

**COMMUNITIES POSC (MEETING AS THE CRIME AND  
DISORDER COMMITTEE)**

**Tuesday, 6th April, 2010**

**2.00 pm**

Darent Room, Sessions House, County Hall, Maidstone







## AGENDA

### Kent County Council

## COMMUNITIES POSC (MEETING AS THE CRIME AND DISORDER COMMITTEE)

Tuesday, 6th April, 2010, at 2.00 pm                      Ask for:            Denise Fitch  
Darent Room, Sessions House, County Hall,            Telephone        01622 694269  
Maidstone

*Refreshments will be available before the meeting*

### Membership (12)

Conservative (11):        Mrs E M Tweed    (Chairman),    Mr A R Chell    (Vice-Chairman),  
Mr H J Craske, Mr D A Hirst, Mrs J Law, Mr J Ozog, Mr K Smith,  
Mr R Tolputt, Mr C T Wells, Mr A Wickham and Mr A Willicombe

Liberal Democrat (1):    Mr I S Chittenden

### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

Item No		Page Number
	<b>A. Committee Business</b>	
A1	Substitutes	
A2	Declarations of Interests by Members in items on the Agenda for this meeting	
	<b>B. Items for consideration</b>	
B1	Brief induction - setting out the framework for the operation of this Committee (Pages 1 - 14)	
B2	The differing use of powers held by Police Community Support Officer (PCSO's) across the County - with an apparent reluctance by many to enforce the CNEA (Cleaner Neighbourhood and Environment Act) - item put forward by Mike Snelling - CDRP Vice Chairman, Dartford and Gravesend) (Pages 15 - 24)	
B3	CCTV Monitoring (Pages 25 - 26)	
B4	Countywide arrangements in place for overview and scrutiny of CDRP's. (Pages 27 - 30)	

B5 Date of next meeting - 11 November 2010 at 2.00pm

**EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

**Thursday, 25 March 2010**

---

# Crime and Disorder Committee

Stuart Beaumont and Jim Parris  
KCC Community Safety Unit



---

# **Introduction**

- **Background Information – CDRPs / County Strategy Group.**
- **Provide an explanation of the legislation and statutory guidance around the scrutiny arrangements of Community Safety.**
- **Describe intended outcomes of scrutiny.**
- **Clarify the role of scrutiny in terms of `partnerships`, rather than `partners`.**

---

# **CDRPs/ County Strategy Group**

- 1998 Crime and Disorder Act
- Roles and Responsibilities of CDRPs
- Hallmarks
- Responsible Authorities
- Co-operating Bodies
- 2006 Police and Justice Act
- County Strategy Group

---

# **Legislation: Overview & Scrutiny Committee**

- **Police and Justice Act 2006 – Section 19, 20 & 21**
- **Section 19 – requires every local authority to have a scrutiny committee**
- **Section 20 – power to make regulations**
- **Section 21 – facilitates joint committees to support CDRP mergers**
  
- **The Crime and Disorder (Overview and Scrutiny) Regulations 2009. (SI 2009 No 942) covering: minimum standards around co- option, frequency, information, attendance, reports and recommendations.**
  
- **Guidance : Issued May 2009**

---

# **Intended outcome of scrutiny**

- **Support and strengthen existing governance arrangements**
  - **Oversee and review delivery of joint responses to Community Safety issues.**
  - **Enhance partnership working – add value to existing partnership arrangements**
  - **Provide transparency – clearer link between partner agencies and the public.**
-

---

# Detail

**Structures : a committee in every local authority area**

- Expect joint committees where sensible and appropriate

**Terms of reference : scrutinise work of CDRP/CSP and partners in so far as these activities relate to the partnership itself**

- Partnership plan priorities
  - Issues that matter to the public
-

---

## **Role : enhance partnership arrangements and delivery**

- Consider actions undertaken by the responsible authorities that make up the partnership
- Make reports or recommendations to the responsible authorities
- Critical Friend

## **Two Tier arrangements**

- Support and link to County Strategy Group requirement
  - Common sense approach
  - Agree protocols – i.e. where an issue involves county level agency
-

