasonable grounds to suspect they contain evidence of an offence. An enforcement officer (police and NCA officers, customs officials and local authority officer) also have the power to enter and search premises in accordance with a search warrant issued by a justice of the peace (or equivalent). In the course of a search an enforcement officer may seize any psychoactive substances or other items that may be evidence of an offence under the Bill. These items can be retained for the duration of an investigation after which they may either be destroyed or, in certain circumstances, returned to the person entitled to them.

10. For more information on the Bill and to view supporting documents, including other fact sheets, see the Bill web page on the GOV.UK website: (<https://www.gov.uk/government/collections/psychoactive-substances-bill-2015>).

Home Office
August 2015

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CRIME & DISORDER OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:	Corporate Performance Report: Quarter 1 (2015/16)
CMT Lead:	Andrew Blake-Herbert, Group Director of Communities and Resources
Report Author and contact details:	Iain Agar, Community Safety Partnership Analyst, Community Safety Team
Policy context:	The report sets out Quarter 1 performance for indicators relevant to the sub- committee

SUMMARY

The Corporate Performance Report provides an overview of the Council's performance for each of the strategic goals (Clean, Safe and Proud).

The report identifies where the Council is performing well (**Green**) and not so well (**Amber** and **Red**). The RAG ratings for 2015/16 are as follows:

- **Red** = more than the '**variable tolerance**' off the quarter target and where performance has *not improved* compared to the same quarter last year
- **Amber** = more than the '**variable tolerance**' off the quarter target and where performance has *improved or been maintained* compared to the same quarter last year. Or where a NEW indicator, so no previous performance in the same quarter last year.
- **Green** = on or within the '**variable tolerance**' of the quarter target

Where performance is more than the '**variable tolerance**' off the quarter target and the RAG rating is '**Red**', '**Corrective Action**' is included in the report. This highlights what action the Council will take to address poor performance.

Also included in the report are Direction of Travel (DOT) columns, which compare:

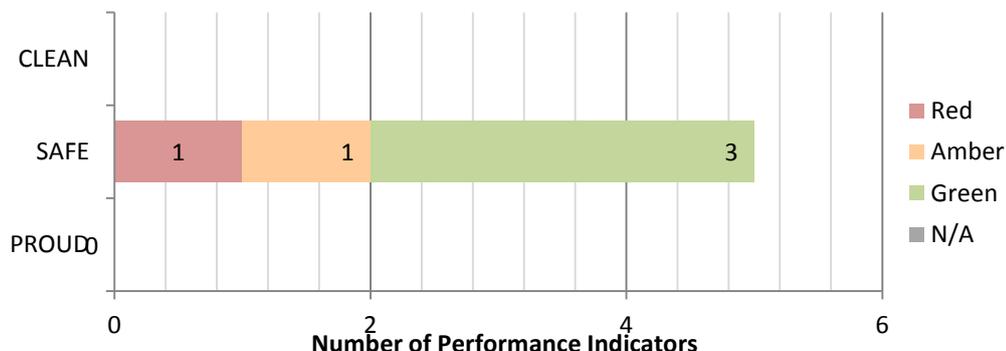
- Short-term performance – with the previous quarter (Quarter 4 2014/15)
- Long-term performance – with the same time the previous year (Quarter 1 2014/15)

A green arrow (↑) means performance is better and a red arrow (↓) means performance is worse. An amber arrow (→) means that performance is the same.

OVERVIEW OF CRIME & DISORDER INDICATORS

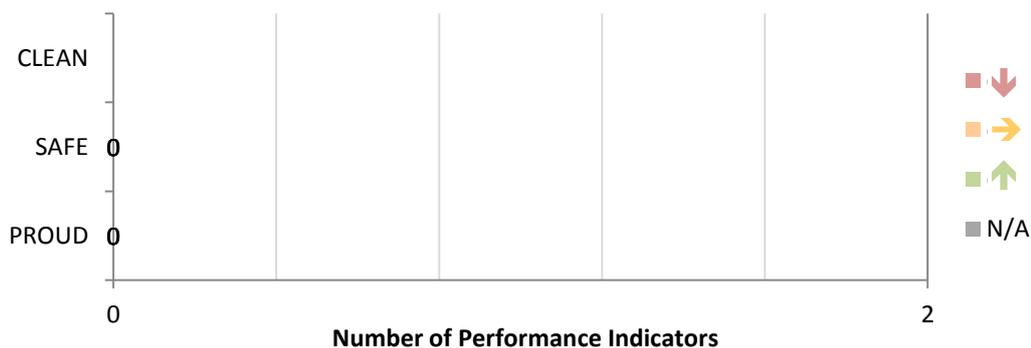
5 Corporate Performance Indicators fall under the remit of the Crime & Disorder Overview & Scrutiny sub-committee. These relate to the SAFE goal.

Q1 2015/16 RAG Summary for Crime & Disorder



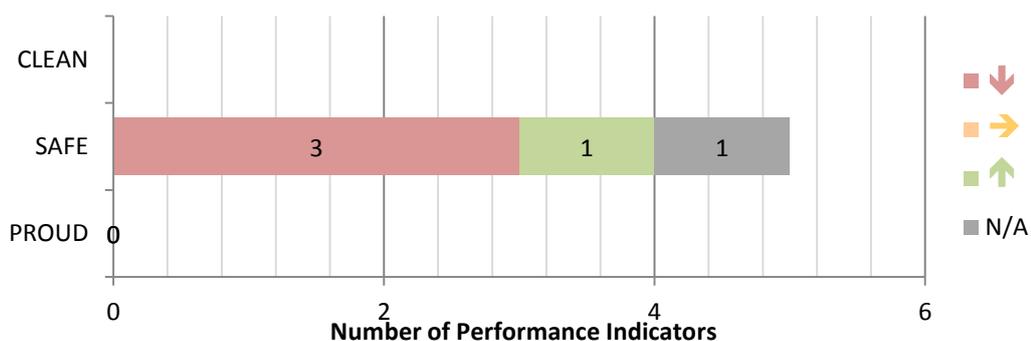
Of the 5 indicators, 5 have been given a RAG status. **3 (60%)** are **Green** and **2 (40%)** are **Red** or **Amber**.

