

## **Role and Function of Police Community Support Officers in West Midlands Police**

### **Report to the West Midlands Police and Crime Panel**

Report of West Midlands Police and Crime Commissioner

#### **Purpose**

1. The purpose of this paper is to provide information on the role and function of Police Community Support Officers (PCSOs) in West Midlands Police. It will focus on the following areas:
  - A summary of the findings from an internal force review conducted in the autumn of 2012.
  - Information on the statutory and discretionary powers available
  - The potential for advocating the further decriminalisation of certain offences or the granting of additional powers.

#### **Background**

2. Introduced by the Police Reform Act 2002, PCSOs were intended to address the disparity between the high public demand for reassurance and the number of regular sworn officers visible to the community on foot patrol.
3. The ACPO position on the role of PCSOs within the police service was adopted by the Chief Constables Council in January 2005. It states:

“The fundamental role of the PCSO is to the policing of neighbourhoods, primarily through highly visible patrol with the purpose of reassuring the public, increasing orderliness in public places and being accessible to communities and partner agencies working at local level. The emphasis of this role, and the powers required to fulfil it, will vary from neighbourhood to neighbourhood and force to force.”

4. The legislation enabled chief constables to designate certain powers in line with the context in which they wanted them to operate. In West Midlands Police the designation of powers has been based on the desire to improve trust and confidence and the delivery of neighbourhood policing to every community within the West Midlands. The overarching deployment principles for PCSOs are contained in force policy which states that their function is to:
  - Support delivery of trust and confidence
  - Provide a high visible uniformed presence either on foot or on cycle.
  - Undertake non-confrontational problem solving duties including tackling anti-social behaviour and neighbourhood priorities, in conjunction with community partners.
  - Make a significant contribution to public engagement and influence in their Ward or LPU; inclusive of our diverse and minority communities.
  - Support victims of crime, including secondary crime scene attendance to provide reassurance and community engagement.
  - PCSO shift deployment must reflect the needs of Ward Neighbourhood Policing Teams to maximise community access and visibility (of uniform resources) on the neighbourhood.
  - PCSOs are not deployed as a substitute for a warranted officer capability.
5. There are currently 672 PCSOs in post across the force.

### **PCSO Review 2012**

6. The role and deployment of PCSOs has been subject to review by the force. The latest was conducted in autumn 2012 and was timed following the roll out of the Continuous Improvement Programme (CIP) across the 10 Local Policing Units (LPUs). The CIP involved a systematic approach to improving efficiency and effectiveness of local policing that included changes to the structure and role of neighbourhood teams.
7. The review addressed the following questions:
  - Have there been changes to the role and deployment of PCSOs since the last review? If so what has changed and why?
  - Do the Deployment Principles need updating to reflect any changes in role that have taken place?
  - To fulfil the current Deployment Principles or any proposed changes are there any additional Discretionary Powers required?
  - Identify any further training and development that is required to achieve the role.
8. The review methodology included LPU focus groups and an external survey that was circulated to key members of the community through LPU Key Individual Networks and Independent Advisory Groups. The survey sought to understand the impact PCSOs had on the community and their role in neighbourhood policing.
9. The review reinforced that the primary role of PCSOs is still and should remain as reassurance and engagement. It was found that there had been some change as a result of CIP mainly indicating that PCSOs were now more involved in ASB case management and carried workloads. It is evident that they are now more routinely involved in problem solving, partnership and engagement activities.