---

# Regulations

- **Co-option**
  - Police Authority & local authority relationship – expectation that Police Authority will be involved
  - Any of Responsible authorities or cooperating bodies
  - Agree protocols – i.e. where an issue involves county level agency
- **Frequency : at least once a year (under regulations)**
- **Information : depersonalised, in writing**
- **Attendance : requires attendance**
- **Reports and recommendations : responses required in writing within 28 days**

---

# Challenges

- Making it work in practice – agree protocols
- Relationship with CAA
- Supporting existing governance – avoiding duplication
- Police Authority links with local authority

---

# Contact:

## **Stuart Beaumont**

Head of Community Safety Unit

01622 694878

Email: [stuart.beaumont@kent.gov.uk](mailto:stuart.beaumont@kent.gov.uk)

## **Jim Parris**

Assistant Head of Community Safety Unit

01622 696187

Email: [james.parris@kent.gov.uk](mailto:james.parris@kent.gov.uk)



**2009 No. 942**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Crime and Disorder (Overview and Scrutiny)  
Regulations 2009**

*Made* - - - - - *6th April 2009*

*Laid before Parliament* *8th April 2009*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(3) and (4) of the Police and Justice Act 2006(a).

In accordance with section 20(4) of that Act, the Secretary of State has consulted with the Welsh Ministers(b) regarding the provisions in relation to local authorities in Wales.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

(2) These Regulations shall come into force in respect of local authorities in England on 30th April 2009 and in respect of local authorities in Wales on 1st October 2009.

**Interpretation**

2. In these Regulations—

“2006 Act” means the Police and Justice Act 2006;

“depersonalised information” means information which does not constitute personal data within the meaning of the Data Protection Act 1998(c).

**Co-opting of additional members**

3.—(1) The crime and disorder committee of a local authority may co-opt additional members to serve on the committee subject to paragraphs (2), (3), (4) and (5).

(2) A person co-opted to serve on a crime and disorder committee shall not be entitled to vote on any particular matter, unless the committee so determines.

---

(a) 2006, c. 48. Section 20 has been amended by section 121 and has been prospectively amended by sections 126 and 241, and part 6 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28).  
(b) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).  
(c) 2008 c.29.

(3) A co-opted person's membership may be limited to the exercise of the committee's powers in relation to a particular matter or type of matter.

(4) A crime and disorder committee shall only co-opt a person to serve on the committee who—

(a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and

(b) is not a member of the executive of the committee's local authority (or authorities).

(5) The membership of a person co-opted to serve on a crime and disorder committee may be withdrawn at any time by the committee.

### **Frequency of meetings**

4. A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

### **Information**

5.—(1) Where a crime and disorder committee makes a request in writing for information, as defined in section 20(6A) of the 2006 Act<sup>(a)</sup>, to the responsible authorities or the co-operating persons or bodies, the authorities, or persons or bodies (as applicable) must provide such information in accordance with paragraphs (2) and (3).

(2) The information referred to in paragraph (1) must be provided no later than the date indicated in the request save that if some or all of the information cannot reasonably be provided on such date, that information must be provided as soon as reasonably possible.

(3) The information referred to in paragraph (1)—

(a) shall be depersonalised information, unless (subject to sub-paragraph (b)) the identification of an individual is necessary or appropriate in order to enable the crime and disorder committee to properly exercise its powers; and

(b) shall not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.

### **Attendance at committee meetings**

6.—(1) Subject to paragraph (2), a crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

(2) The crime and disorder committee may not require a person to attend in accordance with paragraph (1) unless reasonable notice of the intended date of attendance has been given to that person.

### **Reports and recommendations**

7. Where a crime and disorder committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the 2006 Act, the responses to such report or recommendations of each relevant authority, body or person shall be—

(a) in writing; and

---

(a) Section 20(6A) was inserted by section 121(2) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

- (b) submitted to the crime and disorder committee within a period of 28 days from the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

Home Office  
6th April 2009

*Vernon Coaker*  
Minister of State

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 20(3) (in respect of local authorities in England) and 20(4) (in respect of local authorities in Wales) of the Police and Justice Act 2006. The Regulations supplement the provisions in section 19 of that Act by making provision for the exercise of powers by crime and disorder committees of local authorities.

Regulation 3 provides that crime and disorder committees may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation.