Short-Term Direction of Travel (Q4 2014/15) for Crime & Disorder



Of the 5 indicators, 0 have been given a short-term DOT status. **Crime & Disorder indicators have a distinct seasonal pattern, therefore comparative data needs to be observed for 'like-for-like' time periods.**

Long-Term Direction of Travel (Q1 2014/15) for Crime & Disorder



Of the 5 indicators, 4 have been given a long-term DOT status. **1 (25%)** have a maintained (→) or improved DOT (↑) and **3 (75%)** have a worsened DOT (↓)

Also attached to the report (as Appendix 2) is a Demand Pressure Dashboard that illustrates the growing demands on Havering Community Safety Partnership services and the context that the performance levels set out in this report have been achieved within.

RECOMMENDATIONS

Members are asked to review performance set out in Appendix 1 and the corrective action that is being taken; and note the content of the Demand Pressures Dashboard attached as Appendix 2.

REPORT DETAIL

HAVERING WILL BE CLEAN AND WE WILL CARE FOR THE ENVIRONMENT

There are no Crime & Disorder indicators under the CLEAN goal. However, it should be noted that the Anti-Social Behaviour Panel may look into cases of environmental anti-social behaviour which relate to fly-tipping and graffiti, and would impact on the image and cleanliness of the borough.

PEOPLE WILL BE SAFE, IN THEIR HOMES AND IN THE COMMUNITY.

Currently there are five indicators relative to Crime and Disorder, of which 3 are currently shown as having a green RAG status (60% - Number of burglaries reported, number of anti-social behaviour incidents and number of robberies reported). One indicator cannot be achieved due to significant changes made in how the data is recorded (Violence with Injury target), which is detailed in full in this report.

Highlights:

- **Violence with Injury:** The method for recording 'Violence with Injury' was changed significantly by the Home Office, and was fully implemented by police forces within England & Wales beginning in April 2014. The target which was set for London Borough's to reduce violence with injury by -20% over a four year period was based on the old method of recording, which is no longer comparable to what is now recorded and counted as violence with injury. The target to reduce violence with injury crimes to 1,158 cannot be achieved. Taking into consideration the new method and keeping compliant with national recording standards, it is anticipated that there will be a 10-15% increase in the volume of recorded violence with injury crimes in 2015-16.

- Reducing burglary: For burglary, we are significantly exceeding our target to reduce this indicator by 20% in 2015/16 (from the 2011-12 baseline), with 160 fewer offences than where we need to be. We are expecting a reduction of more than 30% over the four year stretch period. The reduction in burglary has slowed in Q1 of the current financial year, which is mirroring 2014-15. Q1 showed a rise of 10 offences on the same period of the previous year, although April and May were lower in 2015 than 2014. The increase was the result of a prolific offender who carried out a large number of crime within a short space of time before being apprehended. We expect that burglary will continue to mirror last year's performance and achieve the final target comfortably.
- Domestic Violence Repeat Referrals: No target has been set by MOPAC for repeat referrals, but the Council has a local target to be in line with the national average (24.5%). There is also a target to increase the number of cases referred to the MARAC, which forms part of a funding bid to the Mayor's Office for Policing and Crime (with funding being dependent on successfully meeting the target). Reports of Domestic Violence continue to increase nationally, and with more than 1,000 additional reports received in Havering during 2014/15, the Council expects to see an increase in referrals. The target for MARAC referrals is 216. There were 54 Domestic Violence MARAC referrals in Q1.
- Anti-Social Behaviour: ASB incidents (1,209) are lower than target (1,595) and the same period last year (1,349). Overall complaints received via 999/101 reduced by 28%, compared to a regional average of 23%. This included a dramatic fall in the number repeat callers (people calling three or more times) by 39% (down from 134 to 82), the second biggest fall regionally (average reduction, 21%).
- Reducing robbery: Robbery (86) is much lower than target (100) but higher than the same period last year (50). The annual target is to reduce offending by 20%. To date, there has been a 40.9% reduction in robbery. In 2014/15, there was a 5.8% increase, with an upward trend in offending since November 2014. The Havering Community Safety Partnership, through the work of the Serious Youth Violence panel, is targeting gang affected young people to address offending. Work includes increased patrols in the town centre and transport hubs, use of ASB powers to break gang associations and mentoring of at risk individuals to address offending behaviour.

Improvements required:

- Reducing robbery: Although numerically lower than other targets, there has been a significant rise in Robbery offences within Havering (86 in Q1 compared to 50 in Q1 of the previous year). Whilst we are currently exceeding the 20% reduction target (currently -31%) set by the Mayor's Office for Policing and Crime, at the current trajectory of offending we may fail to

achieve this target by the financial year end. Whilst other boroughs have dedicated enforcement resources to address street crime and gangs involved in Robbery, this is not something currently available in Havering. The Metropolitan Police does not recognise Havering as a gang's borough, despite the addition of Havering to the Ending Gangs and Youth Violence (EGYV) programme of the Home Office.

OUR RESIDENTS WILL BE PROUD TO LIVE IN HAVERING.

There are no Crime & Disorder indicators under the PROUD goal. It should be noted that Havering Community Safety Partnership services contribute to Corporate Performance Indicator NI117 (percentage of NEETs), working with children and young adults as part of our reducing reoffending panels.

