

# **TOWNS AND COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE**

## **REPORT**

**19 JANUARY 2017**

**Subject Heading:**

Review of Attestation of Parks Protection Officers, following Cabinet decision on 16 December 2015.

**CMT Lead:**

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**Policy context:**

### **SUMMARY**

Following Cabinet approval in December 2015, since February 2016, Parks Protection Officers have been attested as constables to enable them to detain suspected offenders in the Council's Parks and Open Spaces. The new powers have been used on average about twice a month. The power has assisted in dealing with those isolated cases where the alleged offenders have not been willing to cooperate and there have been no incidents in the use of the power. It is recommended that constable status continue, meanwhile remaining under review for a further 12 months.

### **RECOMMENDATIONS**

That Members of the Towns and Communities Overview and Scrutiny Sub-Committee note the contents of this report and to agree a further review of the attestation powers in 12 months time, by December 2017.

## REPORT DETAIL

### 1.0 **BACKGROUND**

- 1.1 On 16<sup>th</sup> December 2015, Cabinet:
1. Authorised the permanent members of the Parks Protection Team to be attested and secure the same powers as police officers, but only to be exercised within the boundaries of Havering's parks and open spaces.
  2. Authorised the permanent members of the Parks Protection Team to use batons but only in self-defence and in relation to dealing with dangerous animals.
  3. Authorised the Parks Protection team to develop new partnership arrangements with the police service so that the more serious incidents which might occur in parks and open spaces were more effectively dealt with.
  4. Agreed to receive a progress report once the attestation powers had been in place for a 12 month period.
- 1.2 Taking the Cabinet resolution forward, on 2<sup>nd</sup> February 2016 Barkingside Magistrates Court granted attestation powers to the 5 permanent Parks Protection Officers in the employment of London Borough of Havering. This gives the officers Constable status in the Council's parks and open spaces.
- 1.3 As part of the report to Cabinet, it was intimated that the matter was to be reviewed by this Sub-Committee in December 2016. This report summarises the work of the Parks Protection Team and the effect that attestation powers has had since being introduced.

### 2.0 **Parks Protection Team**

- 2.1 The Parks Protection Team work specifically in Havering parks and open spaces. The team operates seven days a week, covering key times throughout the day and evening. They are based in Raphael Park and patrol the borough's open spaces using motorbikes and an off-road vehicle, so that they can quickly and effectively respond to parks related demands. The main purpose of the Parks Protection Service is to help maintain safety in the borough's parks and open spaces ensuring they remain pleasant for everyone to visit, throughout the year, by targeting anti-social behaviour and criminal activity. The service also manages the locking and unlocking of park gates.

- 2.2 There are currently 5 permanent members of staff consisting of a Parks Protection Manager and 4 Parks Enforcement Officers.

### 3.0 Attestation Powers

- 3.1 The Parks Protection Team had previously been able to deal effectively with all those otherwise law-abiding offenders, willing and able to supply their correct name and address. They were not, however, authorised to detain the 'criminal minority' who refuse to provide their true identity which can be used for prosecution purposes. This meant that a small percentage of law breaking may be difficult to effectively deal with and could lead to a gradual break-down in confidence in the Team; as the general public become aware that some offenders cannot be dealt with fairly and effectively.

- 3.2 To remedy this situation, Cabinet agreed that the permanent members of the Parks Protection Team be formally attested as Constables, to act as a Parks Police Service in Havering parks (albeit they will still be known as the Parks Protection Team). These powers allow for the detention of any problem individuals, helping to ensure that certain matters can be brought before the court via the issue of a summons. The arrest of an offender may sometimes only involve a short detention after the offence whereby the verifiable name and address is furnished for an effective prosecution to then take place. In certain circumstances however, it may lead to the detention of an offender who will need conveying to the nearest police station that has a custody suite, until police bail can be arranged.