Regulation 4 provides that a crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than once in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information as is requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Regulation 6 provides that a crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

Regulation 7 provides that where a crime and disorder committee makes a report or recommendations to responsible authorities or co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and within 28 days of the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

---

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00

PCSO powers are categorised as 'standard' powers which are granted through primary legislation and apply to all PCSOs (appendix A) and those powers classed as discretionary which are granted by individual Chief Constables (appendix B). According to law the discretionary powers can only be granted by Chief Constables and cannot be delegated.

There are two ways in which PCSO powers can be changed. The first is through primary legislation and the second is through the authority of the Chief Constable.

The extent and nature of PCSO powers is closely aligned to the role they play within Neighbourhood Policing. PCSOs should be granted powers which assist them in discharging their duties effectively within the nature of Neighbourhood Policing and are in keeping with the style of policing to be adopted.

In considering the powers available to PCSOs Chief Constables are advised to strike an appropriate balance between the need to maintain the largely non-confrontational, community-engagement role of the PCSO, and the need to ensure that all PCSOs are provided with a set of powers that will enable them to contribute most effectively to neighbourhood policing and deal with low-level disorder and anti-social behaviour.

This page is intentionally left blank

## THE ROLE, POWERS AND DEPLOYMENT OF POLICE COMMUNITY SUPPORT OFFICERS.

PCSOs have very limited powers when compared with Police Officers, and have been trained to deal with specific incidents and tasks only. They have the right to decline to carry out tasks for which they have not been trained and which they assess as too risky or outside their terms of reference. It must be understood that, unlike police officers, there is no positive duty for PCSOs to intervene in an incident – they are civil staff and not police officers. Similarly, there is no expectation that they will engage in activities assessed as 'high risk'.

The Chief Constable has carefully considered the range of powers with which they have been delegated, and PCSOs are not expected to stray beyond the limited core role for which they have been trained, especially into situations where they potentially are in confrontation with members of the public.

PCSOs are equipped with passive personal protective equipment (i.e. body armour). Their training is confined to calming heated situations and defusing hostility. They are not trained in dealing with violence, including arrests. They have been trained to withdraw from such situations and to call for help from police colleagues. This does not mean that they cannot assist in such situations by gathering information such as witness details, assisting with traffic control, and by providing evidence for the prosecution of offenders.

PROPOSED LIST OF STANDARD POWERS FOR POLICE COMMUNITY SUPPORT OFFICERS	
ENVIROMENTAL POWERS	COMMENT
<b>Power to issue fixed penalty notices for littering:</b> Power of an authorised officer of a local authority to give a notice under <a href="#">section 88</a> of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter).	Already designated to PCSOs in Kent and Medway
<b>Power to issue fixed penalty notices in respect of offences under dog control orders:</b> power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders.)	<b>EXTENDED POWER</b> This power now includes the issue of FPN for dog fouling, which is already designated to PCSOs in Kent and Medway and adds the additional power to issue a FPN in respect of other dog control orders i.e. the keeping of dogs on leads, the exclusion of dogs from land and the number of dogs that a person may take onto land
<b>Power to remove abandoned vehicles</b> under regulations made under section 99 of the Road Traffic Regulation Act 1984.	Already designated to PCSOs in Kent and Medway
TRANSPORT POWERS	
<b>Power to issue fixed penalty notices for cycling on a footpath:</b> Power of a constable in uniform to give a person a fixed penalty notice under <a href="#">section 54</a> of the Road Traffic Offenders Act 1988 (fixed penalty notices) in respect of an offence under <a href="#">section 72</a> of the Highway Act 1835 (riding on a footway) committed by cycling.	Already designated to PCSOs in Kent and Medway
<b>Power to stop cycles:</b> Powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when a CSO has reason to believe that a	Already designated to PCSOs in Kent and Medway