10. There was some evidence that PCSOs were on occasions being sent to incidents that moved them away from their core engagement role. The reason for these deployments was due primarily to a lack of awareness of their role by some contact centre staff and supervisors.
11. The view from the majority of the LPUs was that the existing Deployment Principles were still relevant but needed greater visibility across the force to ensure PCSOs were not inappropriately deployed.
12. There was no consistent request for extension of the discretionary powers that the Chief Constable can designate. The only request for an additional power that had support by a number of LPUs was the power to deal with begging.
13. The external online survey had respondents from across the force area. The results indicated that there is strong support for the engagement and visibility role through foot patrol and attendance at community meetings. PCSOs are seen as supporting the delivery of trust and confidence. Nearly 50% of respondents felt they could influence neighbourhood priorities through their PCSOs.
14. PCSOs are marginally more visible in neighbourhoods than police officers with 37% of respondents stating they saw a PCSO most days or several times a week with 46% stating they knew them by name and sight. Talking to the community while on patrol was seen as the most popular and frequent method of contact.
15. There was an open response question that asked about the role played by PCSOs and the powers needed to undertake the role. Where there has been ongoing contact with PCSOs there were many positive comments about the impact they had on reducing crime and ASB and the activities they engage in on the neighbourhoods. Their continuity in neighbourhoods, accessibility and the relationships they develop are clearly appreciated. There was no clear indication that the community wanted an extension of powers, a few responses made mention of the fact that PCSOs might be hindered by having fewer available powers than police officers.
16. The review was presented to the force Command Team in January 2013 with recommendations relating to the granting of the discretionary power to deal with begging; an extension of working hours on a business case basis for LPUs with night time economies who wanted PCSOs to extend hours alongside their neighbourhood teams; making the Deployment Principles more visible and accessible and a proposal around an allocation model similar to that used to build neighbourhood teams.
17. The funding settlement from the Home Office in December 2012 contained an element that was previously the ring fenced grant for PCSOs. This has enabled the Police and Crime Commissioner (PCC) to decide to recruit PCSOs to bring their strength towards the previous establishment.

## **PCSO Powers**

18. Section 38 of the Police Reform Act 2002 provides the authority for a Chief Constable to designate powers to PCSOs as set out in Part 1 of Schedule 4 of the Act. Following consultation by the government a standard list of 20 powers for PCSOs was introduced in the Police and Justice Act 2006.

19. Attached at Appendix A is a list of the standard powers and the discretionary powers available for designation by the Chief Constable. The discretionary powers currently designated in force are highlighted in yellow. The force approach to the designation of powers has been to ensure that PCSOs are focused on their core role of visible patrol and engagement within the framework of neighbourhood policing rather than enforcement. This closely follows ACPO guidance issued in 2007.
20. A review of PCSOs conducted by the NPIA in 2008 found that a majority of powers issued are seldom used, particularly when large numbers of powers are designated.
21. In addition, all West Midlands Police PCSOs have been designated as Traffic wardens to enable them to direct and manage traffic related offences in support of their core role. PCSOs have been trained to deal with unnecessary and wilful obstruction offences relating to vehicles but their use of this power has been infrequent. There are plans to refresh the knowledge of PCSOs to make more frequent use of the Traffic Warden Powers to enable them to respond to community concerns such as reported parking problems.
22. The ability for local authorities to apply for the decriminalisation of parking offences was introduced by the Road Traffic Act 1991. The legislation specifically extends only to parking offences. The further decriminalisation of other road traffic related offences would require further changes to the law. In practical terms the offence still retained by police officers and PCSOs that is most relevant to management of traffic problems is unnecessary and unlawful obstruction. The decriminalisation of this power would remove a valuable tool to deal with road traffic issues and particularly if offending occurred late evening and into the night would constrain the options available to the police.
23. PCSOs have been trained to deal with unnecessary and wilful obstruction offences relating to vehicles. In addition to Traffic Warden powers, PCSOs under the standard powers are able to deal with a range of vehicle related offences that they may encounter in their neighbourhoods. These include powers to issue fixed penalty notices for cycling on a footpath; power to require the name and address for road traffic offences; power to seize vehicles used to cause alarm; and powers to remove abandoned vehicles.
24. From the reviews conducted there has been no clear indication that PCSOs are constrained by the existing powers or that changes in the policing environment necessitate a change to their role.

#### **Future opportunities for the development of the PCSO role**

25. The ability of the Chief Constable to designate additional powers to PCSOs is controlled by the provisions of the Police Reform Act. In guidance issued by the National Police Agency in 2005 it was stated that powers falling outside of Schedule 4 of the Act cannot be lawfully designated to PCSOs and requests for new powers will require amendments to the Act.
26. During the review of PCSOs conducted by the force in 2012 contact was made with neighbouring and most similar forces. All the forces contacted deploy PCSOs in line with the ACPO principles and have no significant plans to move their role away from neighbourhood policing.