IMPLICATIONS AND RISKS

Financial implications and risks:

Adverse performance against some Corporate Performance Indicators may have financial implications for the Council, particularly where targets are explicitly linked with particular funding streams (e.g. the Mayor's Office for Policing & Crime fund). Whilst it is expected that targets will be delivered within existing resources, officers regularly review the level and prioritisation of resources required to achieve the targets agreed by Cabinet at the start of the year.

Human Resources implications and risks:

There are no specific Human Resource implications and risks.

Legal implications and risks:

Whilst reporting on performance is not a statutory requirement, it is considered best practice to review the Council's progress against the Corporate Plan and Service Plans on a regular basis.

Equalities implications and risks:

The following Corporate Performance Indicators rated as 'Red' or 'Amber' could potentially have equality and social inclusion implications for a number of different social groups if performance does not improve:

- **CSP10** – Repeat Domestic Violence cases going to the MARAC

The commentary for each indicator provides further detail on steps that will be taken to improve performance and mitigate these potential inequalities.

BACKGROUND PAPERS

The Corporate Plan 2015/16 is available on the website at <http://www.havering.gov.uk/Documents/Council-democracy-elections/Corporate-Plan-on-a-page-2015-16.pdf>

Appendix 1



Appendix 1
(CPR-Q1) Crime and I

Appendix 2



Appendix 2 Demand
Pressure Dashboard (



Home Office

Reforming the Powers of Police Staff and Volunteers

A Consultation on the way Chief Officers
Designate the Powers and Roles of Police
Staff and Volunteers

September 2015

Reforming the way Chief Officers Designate the Powers and Roles of Police Staff and Volunteers

1.	Foreword by the Home Secretary	3
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Foreword by the Home Secretary



The historic office of constable is at the very heart of the policing of England and Wales. Police officers across the country carry out a wide range of duties, keeping the public safe and ensuring justice for the most vulnerable members of society. We value the essential role they play, but they cannot do this on their own. Traffic Wardens, Police Community Support Officers (PCSOs) and other designated police staff have played a key role in policing our communities in recent years and we believe that they can play a greater role in the future, bringing new skills and expertise, and freeing up police officers to concentrate on the core policing task that most requires their particular powers and experience.

Volunteers also play a vital role in community safety. Since 1831, Special Constables have taken many of the same risks as full-time police officers, for no reward other than the satisfaction of playing their part in keeping their communities safe from crime. In recent years, Police Support Volunteers have also played an important part of policing in such roles as manning police enquiry desks or giving crime prevention advice. There is more that volunteers can do. This Government wants to encourage those with skills in particular demand, such as those with specialist IT or accountancy skills, to get involved and help the police to investigate cyber or financial crime and, as their experience grows, to enable them to play a greater part in investigations. These reforms will also help the police to make further progress on the use of cyber-specialists.

This consultation document sets out a number of proposals for reform and, subject to the consultation outcome, we intend to legislate for reform in the Policing and Criminal Justice Bill later this year. I look forward to your responses to this consultation and invite you to help shape the way policing is delivered.

**The Rt Hon Theresa May MP
Home Secretary**

Executive Summary

The office of constable is central to the delivery of policing in England and Wales. The reforms set out in this document are intended to enhance this. We propose for the first time setting out in a single piece of legislation the core list of powers that will only be available to those that hold the office of constable. Beyond these core powers, we want police forces to have a more flexible workforce and we will, subject to key safeguards, enable chief officers to designate other police powers to staff. This will enable police officers to focus on the most important roles; roles that only they can carry out.

We also want to enhance the role of volunteers. We are consulting on ending the anomaly whereby volunteers can either have all of the powers of the constable, as a Special; or have none of the powers, as a police support volunteer. We will instead allow volunteers to mirror the roles played by police staff, for example as Community Support Officers.

These reforms will help this Government to finish the job of police reform. These changes will take further the process started in the Police Reform Act 2002, which first introduced the PCSO role and the concept that police staff, as well as police officers, could have enforcement powers. They will give Chief Constables greater flexibility in meeting the demands on police forces at a time when funding policing remains a significant challenge.

The proposals included in this consultation are summarised below and further details on each are set out through this document:

- to enable chief officers to designate a wider range of powers on police staff and volunteers;
- to create a list of 'core' police powers that would remain exclusive to police officers¹;
- to take an order-making power to enable Parliament to add to the list of those 'core' powers;
- to enable volunteers to be designated with powers in the same way as staff;
- to adopt new titles for the changed support role and the new volunteer role; and
- to abolish the office of traffic warden under the Road Traffic Acts.

Enabling volunteers to be designated with powers in the same way as staff will enable them to work with their Special Constable colleagues to support police forces in keeping their communities safe.

This document sets out the key issues in relation to designating powers to police staff and volunteers and presents options for reform. These reforms will also begin the process of implementing Recommendations 7 and 8 of the College of Policing's Leadership Review², published in June 2015. These reforms extend to England and Wales only.

This consultation is open until 31 October 2015; details of how to respond are set out towards the end of this document.

¹ Although some of these powers would continue to be available to others outside the police, such as officers of HM Revenue and Customs or UK Border Force.

² http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/Leadership_Review_Final_June-2015.pdf

Introduction and background

These reforms build on two long standing trends in policing. First, that volunteers have played a role in policing since the period of the formation of the modern police by Sir Robert Peel; the Metropolitan Police Act 1829 was followed swiftly by the Special Constables Act 1831. Volunteers strengthen policing and help forces to develop important links with communities. They bring diverse and valuable skills from outside of police forces that complement the roles that staff and officers play in delivering best service to the public.

Second, since the early 2000s police staff have held various powers of the police constable, most notably with the creation of the PCSO. These include the power to request names and addresses, certain specified powers to search and seize, and powers to issue fixed penalty notices for a list of specified offences. These are set out in full at Annex A. When the designated staff roles were created in 2002, the concept of a member of police staff having enforcement powers was new, but the PCSO list in particular has been added to on at least seven occasions since then and the role of PCSOs in local policing is now well established. The reforms proposed in this document represent a logical next step in the process.