person has committed the offence of riding on a footpath.	
<b>Power to control traffic for purposes other than escorting a load of exceptional dimensions:</b> Powers to direct traffic (for purposes other than escorting loads of exceptional dimensions) based on the powers constables have under sections 35 and 37 of the Road Traffic Act 1988 It also gives CSOs the power to direct traffic for the purposes of conducting a traffic survey. CSOs designated under this paragraph must also be designated with powers under paragraph 3A of Schedule 4 to the Police Reform Act.	<b>NEW POWER</b> These powers are intended to enable PCSOs to assist with traffic management at public events, road traffic collisions and other incidents where traffic diversions are necessary.
<b>Power to carry out road checks:</b> Power to carry out a road check, which has been authorised by a Superintendent or above and power to stop vehicles for the purposes of carrying out a road check.	Already designated to PCSOs in Kent and Medway
<b>Power to require name and address for road traffic offences:</b> The Serious Organised Crime and Police Act 2005 allows CSOs to be designated with the power to require the name and address of a driver or pedestrian who fails to follow the directions of a community support officer or police officer under sections 35 or 37 of the RTA 1988.	<i>NEW POWER</i> This power <b>has</b> to be designated to PCSOs that have been given the power to control traffic other than escorting an abnormal load. (See above)
<b>Power to place signs:</b> The Serious Organised Crime and Police Act 2005 enables CSOs to be designated with the power of a constable under section 67 of the Road Traffic Regulation Act 1984 to place traffic signs.	<i>NEW POWER</i> These powers are intended to enable PCSOs to assist with traffic management at public events, road traffic collisions and other incidents.
<b>Power to seize vehicles used to cause alarm:</b> Power to stop and seize a vehicle which a CSO has reason to believe is being used in a manner which contravenes sections 3 or 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving) under section 59 of the Police Reform Act 2002.	Already designated to PCSOs in Kent and Medway
<b>ALCOHOL &amp; TOBACCO POWERS</b>	
<b>Power to require persons drinking in designated places to surrender alcohol:</b> Power to require a person whom a CSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol. Power to dispose of alcohol surrendered.	Already designated to PCSOs in Kent and Medway
<b>Power to require persons aged under 18 to surrender alcohol:</b> Power to require a person who he reasonably believes is aged under 18 or is or has been supplying alcohol to a person aged under 18 to surrender any alcohol in his possession and to give their name and address. Power to require such a person to surrender sealed containers of alcohol if the CSO has reason to believe that	Already designated to PCSOs in Kent and Medway

the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.	
<b>Power to seize tobacco from a person aged under 16</b> and to dispose of that tobacco.	Already designated to PCSOs in Kent and Medway
<b>Power to seize drugs and require name and address for possession of drugs:</b> The Serious Organised Crime and Police Act 2005 allows CSOs to be designated with a power to seize unconcealed drugs or drugs found when searching for alcohol, tobacco or dangerous items. The CSO must retain the drugs until a constable instructs them what to do with it. If a CSO finds drugs in a person's possession or has reason to believe that a person is in possession of drugs then the CSO may require that person's name and address. <b>Only if designated with powers under paragraph 7C may the CSO then detain a person on failure to comply with the requirement.</b>	<i>NEW POWER</i> This power will be restricted to seizing unconcealed drugs and will not enable the PCSO to detain for the purpose of search
<b>POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR</b>	
<b>Power to require name and address for anti-social behaviour:</b> Power of a constable in uniform under section 50 of the Police Reform Act 2002 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner to give his name and address. Paragraph 3(2) of Schedule 4 enables a CSO designated under paragraph 3 of Schedule 4 to detain a person who fails to comply with a requirement to give name and address or who gives an answer which the CSO reasonably suspects to be false or inaccurate in the same way as he or she may under paragraph 2. Paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005 provides that paragraph 3(2) of Schedule 4 to the Police Reform Act 2002 has no effect unless a CSO has been designated with the power of detention under paragraph 2 of Schedule 4.	Already designated to PCSOs in Kent and Medway
<b>ENFORCEMENT POWERS</b>	
<b>Power to require name and address:</b> Power to require the name and address of a person whom a CSO has reason to believe has committed a relevant offence (Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act 2002 as relevant fixed penalty offences under paragraph 1 of Schedule 4, an offence under section 32(2) of the Anti-Social Behaviour Act 2003 (failure to follow an instruction to disperse) or an offence that causes injury, alarm or distress to another person or loss of or damage to another person's property.)	Already designated to PCSOs in Kent and Medway
<b>Power to photograph persons away from a police station:</b> The Serious Organised Crime and Police Act 2005 enables CSOs to photograph a person who has been	<b>NEW POWER</b>

arrested, detained or given a fixed penalty notice away from the police station.	
<b>SECURITY POWERS</b>	
<b>Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property.</b>	Already designated to PCSOs in Kent and Medway
<b>Power to stop and search in authorised areas:</b> Powers under the Terrorism Act 2000 in authorised areas to stop and search vehicles and pedestrians when in the company and under the supervision of a constable.	Already designated to PCSOs in Kent and Medway
<b>Power to enforce cordoned areas:</b> under section 36 of the Terrorism Act 2000	Already designated to PCSOs in Kent and Medway