27. The ACPO lead for PCSOs has confirmed that there are currently no plans to seek an extension of powers and this position has also been stated by ministers. The view is that the core role of PCSOs needs to be preserved. Consideration must also be given to possible legal and financial implications of additional powers. Issues including suitability, training, additional supervision, personal protective equipment and abstractions to court need to be taken into account.
28. The force is currently conducting a pilot in Birmingham South with Cambridge University using an evidenced based experimental methodology to measure the impact of structured patrol in crime and anti-social behaviour hotspots. The pilot is due to run for 12 months to ensure that the results are statistically valid. It is based on a theory of hotspot policing that states PCSOs who are highly visible in these areas for 12 – 16 minutes can cause a reduction in crime as well as calls for service. Although at an early stage the first five months of the pilot are indicating positive results. Combined with the introduction of Automatic Resource Allocation System (ARLS) technology the ability to specifically direct the patrols of PCSOs with an evidenced based methodology provides the potential to shape and measure the impact of their patrol time.
29. With the development of Integrated Offender Management (IOM) in force PCSOs are increasingly being deployed, where appropriate, in support of the management of medium and low risk offenders.
30. The force continues to review the role played by PCSOs alongside their officer colleagues in the delivery of neighbourhood policing and will look for opportunities to innovate to make them more effective.

## ANNEX A

### LIST OF STANDARD POWERS THAT APPLY TO ALL PCSOs

*Please Note - Further guidance around the implementation of the standard powers and the impact on existing powers can be found at the end of this Annex.*

<b><u>Power</u></b>	<b><u>Relevant legislation</u></b>
<p><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 section 54 of the Road Traffic Offenders Act 1988 (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling.</p>	<p>Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to issue fixed penalty notices for littering:</b> Power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter).</p>	<p>Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002</p>
<p><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).</p>	<p>Paragraph 1(2)(e) of Schedule 4 to the Police Reform Act 2002 (see section 62(2) of the Clean Neighbourhoods and Environment Act 2005).</p>
<p><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 or a relevant licensing offence (Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act 2002 and include 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) and an offence which appears to have caused injury, alarm or distress to another person or loss of or damage to another person's property. Relevant licensing offence is defined as a specified offence under the Licensing Act 2003) Paragraph 1A enables chief constables to designate the power to require name and address without also designating the power of detention.</p>	<p>Paragraph 1A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 2 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><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. Subparagraph 3(2) of Schedule 4 provides the CSO with the power to detain (under subparagraphs 2(3) to (5) of Schedule 4). However, by virtue of paragraph 2(8) of Schedule 4 the power to detain <i>has no effect unless a CSO has been designated with the power of detention under paragraph 2 of Schedule 4.</i></p>	<p>Paragraph 3 of Schedule 4 to the Police Reform Act 2002 (as amended by paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005)</p>
<p><b>Power to require name and address for road traffic offences:</b> Enables 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 Road Traffic Act 1988.</p>	<p>Paragraph 3A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 6 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>

<p><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.</p>	<p>Paragraph 5 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to require persons aged under 18 to surrender alcohol:</b> Power to require a person who he reasonably suspects 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 the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.</p>	<p>Paragraph 6 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to seize tobacco from a person aged under 16</b> and to dispose of that tobacco.</p>	<p>Paragraph 7 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to seize drugs and require name and address for possession of drugs:</b> Enables CSOs to be designated with a power seize unconcealed drugs or drugs found when searching for alcohol, tobacco or other items if the CSO reasonably believes the person is in unlawful possession of them. 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 and reasonably believe such possession is unlawful then the CSO may require that persons name and address.</p>	<p>Paragraphs 7B of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><b>Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property.</b></p>	<p>Paragraph 8 of Schedule 4 to the Police Reform Act 2002</p>
<p><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) and is causing alarm, distress or annoyance under section 59 of the Police Reform Act 2002.</p>	<p>Paragraph 9 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to remove abandoned vehicles</b> under regulations made under section 99 of the Road Traffic Regulation Act 1984. A PCSO designated under this paragraph has the power to order the removal of a vehicle under regulation 3 of the Removal and Disposal of Vehicles Regulations 1986. This relates to vehicles that have broken down or been permitted to remain at rest on a road: (a) in a position, condition or situation causing obstruction or danger to persons using the road, or (b) in contravention of a prohibition contained in Schedule 1 of the regulations.</p>	<p>Paragraph 10 of Schedule 4 to the Police Reform Act 2002.</p>
<p><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 person has committed the offence of riding on a footpath.</p>	<p>Paragraph 11A of Schedule 4 to the Police Reform Act 2002 (inserted by section 89(3) of the Anti-Social Behaviour Act 2003)</p>
<p><b>Power to control traffic for purposes other than</b></p>	<p>Paragraph 11B of Schedule</p>