Current designated staff roles

Under current arrangements, there are four categories of police staff who can be designated with powers that are set out in Schedule 4 to the Police Reform Act 2002. That list is the maximum number of powers that can be designated. The act of making the designation falls to the relevant chief officer of police³, who must be satisfied that the individual member of police staff is (a) suitable to carry out the role; (b) capable of effectively carrying out the role; and (c) has received adequate training.⁴ As a result, much of the current decision-making around designation already falls to chief officers.

The four designated police staff roles under the Police Reform Act 2002 (PRA) are: police community support officer (PCSO); investigating officer; detention officer; and escort officer. Annex A sets out the powers associated with each of these roles. Currently chief officers have discretion to designate individuals with more than one role; for example, staff can be designated as both detention and escort officers to give greater flexibility in detainee handling, while many forces also designate PCSOs as traffic wardens to give them powers to deal with the flow of traffic and related issues (becoming so-called 'Traffic PCSOs').

Police staff, sometimes referred to as 'civilian' staff to differentiate them from police officers holding the officer of constable, have no inherent powers, unlike constables. So non-operational staff have no powers, while all those designated as PCSOs have the 18 standard powers (see Annex A) along with any of the discretionary powers for which their chief believes them to be suitable, capable and adequately trained.

There are a number of powers currently included in the lists of standard and discretionary powers of a PCSO that are specifically designed to deal with the fact that PCSOs do not have powers of arrest. These focus on providing PCSOs with powers to require names and addresses or detain a person for 30 minutes until a constable arrives. These are set out at Annex B. We will ensure that these powers (which are derived from powers of a constable, but are not themselves constable powers) remain available to PCSOs.

³ Section 101(1) of the Police Act 1996 defines a "chief officer of police" as: in relation to the Metropolitan Police, the Commissioner of Police of the Metropolis; in relation to the City of London Police, the Commissioner of Police for the City of London; and for all other police forces in England and Wales, that force's chief constable.

⁴ Section 38(4), Police Reform Act 2002

Traffic wardens are appointed by chief officers under section 95 of the Road Traffic Regulation Act 1984 and were the first non-warranted staff to have what were formerly police powers. Since parking enforcement was decriminalised in the 1990s, most of that work is now done by local authorities and the number of individuals only designated as traffic wardens has fallen to just 18 across the whole of England and Wales⁵. Many forces dual-designate some of their PCSOs as Traffic Wardens to make them ‘Traffic PCSOs’, who have the additional traffic warden powers such as directing traffic or dealing with non-moving traffic offences such as causing an obstruction or not displaying lights when required. In addition, 12 of the most recent discretionary powers for PCSOs are traffic-related (see Annex A).

Current volunteer roles

Those wishing to volunteer their time to policing currently have two alternatives; either to become a special constable, with the full range of police powers and the attendant training requirement, or to become a Police Support Volunteer (PSV), with no powers and a mainly supporting function, such as staffing an enquiry desk or assisting in the operation of a CCTV control room. In addition, Specials generally work in uniform, while PSVs wear their own clothes.

The current position of paid staff and volunteers is summarised in the table below:

	Full powers	Some powers	No powers
Paid, Full- or Part-Time	Police Officer	Designated Staff (i.e. PCSO, Investigating Officer, Detention/Escort Officer)	Other Police Staff
Unpaid, Part-Time	Special Constable	No Current Role	Police Support Volunteers

College of Policing’s Leadership Review

The need for reform has been recognised by the College of Policing. The reforms set out here to the role and powers of police staff and volunteers will play a part in implementing two of the recommendations of the College of Policing’s Leadership Review, namely:

- Recommendation 7: Increase flexibility in assigning powers and legal authorities to staff.
- Recommendation 8: Develop career opportunities which allow recognition and reward for advanced practitioners.

These reforms address Recommendation 7 directly by making additional powers and legal authorities available to police staff. In addition, forces will be encouraged to use the additional powers to provide development opportunities for both staff and volunteers, thus addressing Recommendation 8.

⁵ Ten in Sussex, 5 in Greater Manchester Police and one each in Hampshire, Northamptonshire and West Yorkshire.

Issues and options

Designating powers

Reforms to date have brought a number of advantages, with PCSOs and other civilian and designated staff roles playing important roles and making a significant contribution to policing. There is an appetite for further flexibility in the use of staff and volunteers which these proposals would enable.

In the light of the pressures on the police, where forces have to consider a range of options to deal with the demands on their services, and as part of the wider work to reform the police, we want to give chief officers greater flexibility in the way they use their officers and staff. Enabling staff to take on a wider range of supporting roles will free up police officers to carry out their core policing role. We therefore propose to do away with the current list-based approach to designation and instead enable chief officers to designate their civilian staff with any of the powers of a police officer, apart from a list of 'core' powers discussed later on in this document. This would significantly support workforce flexibility and enable chief officers to make better use of civilian staff and volunteers, enabling designated staff to take on a broader range of functions in support of police officers.

Question 1

Do you agree with the idea of giving greater control to chief officers over the powers of their designated staff?

Designated Roles

At present, there are a range of powers for each of the four designated roles (as set out at Annex A):

- PCSO: 18 standard powers, 44 discretionary powers
- Investigating Officers: 12 discretionary powers
- Detention Officers: 12 discretionary powers
- Escort Officers: 2 discretionary powers

Standard powers of PCSOs are those which are automatically given by the act of designating someone as a PCSO; discretionary powers in all four roles are those which a chief officer may designate staff to use. Section 38(4) of the Police Reform Act prescribes safeguards for all of these powers, in that chief officers may only designate an individual if they:

- i) are a suitable person to carry out the functions for which they are designated;
- ii) are capable of effectively carrying out those functions; and
- iii) have received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred.