<b>POWERS NOT INTENDED TO BE INCLUDED IN THE SET OF STANDARD POWERS FOR POLICE COMMUNITY SUPPORT OFFICERS</b>	
<b>ENVIRONMENTAL POWERS</b>	<b>COMMENT</b>
<b>Power to issue fixed penalty notices for graffiti and fly-posting:</b> Power of an authorised officer of a local authority to give a notice under <a href="#">section 43(1)</a> of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting).	Already designated to PCSOs in Kent and Medway
<b>TRANSPORT POWERS</b>	
<b>Power to issue PND for throwing fireworks and trespassing on a railway and throwing stones on a railway:</b> Power to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 in respect of the offences in section 80 of the Explosives Act 1875 and section 55 and 56 of British Transport Commission Act 1949	Not Adopted
<b>ALCOHOL &amp; TOBACCO POWERS</b>	
<b>Limited power to enter licensed premises:</b> The Serious Organised Crime and Police Bill allows CSOs to be designated with a power to enter licensed premises under section 180 of the Licensing Act 2003 for the purposes of investigating relevant licensing offences.	Not Adopted
<b>Power to search for alcohol and tobacco:</b> Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a CSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 and a CSO reasonably believes that the person is in possession of alcohol or tobacco then a CSO may search them for it and dispose of anything found.	Not Adopted for PCSOs in Kent/Medway
<b>Power to issue PNDs for: sale of alcohol to a person under 18; purchase of alcohol for person under 18; delivery of alcohol to person under 18; drinking in designated area; consumption of alcohol by person under 18 or allowing such consumption; buying or attempting to buy alcohol by a person under 18 and sells or attempts to sell alcohol to a person who is drunk, drunk and disorderly behaviour and drunk in highway.</b>	Not Adopted for PCSOs in Kent/Medway
<b>Power to enforce certain licensing offences:</b> The Serious Organised Crime and Police Act 2005 establishes a set of relevant licensing offences. These offences are sale of alcohol to a person who is drunk, obtaining	Not Adopted for PCSOs in Kent/Medway

alcohol for a person who is drunk, sale of alcohol to children, purchase of alcohol by or on behalf of children, consumption of alcohol by children and sending a child to obtain alcohol.	
<b>POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR</b>	
<b>Power to disperse groups and remove persons under 16 to their place of residence:</b> Powers which, by virtue of an authorisation under <a href="#">section 30</a> of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).	Not Adopted for PCSOs in Kent/Medway
<b>Power to deal with begging:</b> The Serious Organised Crime and Police Act 2005 makes offences under sections 3 and 4 of the Vagrancy Act 1824 into relevant offences. It also gives CSOs a power to detain a person who they have required to stop committing an offence under sections 3 and 4 of the Vagrancy Act and who has failed to comply with the requirement.	Not Adopted for PCSOs in Kent/Medway
<b>Power to issue PND for breach of fireworks curfew; possession of a category 4 firework; possession by a persons under 18 of an adult firework; supply of excessively load firework</b>	Not Adopted for PCSOs in Kent/Medway
<b>ENFORCEMENT POWERS</b>	
<b>Power to issue PND for destroying or damaging property; causing harassment, alarm or distress</b>	Not Adopted for PCSOs in Kent/Medway
<b>Power to issue PND for wasting police time, giving false report, using public network communications in order to cause annoyance; knowingly giving false alarm to a person acting on behalf of a fire and rescue authority</b>	Not Adopted for PCSOs in Kent/Medway
<b>Power to enforce byelaws:</b> The Serious Organised Crime and Police Act 2005 provides that offences committed under relevant byelaws are relevant offences under paragraph 2(6) of Schedule 4 of the Police Reform Act 2002. A relevant byelaw is a byelaw from a list of byelaws that has been agreed between a chief constable and a relevant byelaw-making body.	Not Adopted for PCSOs in Kent/Medway
<b>Power to search detained persons for dangerous items or items that could be used to assist escape:</b> Serious Organised Crime and Police Act 2005 allows CSOs to be designated with the same powers as a constable under section 32 of PACE to search detained persons for anything that could be used to cause physical injury or to assist	Not Adopted for PCSOs in Kent/Medway