<p><b>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.</p>	<p>4 to the Police Reform Act 2002 (inserted by paragraph 10 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><b>Power to carry out road checks:</b> Power to carry out a road check which has been authorised by a superintendent (or a police officer of higher rank) and power to stop vehicles for the purposes of carrying out a road check</p>	<p>Paragraph 13 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to place signs:</b> enables CSOs to be designated with the power of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.</p>	<p>Paragraph 13A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 11 of the Serious Organised Crime and Police Act 2005.)</p>
<p><b>Power to enforce cordoned areas:</b> under section 36 of the Terrorism Act 2000</p>	<p>Paragraph 14 of Schedule 4 to the Police Reform Act 2002</p>
<p><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.</p>	<p>Paragraph 15 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to photograph persons away from a police station:</b> enables CSOs to be designated with the power to photograph a person who has been arrested, detained or given a fixed penalty notice away from the police station.</p>	<p>Paragraph 15ZA of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 12 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>

**LIST OF DISCRETIONARY POWERS THAT CAN BE DESIGNATED BY CHIEF OFFICERS**

<b>Power</b>	<b>Relevant legislation</b>
<b>Power to issue penalty notices in respect of offences of disorder:</b> Power of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) (See Table 2 for a list of the offences for which CSOs can be designated with the power to issue penalty notices for disorder).	Paragraph 1(2)(a) of Schedule 4 to the Police Reform Act 2002
<b>Power to issue fixed penalty notices for truancy:</b> Power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil)	Paragraph 1(2)(aa) of Schedule 4 to the Police Reform Act 2002 (inserted by section 23 of the Anti-Social Behaviour Act 2003)
<b>Power to issue fixed penalty notices for excluded pupil found in a public place:</b> Power of a constable to give a penalty notice under section 105 of the Education and Inspections Act 2006 (penalty notice in respect of presence of excluded pupil in public place) – Not yet commenced, due to be brought into effect on 1 September 2007.	Paragraph 1(2)(ab) of Schedule 4 to the Police Reform Act 2002 (inserted by section 107(2) of the Education and Inspections Act 2006)
<b>Power to issue fixed penalty notices for dog fouling:</b> Power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996 (fixed penalty notices in respect of dog fouling).  This power (and the 1996 Act) has now been repealed in relation to England and Wales by section 107 and Schedule 5 Part 5 of the Clean Neighbourhoods and Environment Act 2005. However the power continues to have effect in respect of any land which remains designated land under the 1996 Act.	Paragraph 1(2)(c) of Schedule 4 to the Police Reform Act 2002.
<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 section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting).	Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)
<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 under paragraph 1A(3) 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 for 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). Under paragraph 2(2) (as amended by Schedule 8 to the Serious Organised Crime and Police Act 2005) a CSO may only be designated with the power to detain if they have also been designated with the power to require name and address under paragraph 1A of the Police Reform Act 2002.	Paragraph 2 of Schedule 4 to the Police Reform Act 2002. (Paragraph 3(2) of Schedule 8 to the Serious Organised Crime and Police Act 2005.)
<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	Paragraphs 1A(3), 2(3A), 2(6)(ad), 2(6B), 2(6C), 2(6D), 2(6E), 2(6F) of Schedule 4 to the Police