These safeguards – in particular, the safeguard that an individual must be trained before being designated – will remain under these reforms and we will ensure that chief officers have appropriate guidance in applying these tests to the wider range of powers that would be available. There is also scope for chiefs to take a policy decision that they will not designate PCSOs with certain powers in their area; this would continue under our proposed reforms.

Role titles

Given the widespread recognition of the PCSO role, and their main purpose in engaging with members of the public, we see no need – and significant arguments against – altering that role title. The volunteer equivalents should be titled Police Community Support Volunteers.

However, given the largely internal role of the other three types of designated staff (i.e. investigating officer, detention officer and escort officer), we consider it is appropriate to amalgamate those separate roles into a single role of Investigation Support Officer. The volunteer equivalents would then be titled Investigation Support Volunteer.

Question 2

Do you have any views on the proposed new role titles?

Core Role of the Constable

While the office of constable is an ancient one that sits at the heart of policing our communities, the wide range of their powers is defined across a wide range of Acts, from general legislation such as the Town Police Clauses Act 1847 to more specific legislation such as the Misuse of Drugs Act 1971. As part of these reforms, we propose to set out clearly for the first time those powers that are only available to police officers, including special constables. That list would include the most intrusive police powers that would continue to be the sole preserve of officers, such as arrest or stop and search. Chief officers would then have the flexibility to use their wider workforce more effectively by designating other powers onto staff and volunteers.

By reversing the way that Schedule 4 to the Police Reform Act 2002 currently works, we propose to enable any member of police staff that has been appropriately trained⁶, and who is both capable and suitable, to be designated with any police power that is not on the 'core' list. Existing designations would continue in force until a fresh designation is made.

Powers to be reserved only to constables would include the power to force entry to premises, other than i) the existing discretionary PCSO power to enter to save life or limb or prevent serious damage to property and ii) the existing power of an investigating officer to execute a search warrant in the company of a constable. Other core powers include any power that rests with a police officer of a certain rank, such as authorising detention or the use of section 60 stop and search⁷. The full proposed list is set out in the next section.

The current, list-based approach has a significant drawback that powers cannot be added except by way of primary legislation, which has happened on a number of occasions over the period since 2003. Reversing the process, so that chiefs can designate any power not expressly reserved to police officers, will avoid the need for legislation to add to the powers of designated officers. This approach will therefore support the flexibility of police forces and enable chiefs to respond more nimbly and swiftly to emerging local problems. It would also signal Parliament's support and trust in the police as professionals and rightly placed to allocate powers appropriately. Nonetheless, there might still be a need to amend the core list in the future, for example in respect of powers originating in new legislation, or if there were public concern that a particular power should only be available to police officers. We do not propose to take a power to remove powers from the core list by secondary legislation.

⁶ i.e. staff or volunteers would need to be trained in any new skills (such as applying for search warrants or production orders) before being designated with new powers.

⁷ i.e. the power under section 60 of the Criminal Justice and Public Order Act 1994 to search for offensive weapons without the need for reasonable suspicion

Proposed ‘core’ list of powers that would only be available to police officers, i.e. would not be available for designation to staff or volunteers:

1. Arrest (e.g. s24 PACE⁸)⁹.
2. Stop and Search (e.g. s1 PACE, s23(2) MDA¹⁰, s60 CJPOA¹¹).
3. Power to act as a custody officer in the absence of a sergeant (s36(4) PACE).
4. Power to effect entry to property (e.g. ss8, 17 & 18 or Schedule 1 PACE, s23(1), (3) & (3A) MDA) – although appropriately designated staff would (as now) be able to enter premises i) for the purposes of saving life or limb or preventing serious damage to property or ii) in the company of a constable.
5. Any power reserved to a police officer of a certain rank or position, including:
 - a. appointment as a custody officer;
 - b. authorising various powers, such as:
 - i. strip or intimate searches;
 - ii. use by constables of stop and search powers under section 60 CJPOA; or
 - iii. use of powers under RIPA¹² (see below) or Part III of the Police Act 1997 (property interference, e.g. planting a surveillance device).
6. All powers under counter-terrorism legislation, i.e.:
 - a. Terrorism Act 2000;
 - b. Terrorism Act 2006;
 - c. Counter-Terrorism Act 2008;
 - d. Terrorism Prevention and Investigation Measures Act 2011; and
 - e. Counter-Terrorism and Security Act 2015.
7. The two most intrusive powers under RIPA, i.e.
 - a. Requesting a warrant to intercept communications; and
 - b. Acting as a Covert Human Intelligence Source (i.e. an undercover officer).
8. No chief officer may give authority to a designated officer or volunteer to carry and/or use a firearm or a less lethal weapon requiring special authorisation by the Home Secretary¹³, e.g. Taser.

Questions 3, 4 and 5

Do you agree with the concept of a single list of the ‘core’ powers that would remain exclusive to police officers?

Is the proposed list correct, or should other powers be added or removed?

Do you agree that it would be appropriate to include an order-making power to enable the

⁸ Police & Criminal Evidence Act 1984

⁹ This would not prevent a member of police staff from exercising the powers of arrest open to any person, such as the power to make a citizen’s arrest (s24A of PACE) or to arrest under common law for breach of the peace.

¹⁰ Misuse of Drugs Act 1971

¹¹ Criminal Justice and Public Order Act 1994

¹² Regulation of Investigatory Powers Act 2000

¹³ In accordance with the Home Office Code of Practice on the Police Use of Firearms and Less Lethal Weapons

Home Secretary to add to the list of powers which only police officers can have?

