

From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Powers of Kent Police Community Support Officers
Date: 28 September 2017



INTRODUCTION:

1. Police Community Support Officers (PCSOs) were introduced under the Police Reform Act 2002. Their fundamental role is to contribute to the policing of neighbourhoods through visible patrol with the purpose of reassuring the public, dealing with low level anti-social behaviour, being accessible to communities and working at a local level with partner agencies.
2. Section 38 of the Police Reform Act 2002 allows Chief Constables to designate powers to their PCSOs in order to fulfil this core function.
3. In 2007 a national standard list of 19 powers was introduced by the Home Office and, once trained, all PCSOs are designated with these powers. At the same time, a list of 22 discretionary powers was introduced with Chief Constables given the choice of designating all or some depending upon the operational requirement.
4. In 2014 a further set of 22 discretionary powers was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The total number of powers available for a PCSO is 63.

NATIONAL CONTEXT:

5. The national picture is mixed; all PCSOs have the standard list, whilst discretionary powers vary from force to force. Some forces have made the PCSO role confrontational and therefore given the powers of detention and arrest, whilst other forces have restricted the powers to support a non-confrontational, visible community engagement role. The College of Policing National Operational Handbook (June 2015) does not offer any particular view stating it is down to each Chief Constable to decide which powers to designate.

STANDARD POWERS:

6. All Kent PCSOs are designated the national standard list of powers once they complete their 8 week induction training. In summary these powers address low level anti-social behaviour by giving the power to require a name and address, issue a Fixed Penalty Notice (FPN), or surrender alcohol, tobacco or unconcealed drugs. Other powers deal with abandoned vehicles and vehicles being used in an anti-social manner.

DISCRETIONARY POWERS:

7. From the discretionary powers introduced by the Home Office in 2007, the Chief Constable designated a number including:
 - To deal with begging.¹
 - To search a person for alcohol or tobacco (this has to be done with consent).
 - To disperse groups and remove persons aged under 16 to their place of residence.
 - To issue a FPN for dog fouling, graffiti and fly-posting.
8. From the list of discretionary powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, the Chief Constable designated two. They allow PCSOs to issue a FPN for breaching a Community Protection Notice and for breaching a Public Space Protection Order.

¹ Two elements: 1) to ask a person to stop; 2) to detain a person who refuses to stop. Kent PCSOs do not have the power to detain.

9. In addition, and to support Kent Police's new operational model that went live on 12 September 2017, the Chief Constable has recently designated a further four discretionary powers:
- To require name and address for certain licensing offences including selling/obtaining alcohol for person who is drunk, selling alcohol to children and sending a child to obtain alcohol.
 - To remove truant or excluded pupils found in a specified area to designated premises or to the school from which absent.
 - To close licensed premises consistently selling alcohol to children.
 - To disperse persons from a specified area under a Dispersal Order, and confiscate any items that could be used to commit antisocial behaviour, crime or disorder.
- These have been authorised and staff training is underway.

10. The Chief Constable has also agreed a further power 'to issue a FPN for parking in a restricted area outside a school', however this has been delayed as the Force will be utilising Local Authority legislation which is currently being reviewed by both Medway Unitary and Kent County Council legal departments. Once an agreed status has been reached to the satisfaction of Kent Police's Legal Services this power will be enacted. An anticipated date is December 2017, but the Force is working hard to try and reduce this time frame.

11. Appendix A provides an overview of current Kent PCSO powers.

POWERS NOT GRANTED:

12. The College of Policing state that a Chief Constable should only designate powers to their PCSOs in order to support the function they are employed to carry out.
13. The Chief Constable for Kent wants the PCSO role to remain non-confrontational; engaging with the community, being visible and not being used in place of police officers. The list of powers granted reflects this.
14. In summary, powers not granted from the discretionary list are in relation to detaining a person for up to 30 minutes, searching and seizing property without consent, dealing with anti-social cycling and the inconsiderate use of a vehicle.

Kent Police Community Support Officer powers

Standard Powers

- To issue a FPN for cycling on a footpath.
- To issue a local authority FPN for littering.
- To require name and address of person:
 - where has reason to believe that a relevant offence, or a relevant licensing offence has been committed;
 - where has reason to believe an offence involving injury, alarm or distress to another person or loss/damage to another person's property has been committed;
- To require name and address where has reason to believe a person is, or has been, acting in an anti-social manner.
- To require name and address of a person who fails to follow the direction of a police officer or PCSO under sections 35 and 37 of the Road Traffic Act 1988.
- To require persons drinking in designated places to stop drinking and to surrender open containers of alcohol.
- To require persons aged under 18 to surrender alcohol and to give their name and address.
- To seize and dispose of tobacco from a person aged under 16.
- To seize unconcealed drugs or drugs found when dealing with alcohol or tobacco related offences, and require the person's name and address, if reasonably believes in unlawful possession of them.
- To enter and search any premises for purpose of saving life and limb or preventing serious damage to property.
- To stop and seize a vehicle which has reason to believe is being used to cause alarm and distress under section 59 of the Police Reform Act 2002.
- To order the removal of abandoned vehicles.
- To stop a cycle when reason to believe person has committed the offence of riding on a footpath.
- To control traffic for purposes other than escorting a load of exceptional dimensions.
- To stop vehicles for the purpose of a road check as authorised by a police superintendent.
- To place and maintain traffic signs under section 67 of the Road Traffic Regulation Act 1984.
- To enforce and maintain cordoned areas under section 36 of the Terrorism Act 2000.
- To stop and search vehicles and pedestrians under the Terrorism Act 2000 when in the company and under the supervision of a constable.
- To photograph a person who has been arrested, detained or given a FPN away from the police station.

Discretionary Powers

- To issue penalty notices for disorder in relation to:
 - consumption of alcohol by a person aged under 18, or allowing such consumption;
 - buying or attempting to buy alcohol by a person aged under 18;
 - drinking in a designated public place;
 - breach of fireworks curfew;
 - throwing a firework.
- To issue a local authority FPN for:
 - dog fouling;
 - offences under dog control orders;
 - graffiti and fly posting.
- To deal with begging.
- To disperse groups and remove persons aged under 16 to their place of residence.
- To issue a FPN for:
 - breach of a Community Protection Notice;
 - breach of a Public Space Protection Order.
- To search for alcohol and tobacco.
- To enforce certain licensing offences by requiring name and address for:
 - sale of alcohol to a person who is drunk;
 - obtaining 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;
 - sending of a child to obtain alcohol.

Where these offences apply specifically to clubs they are not licensing offences.
- To disperse persons from a specified area, and confiscate any items that could be used to commit antisocial behaviour, crime or disorder.
- To serve closure notice for licensed premises persistently selling to children.
- To remove a person aged 16 or under who is caught truanting or an excluded pupil found in a specified area, to designated premises or to the school from which the truant is absent.