### 4.0 2016 Performance including Detentions

- 4.1 The work carried out by the Parks Protection Team over the last year is summarised in the table below:

| Service Performance 2016 (Month) | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|----------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| General Patrols                  | 287 | 385 | 344 | 418 | 270 | 202 | 268 | 166 | 233 | 283 | 410 | 151 | 3417  |
| Calls Received                   | 24  | 42  | 30  | 52  | 34  | 35  | 62  | 55  | 58  | 55  | 32  | 14  | 493   |
| Byelaw Offences Recorded         | 10  | 22  | 18  | 33  | 36  | 21  | 32  | 48  | 28  | 33  | 20  | 9   | 310   |
| Verbal Warning / Advice          | 5   | 1   | 4   | 3   | 4   | 2   | 0   | 6   | 1   | 3   | 4   | 7   | 40    |
| Written Warning                  | 0   | 3   | 4   | 6   | 12  | 5   | 5   | 9   | 6   | 5   | 2   | 0   | 57    |
| Cautions                         | 0   | 0   | 0   | 0   | 0   | 0   | 2   | 0   | 0   | 0   | 0   | 0   | 2     |
| Prosecution Convictions          | 0   | 0   | 0   | 1   | 1   | 0   | 1   | 1   | 1   | 0   | 0   | 1   | 6     |
| Arrests                          | 0   | 0   | 1   | 4   | 1   | 0   | 2   | 1   | 5   | 0   | 7   | 0   | 21    |
| Fixed Penalty Notices            | 1   | 0   | 0   | 0   | 6   | 0   | 1   | 0   | 0   | 0   | 0   | 0   | 8     |
| Merlin Reports                   | 0   | 0   | 1   | 1   | 1   | 0   | 3   | 1   | 0   | 1   | 1   | 2   | 11    |
| Youth Drug Alcohol Referral      | 0   | 0   | 1   | 1   | 1   | 0   | 0   | 1   | 0   | 0   | 1   | 3   | 8     |
|                                  |     |     |     |     |     |     |     |     |     |     |     |     |       |
| Byelaw                           | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |

|  |     |     |     |     |     |     |     |     |     |     |     |     |       |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| <b>Offences Recorded -</b>               |     |     |     |     |     |     |     |     |     |     |     |     |       |
| <b>Proactive (General Patrols) 29.4%</b> | 1   | 5   | 5   | 7   | 19  | 7   | 8   | 14  | 8   | 5   | 7   | 5   | 91    |
| <b>Reactive (Calls Received) 70.6%</b>   | 9   | 17  | 13  | 26  | 17  | 14  | 24  | 34  | 20  | 28  | 13  | 4   | 219   |
| <b>Totals</b>                            | 10  | 22  | 18  | 33  | 36  | 21  | 32  | 48  | 28  | 33  | 20  | 9   | 310   |
|  |     |     |     |     |     |     |     |     |     |     |     |     |       |
| <b>Service Calls Received - Category</b> | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
| <b>Byelaw Related</b>                    | 9   | 17  | 13  | 26  | 17  | 14  | 25  | 34  | 20  | 29  | 13  | 4   | 221   |
| <b>Anti Social Behaviour- Non Byelaw</b> | 2   | 9   | 6   | 3   | 6   | 6   | 14  | 3   | 3   | 2   | 6   | 0   | 60    |
| <b>Criminal Activity - Non Byelaw</b>    | 0   | 4   | 2   | 1   | 1   | 1   | 3   | 2   | 4   | 5   | 2   | 0   | 25    |
| <b>Dog Control</b>                       | 3   | 1   | 0   | 0   | 1   | 2   | 3   | 4   | 1   | 1   | 5   | 1   | 22    |
| <b>Injured Wildlife</b>                  | 0   | 1   | 2   | 1   | 2   | 0   | 0   | 2   | 3   | 0   | 0   | 2   | 13    |
| <b>Information Reports</b>               | 8   | 7   | 7   | 17  | 6   | 12  | 15  | 9   | 27  | 18  | 6   | 6   | 138   |
| <b>Litter Investigations</b>             | 0   | 0   | 0   | 2   | 0   | 0   | 0   | 1   | 1   | 0   | 0   | 0   | 4     |
| <b>Emergency Services - Assistance</b>   | 2   | 3   | 0   | 2   | 1   | 0   | 2   | 0   | 0   | 0   | 0   | 0   | 10    |
| <b>Totals</b>                            | 24  | 42  | 30  | 52  | 34  | 35  | 62  | 55  | 59  | 55  | 32  | 13  | 493   |

4.2 The 21 arrests identified above can be summarised as follows:

10 x drugs related (referral or caution)  
6 x burglary (insufficient evidence to pursue)  
2 x robbery/criminal damage (custody)  
1 x handling a stolen motorcycle (custody)  
1 x wanted for assault (custody)  
1 x attempted burglary (custody)

4.3 There was also a further incident where an individual refused to give their name, but on being told they would be detained, volunteered the information.