Volunteers

The Government's volunteering strategy, led from the Cabinet Office, aims to build "...a society where everyone has the chance to contribute to their community, and where those communities are self-confident and civically engaged."¹⁴ Thousands of Special Constables and Police Support Volunteers already contribute to their communities, but anecdotal evidence suggests that there are barriers that deter people from contributing their time and expertise to helping to keep their communities safe. For example, the particular status of Special Constables (i.e. that they have the same powers as regular officers, including powers of arrest, and are expected to intervene even if off-duty) may deter some individuals from applying. We are also aware of forces rejecting applicants to the Special Constabulary from certain occupations, such as security staff or police contractors, as forces are concerned they might be tempted to use their powers as specials while undertaking their paid employment. However, if we were to enable volunteers to be designated in the same way as staff, this status point does not arise, as designated powers only apply when on duty and in uniform (this would therefore require issuing designated volunteers with uniforms, as is currently done with Special Constables).

Given that volunteers (i.e. Special Constables) have been able to exercise the full range of police powers for almost 200 years, there is precedent for all the various paid operational policing roles to be available to volunteers. Enabling volunteers to be designated in the same way as staff would give chief officers the ability to shape their workforce in the way they need to police their force areas; it will also enable individuals to volunteer for roles that interest them where previously the community may have missed out on their services. We are aware that Lincolnshire Police have already trained and deployed a number of 'Volunteer PCSOs', who have been trained to the same standard as their paid PCSOs, but currently have no powers as the law does not permit it.

Question 6

Should chief officers also be able to designate volunteers with powers?

Traffic wardens

Parking enforcement was decriminalised in the 1990s, since when the number of traffic wardens employed by police forces, as distinct from parking enforcement officers, employed by local authorities, has fallen to just 18 across the whole of England and Wales¹⁵. A number of PCSOs tasked as 'Traffic PCSOs' are dual-designated as traffic wardens to enable them to direct traffic, which is a power of traffic wardens but not of PCSOs¹⁶. The revised approach to designating police staff set out above, where chief officers could designate their staff with any of the powers of a constable, would result in chiefs being able to designate their PCSOs directly with the necessary traffic direction powers, rather than needing to additionally designate them as traffic wardens.

Given the very small number of individuals designated solely as traffic wardens, who could either be re-designated as PCSOs to carry out the same duties, or could transfer to local authorities as happened in many previous cases, it would then be possible to abolish the office

¹⁴ Speech by Rob Wilson MP, Minister for Civil Society, 25 June:

<https://www.gov.uk/government/speeches/building-civil-society-together-rob-wilson-speech>

¹⁵ Police Workforce Statistics, England and Wales: 31 March 2015: 10 in Sussex, 5 in Greater Manchester and one each in Hampshire, Northamptonshire and West Yorkshire.

¹⁶ Sections 35 and 163, Road Traffic Act 1988, as applied by the Functions of Traffic Wardens Order 1970, as amended.

of traffic warden under the Road Traffic Acts. This change will not have the effect of re-criminalising parking enforcement; while those PCSOs dual designated as traffic wardens currently have parking powers, we understand that they use them only exceptionally, and we would not expect chiefs to designate parking control powers on Traffic PCSOs in the future.

Question 7

Should we abolish the office of traffic warden?

Devolution

Wales: While the broad issue of “Traffic management and regulation” is devolved to Wales under Schedule 4 of the Government of Wales Act 2006, none of the 18 current traffic wardens are employed by any of the four Welsh police forces, and the proposed change will not affect the enforcement split between police forces and local authorities. We therefore consider that the office of traffic warden, as a member of police staff, is a matter reserved to the UK Government, and not conferred to the Welsh Assembly.

Scotland: Police Scotland’s last traffic wardens left service in February 2014, but the office has not been abolished under Scottish law. We are discussing this with officials in the Scottish Government to see how they wish to proceed.

Other comments

These proposals are intended to provide forces with greater flexibility in how local communities are policed. Informed by this consultation we will produce a full Impact Assessment on costs and savings alongside any legislation we bring forward.

If you have any other views about increasing the flexibility of the police workforce, feel free to contribute them in response to Question 8.

Question 8

Do you have any other comments?

Impact of proposals

Affected Groups and Likely Impacts

The proposals set out in this consultation document have the potential to affect the following groups and organisations:

- **The police and other law enforcement agencies;** one of the key advantages of the proposed reforms would be the ability for chiefs to deliver a number of tasks using staff or volunteers rather than officers, saving what is likely to amount to thousands of hours of police officer time that could instead be used to better effect. There will be a cost to forces for issuing uniforms and delivering training to new volunteers, but these should be significantly outweighed by the savings that forces would make by replacing police officers in certain tasks with staff or volunteers.
- **Victims;** the greater use of volunteers in particular should mean a greater availability of police personnel (i.e. the volunteers themselves) to interview victims, take witness statements etc in the evenings and weekends. As such, these reforms should help to increase the level of services to victims.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 places a duty on Ministers and the Department, when exercising their functions, to have 'due regard' to the need to eliminate conduct which is unlawful under the 2010 Act, advance equality of opportunity between different groups and foster good relationships between different groups.

In accordance with these duties we have considered the impact of the proposed reforms on those sharing protected characteristics and those who do not, in order to comply with the duty mentioned above. We will continue to do this, and the responses to this Consultation will further inform this consideration.

Consultation Questions

- Q1. Do you agree with the idea of giving greater control to chief officers over the powers of their designated staff?
- Q2. Do you have any views on the proposed new role titles?
- Q3. Do you agree with the concept of a single list of the 'core' powers that would remain exclusive to police officers?
- Q4. Is the proposed list correct, or should other powers be added or removed?
- Q5. Do you agree that it would be helpful to include an order-making power to enable the Home Secretary to add to the list of powers which designated officers cannot have?
- Q6. Should chief officers also be able to designate volunteers with powers?
- Q7. Should we abolish the office of traffic warden?
- Q8. Do you have any other comments?