escape.	
<b>Power to use reasonable force to prevent a detained person making off:</b> either when waiting for the arrival of a constable or when accompanying a detained person to a police station.	Not Adopted for PCSOs in Kent/Medway
<b>Power to use reasonable force to transfer control of detained persons:</b> Paragraph 2(4A) of Schedule 4 to the Police Reform Act 2002 places a duty on CSOs to remain with a police officer when transferring a detained person to his or her custody until the police officer has the person under control. Paragraph 2(4B) places a CSO accompanying a detained person to a police station under a duty to remain at the police station until the detained person is under control.	Not Adopted for PCSOs in Kent/Medway
<b>Power to remove children in contravention of curfew notices to their place of residence:</b> Power to remove a child to their place of residence if the CSO has reason to believe that the child is in contravention of a curfew notice under sub-sections 15(1), (2) and (3) of the Crime and Disorder Act 1998.	Not Adopted for PCSOs in Kent/Medway
<b>Power to issue FPN for truancy</b> Power of a constable to give a penalty notice under <u>section 444A</u> of the Education Act 1996.	Not Adopted for PCSOs in Kent/Medway
<b>Power to remove truants to a designated place:</b> where a local authority designates premises to which young person or child may be removed under this section, Powers of a constable in uniform to remove a child or young person that they have reasonable cause to believe is absent from school without lawful authority, back to the school or to designated premises.	Not Adopted for PCSOs in Kent/Medway
<b>Power to detain:</b> Power to detain a person whom a CSO has reason to believe has committed a relevant offence who fails to comply with a requirement to give name and address or who gives an answer which the CSO reasonably suspects to be false or inaccurate for up to 30 minutes or until the arrival of a police officer (or to accompany that person to a police station if he or she elects to do so on request).	Not Adopted for PCSOs in Kent/Medway

This page is intentionally left blank

## **CCTV Monitoring**

The provision, maintenance and monitoring of CCTV across the county has historically been the responsibility of District Councils. Given the pressing current and predicted public finance position some Leaders and Chief Executives of District Councils have signalled their intention to reduce the level of CCTV monitoring and in particular in reducing the amount of time cameras are 'live' monitored.

Any change in CCTV monitoring raises the potential of adversely affecting public confidence through the single confidence measure in police and local councils tackling the crime and ASB that matter.

Whilst recognising the role and responsibility of District Councils in the monitoring of CCTV Kent Police are conducting a review of CCTV monitoring across the force and whether opportunities exist to maintain service provision delivered more effectively.

This issue has been raised at the most recent Leader and Chief Executives meeting at which Kent Police were present and in a subsequent letter from Kent Police to all Leaders and Chief Executives.

Contact:  
Superintendent Neil Jerome  
01622 652039

This page is intentionally left blank

By: Alex King, Deputy Leader  
Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Communities Policy Overview and Scrutiny Committee (meeting  
as the Crime and Disorder Committee)  
6 April 2010

Subject: Countywide arrangements for overview and scrutiny of Crime  
and Disorder Reduction Partnerships (CDRP's).

Classification: Unrestricted

---

Summary: At the request of the Police Authority this report sets out the  
current countywide arrangements for the overview and scrutiny of CDRP's.

---

## **Introduction**

1. (1) This item was put forward by the Police Authority to give the Committee the opportunity to assess what arrangements are in place across the geographical county of Kent for Crime and Disorder Scrutiny.

(2) It is a requirement under Section 19 of the Police and Justice Act 2006 that all Local Authorities set up a Committee to:-

“Review and scrutinise decisions made, or other action taken, in connection the discharge by the authorities responsible for Crime and Disorder strategies of their Crime and Disorder functions and to make reports or recommendations to the local authority on the discharge of those functions.”