4.4 There were two main risks identified in the Cabinet report – firstly, that there could be complaints from those arrested including that unreasonable force was used and secondly, that injury could be caused by offender resisting detention. Since the attestation powers were introduced, there have been no such occurrences of either of these events. The Parks Protection Officers are trained, experienced officers and each of the detentions as constables has taken place without incident or complaint.

## 5.0 Review of Attestation Power

- 5.1 Attestation providing powers of a constable available to Parks Protection Officers have been in operation for some 10 months with them formally being used 21 times, an average of just over 2 detentions a month. It is a bit early to draw any firm conclusions at this stage other than the power has been of assistance in isolated cases which was the reason for introducing the power as identified in the Cabinet Report.
- 5.2 Arrest powers have been successfully used and have provided an additional tool for the Parks Protection Service in patrolling the Council's parks and open spaces and responding to calls.
- 5.3 The status of constable has also assisted in providing a level of protection such that no officer has since been subject to assault or threat of assault during the monitoring period.
- 5.4 The Standard Operating Procedure has been reviewed with a slight change to clarify that Parks Protection Officers can act around the perimeter of parks/open spaces to prevent unlawful trespass and by exception can stop at incidents encountered when travelling in the Borough (for example stopping to assist the community where need for assistance is identified), although attestation powers cannot be used in either case.
- 5.5 Since June 2016, as part of the Clean and Safe review of senior management, Parks Protection has been part of the Regulatory Services service area. Part of the enforcement review within Regulatory Services will include the future role of Parks Protection as part of any Council enforcement function. In the meantime, it is considered that the attestation process, providing a change to greater constable powers, has been successfully implemented without any incidents.
- 5.6 Other than an initial cost for additional equipment and court fees, the introduction of the attestation power for Parks Protection Officers has not resulted in any additional financial costs.

## 6.0 Conclusion

- 6.1 Upon review, the attestation of officers to constable status in parks has proved to be useful in addressing criminal behaviour in the parks/open spaces and are a valuable additional tool in regard to ensuring effective enforcement.
- 6.2 Given that it is still early into the period since the power has been available, the risks identified in the Cabinet Report do still exist and as such further periodic reviews of the power is recommended as well as internal review at least annually of the Standard Operating Procedures.
- 6.3 It is recommended to Members that this report be noted and the attestation powers be reviewed further in 12 months time by December 2017.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

There are no additional financial implications and risks arising directly from this report.

### **Legal implications and risks:**

The previous Cabinet Report of 16th December 2015 set out the legal position in respect of the power of Local Authorities to facilitate the 'swearing in' of nominated individuals as Constables under Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967, as only then are Constables able to enforce byelaws and other regulations within the Council's parks and open spaces only.

The Parks Protection Team officers must be sworn in at the local Magistrates Court under Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 which will mean they will become attested Constables for London Borough of Havering for Council owned parks and open spaces.

Article 19 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 gives the power to constables in parks and open spaces to seize and detain persons committing offences for the purposes of conveying them directly to a police station to be questioned and or charged, where that person's name or address cannot be ascertained by the Constable.

Although this report sets out the performance data including detentions from January 2016 to December 2016 in respect of the effective use of the attestation power and confirms no complaints or incidents have been reported in relation to unlawful use of these powers, this must be kept under review on a monthly basis.

The Parks Protection Team Officers must receive regular training in the legal and enforcement processes in connection with these powers and conflict resolution. They must continue to undertake their duties and ensure the conditions of arrest are in accordance with sections 24 and 24A of Police and Criminal Evidence Act 1984 as amended which sets out the general power of arrest without warrant by Constables (or other persons). Failure to do so may result in civil actions which include false arrest and detention. Should any action against the Officers arise, an accurate record must be kept of the complaint or incident.

### **Human Resources implications and risks:**

There are no additional HR implications and risks arising directly from this report.

**Equalities implications and risks:**

The initiative outlined in the report provides for a proportional means of ensuring that communities in Havering are able to use the parks and open spaces within the Borough. The remit of using the powers are clearly defined and articulated in policies and work instructions to the personnel concerned. The parks staffs have been trained to ensure that they are able to engage with communities and those persons with specific protected characteristics e.g. learning disabilities, mental health issues. This training will be reviewed and should a specific training requirement in relation to diversity be identified this will be provided. The table contained within the report does not evidence any disproportionality in terms of the way the powers are being used nor does the information show that certain protected characteristics are being unfairly targeted. The continued use of these powers will ensure that all our residents are able to enjoy the use of our parks and open spaces.

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| <b>BACKGROUND PAPERS</b> |
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None.