About you:

Which of the following best describes your organisation or the professional interest?

Please select one option:

- a. Police force
- b. Police and Crime Commissioner (PCC)
- c. Victims group
- d. Voluntary sector / community organisation
- e. Government department or agency
- f. Academic institution or think tank
- g. Representative body
- h. None – I am responding as a member of the public
- i. Prefer not to say
- j. Other (please specify)

Which organisation do you represent?

.....

In which of the following areas are you based? Please select one option:

- a. East Midlands
- b. East of England
- c. Greater London
- d. North East England
- e. North West England
- f. South East England
- g. South West England
- h. Wales
- i. West Midlands
- j. Yorkshire and the Humber
- k. Prefer not to say
- l. Other (please specify)

How to respond

The Home Office would welcome any comments on the policies proposed in this document. If you have any further suggestions or proposals for consideration, please outline them in your response.

A template for your response to the consultation is available online at the following address: <http://tinyurl.com/hocons>.

You can e-mail your response to the following e-mail address: SpecialConstabularyEnquiries@homeoffice.gsi.gov.uk.

Or send it by post to:

Complementary Policing Team
Police Integrity and Powers Unit
6th Floor NW, Fry Building
Home Office
2 Marsham Street
LONDON
SW1P 4DF

If you have any queries regarding the consultation or your proposed response, please contact the Police Integrity and Powers Unit at the e-mail address above.

Comments must be received by 31 October 2015; we cannot undertake to consider any responses received after that date.

Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, other Government departments and related agencies for use in connection with this consultation. In case we would like to follow up on any of the issues or ideas you have raised, it would be very helpful if you are able to provide your contact details below.

Providing your personal information is voluntary; if you do provide personal information it will:

- Only be used to contact you for further analysis of your response;
- Be kept for a maximum of up to 1 year from the closing date of this consultation and then securely destroyed;
- Not be shared with any other third parties; and
- Be stored on a secure Government IT system.

If you want certain information you provide as part of your response to be treated as confidential, please be aware that, under the Freedom of Information Act 2000 (FOIA), there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this you should explain to us why you regard any information you have provided as confidential. If we receive a request for disclosure of the information we will take due account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

Annex A: List of Current Police Staff Powers

1. Community Support Officers

a) standard powers (18)

- to issue fixed penalty notices for cycling on a footpath;
- to issue fixed penalty notices for littering;
- to require name and address of a person who the PCSO has reason to believe has i) committed an offence; ii) been acting, or to be acting, in an anti-social manner; or iii) failure to obey lawful traffic directions of a PC or PCSO;
- to require persons drinking in restricted areas to surrender alcohol;
- to require persons aged under 18 to surrender alcohol;
- to seize tobacco or cigarette papers from a person aged under 16 and to dispose of the tobacco/papers;
- to seize controlled drugs (including power to require name and address of person in possession);
- to enter and search any premises, in their police area, for the purposes of saving life and limb or preventing serious damage to property;
- to seize vehicles used to cause alarm or distress (i.e. careless and inconsiderate driving or prohibited off-road driving);
- to remove abandoned vehicles;
- to stop bicycles;
- to control traffic for purposes other than escorting a load of exceptional dimensions;
- to carry out road checks;
- to place traffic signs;
- to enforce areas cordoned under section 36 of the Terrorism Act 2000;
- to photograph persons away from a police station

b) discretionary powers (44)

- to issue penalty notices in respect of offences of disorder;
- to issue fixed penalty notices for truancy;
- to issue fixed penalty notices for excluded pupil found in a public place;
- to issue fixed penalty notices for dog fouling on designated land;
- to issue fixed penalty notices for graffiti and fly-posting;

- to issue fixed penalty notice for relevant byelaw offences;
- to detain a person for up to 30 minutes who fails to comply with a requirement to give their name and address, or who gives an answer which the PCSO reasonably suspects to be false or inaccurate, in order to wait for the arrival of a police officer (or alternatively to accompany the detained person to a police station);
- to search detained persons for dangerous items or items that could be used to assist escape and to seize and retain any items found;
- to enforce byelaws, including removing a person from a place if a constable would also have the power to enforce a byelaw in that way;
- to deal with begging;
- to enforce certain licensing offences (including a limited power of entry to investigate such offences);
- to serve closure notice for licensed premises persistently selling to children;
- to use reasonable force to prevent a detained person making off and to keep that person under control;
- to disperse groups and remove persons under 16 to their place of residence;
- to remove truants and excluded pupils to designated premises etc;
- to use reasonable force in relation to detained persons to enforce their handover to a police officer or transfer to a police station;
- to search for and seize alcohol and tobacco from minors;
- to take possession of items used in the commission of offences under the Royal Parks (Trading) Act 2000 (Metropolitan PCSOs only);
- to stop vehicles for testing of roadworthiness; and
- to direct traffic for the purposes of escorting a load of exceptional dimensions.

NB The following discretionary powers were added by the Anti-Social Behaviour, Crime and Policing Act 2014

- to issue a fixed penalty notice for cycling without lights;
- to issue a fixed penalty notice for failing to comply with traffic signs;
- to issue a fixed penalty notice for carrying a passenger on a cycle;
- to issue a fixed penalty notice to a cyclist for failing to comply with a traffic direction;
- to issue a fixed penalty notice for parking in a restricted area outside schools;
- to issue a fixed penalty notice for failing to stop for a police constable;
- to issue a fixed penalty notice for driving the wrong way down a one-way street;
- to issue a fixed penalty notice for sounding a horn when stationary or at night;
- to issue a fixed penalty notice for not stopping engine when stationary;
- to issue a fixed penalty notice for causing unnecessary noise with a motor vehicle;

- to issue a fixed penalty notice for contravening bus lane prohibition or restriction;
- to issue a fixed penalty notice for opening door so as to cause injury or danger;
- to confirm the identity of a charity collector;
- to issue a fixed penalty notice to an unlicensed street vendor;
- to stop cycles;
- to give a dispersal direction;
- to direct a person to surrender any item in possession or control
- to detain a person for up to 30 minutes failing to comply with either of the above directions, in order to wait for the arrival of a police officer;
- to issue a Community Protection Notice;
- to issue a fixed penalty notice for failure to comply with a Community Protection Notice; and
- to issue a fixed penalty notice for failure to comply with Public Space Protection Order.