<p>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. As well as being able to require name and address for breach of a byelaw, CSOs can also enforce a byelaw by removing a person from a place if a constable would also have the power to enforce a byelaw in that way.</p>	<p>Reform Act 2002 (see paragraphs 2, 3(4), 3(7) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><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.</p>	<p>Paragraphs 2(6)(ac) and 2(3B) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(4), 3(5), 3(6) and 3(7) of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><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 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. Where these offences apply specifically to clubs they are not relevant licensing offences. CSOs may require name and address but may not detain for those relevant licensing offences that are most likely to be committed by license holders.</p>	<p>Paragraph 2(6A) of Schedule 4 to the Police Reform Act 2002 (see paragraphs 3(3) and 3(8) of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><b>Power to search detained persons for dangerous items or items that could be used to assist escape:</b> Enables 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 escape. A CSO must comply with a police officer's instructions on what to do with the item.</p>	<p>Paragraph 2A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 4 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p><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.</p>	<p>Paragraph 4 of Schedule 4 to the Police Reform Act 2002</p>
<p><b>Power to disperse groups and remove persons under 16 to their place of residence:</b> Powers which, by virtue of an authorisation under section 30 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).</p>	<p>Paragraph 4A of Schedule 4 to the Police Reform Act 2002 (inserted by section 33 of the Anti-Social Behaviour Act 2003)</p>
<p><b>Power to remove children in contravention of bans imposed by 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 ban imposed by a curfew notice under section 15(3) of the Crime and Disorder Act 1998.</p>	<p>Paragraph 4B of Schedule 4 to the Police Reform Act 2002 (inserted by section 33 of the Anti-Social Behaviour Act 2003)</p>
<p><b>Power to remove truants to designated premises etc:</b> Enables a CSO to be designated with the power of a constable under section 16(3) of (3ZA) of the Crime and Disorder Act 1998 to remove a truant or excluded pupil found in a specified area (as specified in a direction under section 16(2) of the 1998 Act) to designated premises or (in</p>	<p>Paragraph 4C of Schedule 4 to the Police Reform Act 2002 (inserted by section 8 of the Police and Justice Act 2006)</p>

the case of a truant) to the school from which the truant is absent.	
<b>Power to use reasonable force in relation to 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 control of the detained person. Paragraph 2(4B) places a CSO accompanying a detained person to a police station under a duty to remain at the police station until he has transferred control of the detained person. If a CSO is designated with paragraph 4ZB of Schedule 4 then he or she may use reasonable force in complying with duties under 2(4A) and 2(4B). If a CSO is designated with paragraph 4ZA then he or she may use reasonable force when exercising powers under paragraphs 2(3B), 2(4), 7A(8) or 7C(2)(a).	Paragraphs 2(4A), 2(4B), 4ZA and 4ZB of Schedule 4 to the Police Reform Act 2002 (see paragraphs 2, 3 and 4 of Schedule 9 to the Serious Organised Crime and Police Act 2005).
<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. It is an offence to fail to consent to be searched and CSOs can require name and address for this offence. As specified in paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005 a CSO may only detain a person for failure to give an adequate name and address if he or she has been designated with powers under paragraph 2 of Schedule 4 to the Police Reform Act 2002.	Paragraph 7A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 of the Serious Organised Crime and Police Act 2005).
<b>Power to seize drugs and require name and address for possession of drugs:</b> Builds on the power to seize drugs and require name and address under paragraph 7B and enables CSOs to detain a person on failure to comply with the requirement to provide name and address.	Paragraph 7C of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 8 of Schedule 8 to the Serious Organised Crime and Police Act 2005).
<b>Power to enforce Park Trading offences:</b> Enables a CSO to seize non-perishable items from a person the CSO reasonably have been used in the commission of a park trading offence under the Royal Parks (Trading) Act 2000. This power can only apply to CSOs in the Metropolitan Police Force.	Paragraph 7D of Schedule 4 to the Police Reform Act 2002
<b>Limited power to enter licensed premises:</b> Enables 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. They may not enter clubs and must enter all premises with a constable unless the premises are licensed for the sale of alcohol off the premises.	Paragraph 8A of Schedule 4 to the Police Reform Act 2002 (inserted by paragraph 9 of Schedule 8 to the Serious Organised Crime and Police Act 2005).
<b>Power to stop vehicles for testing:</b> Powers of a constable in uniform to stop vehicles for the purposes of testing under section 67 of the Road Traffic Act 1988.	Paragraph 11 of Schedule 4 to the Police Reform Act 2002.
<b>Power to direct traffic for the purposes of escorting abnormal loads</b>	Paragraph 12 of Schedule 4 to the Police Reform Act 2002

**LIST OF PENALTY NOTICES FOR DISORDER THAT CAN BE DESIGNATED BY CHIEF OFFICERS** under paragraph 1(2)(a) of Schedule 4 to the Police Reform Act 2002 (see list of discretionary powers)