This Committee must meet at least once a year.

## **District Council Crime and Disorder Committees**

2. (1) Each District Council has established its own Crime and Disorder Committee or will have placed this function under the remit of one of its existing Overview and Scrutiny Committees.

(2) There is an assumption that each local authority will consider matters relating to its own CDRP and any issues which specifically relate to its own area. The County Council will be focusing on the work of the County Strategy Group (the County Councils CDRP).

## **Councillor Call for Action**

3. (1) The Local Government and Public Involvement in Health Act 2007 established the “Councillor Call for Action” (CCfA). The CCfA provides Members with the opportunity to ask for a discussion at an Overview or Scrutiny Committee meeting on issues where local problems have arisen and where other methods of

resolution have been exhausted without success. This provision applies all local authorities. As part of the process to establish whether all other methods of resolution have been exhausted, the role of other local authorities in the process would be considered.

(2) In the case of the County Council, if a valid CCfA was received that related to a matter within the remit of the Crime and Disorder Committee it would be referred to that Committee, either at one of its two programmed meetings or a special meeting would be called.

### **Protocol for inter authority co-operation on Overview and Scrutiny**

3. (1) There is currently an agreed protocol for inter-authority co-operation on Overview and Scrutiny which all Kent Authorities signed up to in 2001 (copy attached). It is acknowledged that this protocol is due to be updated to specifically take account of changes in the remit of overview and scrutiny including the statutory requirement to have a Crime and Disorder Committee and also the Councillor Call for Action. Initial discussions at officer level are due to start shortly with a view to producing a draft protocol for discussion and agreement at Member level countywide.

(2) One of the key aims of this revised agreement will be to ensure that the most effective use is made of limited resources, both for local authorities and for partner organisations. A key element of this is the need to avoid duplication though an awareness of Overview and Scrutiny work programmes across the county. This is something that is being co-ordinated at officer level via the Kent and Medway Overview and Scrutiny Officers network.

4. **Recommendation** that the report and the work being undertaken to update the Protocol on inter authority co-operation on Overview and Scrutiny to ensure that the most effective use is made of public sector resources be noted.

Paul Wickenden  
Tel No: 01622 694486  
e-mail: paul.wickenden@kent.gov.uk

Background Information: *None*

## **Annex A: Protocol for Overview and Scrutiny Inter-Authority Co-Operation**

### Aim of the Protocol

5A.1 To ensure the Overview and Scrutiny Committees of all Kent local authorities can review issues of community interest effectively and with efficient use of all local authority staff resources.

### Principles

5A.2 All authorities should be supported in considering issues of community well being wider than the responsibilities of their councils.

5A.3 Authorities should work together to maximise the exchange of information and views, minimise bureaucracy and make best use of the time of Members and officers of local and other authorities.

### Procedures

5A.4 Authorities should seek to exchange information on programmes and results of reviews.

5A.5 If an Overview and Scrutiny Committee wishes to review an issue in which another authority has a statutory role or in which evidence from the officers of another authority would be helpful, it should consult with that authority about:

- the purpose of the review
- the areas of interest to the other authority
- the input that can be given by Members or officers of the other authority.

5A.6 Consideration should be given to whether the issue is more appropriately discussed in another forum, for example a joint committee, or whether there is scope for joint action including the co-opting of Members of the other Authority onto the Overview and Scrutiny Committee for the purpose of the review.

5A.7 Where a proposal is subject to a public consultation process, scrutiny is most helpful if conducted as part of that process e.g. allowing any findings and recommendations to be available in time to influence the final decision.

5A.8 Subject to such prior consultation, Authorities will seek to respond positively to requests for information or for a Member or officer to attend meetings of Overview and Scrutiny Committees or for information.

5A.9 While it is ultimately for each Authority to decide who it considers the most appropriate person(s) to speak on its behalf to an Overview and Scrutiny Committee, consideration will be given to meeting specific requests.

5A.10 Dates and times of Member and officer attendance at Overview and Scrutiny meetings should be agreed with them.

5A.11 Each Authority will nominate a contact officer for the operation of these procedures.

(Extract from Kent County Council's Constitution – revised 10 December 2009)

This page is intentionally left blank