2. Investigating Officers (12 discretionary powers)

- to obtain a search warrant under PACE or the MDA¹⁷;
- to execute a search warrant under PACE or the MDA;
- to seize and retain things i) for which a search warrant has been authorised, or ii) on any premises where the officer is lawfully present;
- to accompany named, undesignated individuals (e.g. forensic IT or accountancy specialists) in the execution of a search warrant;
- to obtain a production order under PACE;
- to enter and search for evidence of an offence any premises under the control of an arrested person (PACE section 18);
- to enter and search premises for evidence of nationality any premises under the control of an arrested person, or where that person was at the time of, or immediately before, their arrest (sections 44 to 46 of the UK Borders Act 2007);
- to make a further arrest of an arrested person (i.e. for a fresh offence);
- to take custody of an arrested person at a police station for the purpose of progressing the investigation (e.g. conducting an interview);
- to issue Special Warnings under the Criminal Justice and Public Order Act 1994, to require a person to account for i) any object, substance or mark, or ii) their presence at a particular place, where the officer believes that may be attributable to the participation of the person arrested in an offence;

3. Detention Officers (12 discretionary powers)

- to require a person to attend a police station to have i) their fingerprints or ii) other sample (e.g. DNA) taken;

¹⁷ Misuse of Drugs Act 1971

- to take i) fingerprints or ii) non-intimate samples without consent;
 - to give warnings to detained persons in connection with i) the taking of samples, ii) the conduct of intimate searches or iii) the taking of investigative x-rays;
 - to conduct searches of persons answering to live link bail at a police station;
 - to conduct non-intimate searches of detained persons;
 - to conduct searches and examinations at police stations to ascertain an arrested person's identity, including photographing any identifying mark;
 - to conduct intimate searches of detained persons, where an Inspector has determined it is not practicable for the search to be carried out by a medical professional;
 - to take photographs of detained persons;
 - to take impressions of a detained person's footwear without consent;
 - to keep control of detained person; and
 - where necessary, to use force to carry out any of the above powers.
4. Escort Officers (2 discretionary powers)
- to take a person arrested by a constable to a police station
 - to escort persons in police detention

Annex B: List of Powers Specific to Police Community Support Officers

As set out in the body of this consultation document, there are a number of powers that are specific to Police Community Support Officers that are specifically designed to deal with the fact that PCSOs do not have powers of arrest. These are the powers to:

- require the name and address of a person who the PCSO has reason to believe i) has committed an offence; ii) has been acting, or is acting, in an anti-social manner; or iii) has failed to obey the lawful directions of a PC or PCSO;
- detain a person for up to 30 minutes who fails to comply with a requirement to i) give their name and address, ii) who gives an answer which the PCSO reasonably suspects to be false or inaccurate, iii) fails to comply with a dispersal direction or iv) fails to comply with a direction to surrender any item in their possession or control, in order to wait for the arrival of a police officer (or alternatively to accompany the detained person to a police station);
- search detained persons for dangerous items or items that could be used to assist escape and to seize and retain any items found; and
- use reasonable force in relation to detained persons to enforce their handover to a police officer or transfer to a police station.

We want to ensure that these powers (which are derived from powers of a constable, but are not themselves constable powers) remain available to PCSOs.



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Response to the Home Office Consultation on Reforming the Powers of Police Staff and Volunteers

Responding Organisation/Individual:

.....

Which of the following best describes your organisation or the professional interest? Please select one option:

- a. Police force
- b. Police and Crime Commissioner (PCC)
- c. Victims' group
- d. Voluntary sector / community organisation
- e. Government department or agency
- f. Academic institution or think tank
- g. Representative body
- h. None – I am responding as a member of the public
- i. Prefer not to say
- j. Other (please specify)

In which of the following areas are you based? Please select one option:

- a. East Midlands
- b. East of England
- c. Greater London
- d. North East England
- e. North West England
- f. South East England
- g. South West England
- h. Wales
- i. West Midlands
- j. Yorkshire and the Humber
- k. Prefer not to say
- l. Other (please specify)

Consultation Questions: (Please note the boxes will expand as you type in them)

Q1. Do you agree with the idea of giving greater control to chief officers over the powers of their designated staff?

--

Q2. Do you have any views on the proposed new role titles?

--

Q3. Do you agree with the concept of a single list of the 'core' powers that would remain exclusive to police officers?

--

Q4. Is the proposed 'core' list correct, or should other powers be added or removed?

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Q5. Do you agree that it would be helpful to include an order-making power to enable the Home Secretary to add to the list of powers which designated officers cannot have?

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Q6. Should chief officers also be able to designate volunteers with powers?

Q7. Should we abolish the office of traffic warden?

Q8. Do you have any other comments?

Please now e-mail your response to the following e-mail address:

SpecialConstabularyEnquiries@homeoffice.gsi.gov.uk

Or send it by post to:

Complementary Policing Team
Police Integrity and Powers Unit
6th Floor NW, Fry Building
Home Office
2 Marsham Street
LONDON
SW1P 4DF

Comments must be received by 31 October 2015; we cannot undertake to consider any responses received after that date.

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