<b>Offences for which CSOs may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001</b>	<b>Relevant legislation</b>
Sale of alcohol to a person under 18	s146 of the Licensing Act 2003
Purchase of alcohol for a person under 18	s149(4) of the Licensing Act 2003
Delivery of alcohol to a person under 18 or allowing such delivery	s151 of the Licensing Act 2003
Destroying or damaging property (under £500)	s1(1) of the Criminal Damage Act 1971
Breach of fireworks curfew	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Possession of a category 4 firework	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Possession by a person under 18 of an adult firework	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Supply of excessively loud fireworks	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Wasting police time, giving false report	s5 of the Criminal Law Act 1967
Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety	s127(2) of the Communications Act 2003
Knowingly giving false alarm to a person acting on behalf of a fire and rescue authority	s49 of the Fire and Rescue Services Act 2004
Causing harassment, alarm or distress	s5 of the Public Order Act 1986
Throwing fireworks	s80 of the Explosives Act 1875
Drunk and disorderly behaviour	s91 of the Criminal Justice Act 1967
Consumption of alcohol by a person under 18 or allowing such consumption	s150 of the Licensing Act 2003
Buying or attempting to buy alcohol by an under 18	s149 of the Licensing Act 2003
Sells or attempts to sell alcohol to a person who is drunk	s141 of the Licensing Act 2003
Trespassing on a railway	s55 of the British Transport Commission Act 1949
Throwing stones at a train	s56 of the British Transport Commission Act 1949
Drunk in the highway	s12 of the Licensing Act 1872
Drinking in a designated public area	s12(4) of the Criminal Justice and Police Act 2001

## **Guidance in relation to the implementation of Standard Powers**

### **Training**

Chief Officers have a duty to ensure that all persons who were designated as PCSOs before the 'Standard Powers and Duties' Order comes into force are trained in the exercise of all powers on the standard powers list. This duty must be complied with within a reasonable time after 1st December 2007. **While that process is being completed PCSOs should only exercise those powers that they have been fully trained in.**

Chief Officers must be satisfied that any person designated as a PCSO after the 'Standard Powers and Duties' Order comes into force is suitable, capable and adequately trained to exercise all the standard powers and any further powers that are designated at the Chief Officer's discretion.

### **Designation**

The Police and Justice Act 2006 also amends section 42 of the PRA to require that, when a PCSO is exercising any powers by virtue of their designation, they must produce evidence of their designation on request. Where a PCSO exercises any "non-standard" power under Schedule 4 to the PRA (i.e. a power that is not on the standard list) they must produce evidence that the power has been conferred on them on request.

### **Powers**

The list of standard powers does not amend the powers under Schedule 4 of the Police Reform Act 2002 and the majority of forces already implement most of the powers on the standard list to some or all of their PCSOs. However, during consultation concerns were raised about the powers to stop and search and the seize items. Clarification was also sought on the impact of the Clean Neighbourhoods and Environment Act 2005 (CNEA) provisions in relation to Dog Control Orders.

#### Power to Stop and Search in Authorised Areas

The power under the Terrorism Act 2000 to stop and search vehicles and pedestrians in authorised areas is included in the standard list. PCSOs may only exercise this power in the company and under the supervision of a constable and the power must be exercised in accordance with the relevant provisions in [PACE Code A](#).

#### Powers to Seize

The list of standard powers excludes coercive powers to search persons for drugs, alcohol and tobacco. Although the powers to seize tobacco from a person aged under 16 (under paragraph 7 of Schedule 4 to the PRA) and drugs (under paragraph 7B of Schedule 4 to the PRA) are included on the standard list these do not provide the PCSO with a power to search. The items may only be seized where the PCSO finds the items on open display or during the exercise of a power to search that has been designated by the Chief Officer.

#### Dog Control Orders and Fixed Penalty Notices

The power, under paragraph 1(2)(e) of Schedule 4 to the PRA, to issue fixed penalty notices in respect of offences in relation to dog control orders introduced under the Clean Neighbourhoods and Environment Act 2005 (CNEA) is included in the standard list.

This power will only supersede any existing designations under paragraph 1(2)(c) of Schedule 4 to the PRA where the local authority has created a dog control order under section 55 of the CNEA. In the meantime any existing designations to issue fixed penalty

notices for dog fouling under paragraph 1(2)(c) of Schedule 4 to the PRA will remain a matter for the discretion of Chief Officers.