

To: Cambridgeshire Police Authority

From: Chief Executive

Date: 17th December 2008

COMMUNITY SAFETY ACCREDITATION SCHEME (CSAS) in CAMBRIDGESHIRE

1. Purpose

- 1.1 To brief the Authority on the Addenbrookes Community Safety Accreditation Scheme (CSAS) in Cambridgeshire, a pilot venture for the Force.
- 1.2 To raise for discussion the policy view, if any, which the authority wishes to formulate in endorsing schemes of this type.

2. Background

- 2.1 A report on this scheme was presented to the authority's Citizen Focus Panel when it met on 4 December. Whilst members then noted the details of the scheme, a view was expressed as to whether the authority felt comfortable with the introduction of schemes of this type, on the grounds that no local democratic or public debate had occurred.
- 2.2 In expressing this view, members were aware that such schemes were enabled in statute, reflecting government policy, and that the final decision to establish and maintain a CSAS, after consultation with each local authority and the Police Authority, rests with the Chief Constable who must be satisfied¹ it is appropriate for the purpose of:
 - (a) contributing to community safety and security; and
 - (b) in co-operation with the Police Force for the area, combating crime, disorder, public nuisance and other anti-social behaviour.

3. Scheme Summary

- 3.1 Visible policing has clearly increased with the introduction of Neighbourhood Policing Teams and especially with our PCSOs.

¹ Section 40 Police Reform Act 2002

- 3.2 However our observable development has been matched by a steady increase in both the presence and professionalism of uniformed employees outside the Criminal Justice System (CJS), for example private security staff or local authority wardens.
- 3.3 There is a growing need for assurance as to probity, professionalism and the ability to deliver a high quality 'joined up' service to the public. This offers the police service the opportunity to act as guide and close partner to other organisations and agencies who are as committed to developing a citizen focused service as we are.
- 3.4 The Police Reform Act 2002 introduced CSAS with that thought in mind. The schemes aim to enhance partnership delivery through a formal relationship focused on shared information, intelligence led deployment and where appropriate empowering ('accrediting') non CJS employees with limited police powers similar to those given to PCSOs.
- 3.5 Currently the only accredited persons in Cambridgeshire are two VOSA² officers. VOSA accreditation will be found in all UK forces.
- 3.6 In simple terms this is how CSAS works:
- (1) An organisation is identified (by itself or us) as contributing to community safety and security through the work of its uniformed staff.
 - (2) Initial discussions are held and may suggest establishment of a CSAS would add to delivery.
 - (3) Consultation with the relevant local authority and our Police Authority needs to support that suggestion.
 - (4) Both the organisation (employer) and potential staff (employees) are successfully vetted (ACPO have set out minimum standards).
 - (5) A formal 'Joint Operating Protocol including performance criteria and evaluation stages together with Information Sharing Agreements are drafted.
 - (6) The Constabulary will be responsible for interviewing all potential staff and for inspecting the employer's operating procedures locally, such as complaints procedures.
 - (7) The Chief Constable decides which, if any, 'police powers' are to be 'accredited'. These are very similar to PCSO powers. Staff uniform must also include the nationally recognised CSAS emblem.

² VOSA - Vehicle and Operator Services Agency (Dept of Transport)

- (8) The employees are required to complete appropriate training (ACPO and Skills for Security have agreed a standard syllabus and qualification – training for which is provided by a number of external organisations).
- (9) Local liaison Officers are identified in both the Constabulary and the organisation.
- (10) The Scheme is launched and generally promoted by a clear and consistent marketing campaign.
- (11) Throughout the next twelve months the Constabulary would be responsible for monitoring the scheme. On the anniversary of individual staff accreditation the Force will also be responsible for re-interviewing and re-vetting all concerned.
- (12) The Constabulary is permitted through the Police Reform Act 2002 to charge a reasonable fee for all of the above.

3.7 Liability: Section 42(10) of the Act states that:

For the purpose of determining liability for the unlawful conduct of employees of a person with whom a Chief Constable has entered into any arrangements for the purposes of a CSAS, conduct by such an employee in reliance or purported reliance on an accreditation under Section 41 shall be taken to be conduct in the course of their employment by that employer; and, in the case of a tort, that employee shall be treated as a joint tortfeasor accordingly. Any reference to joint tortfeasors here means the employee and the employer, not the Police nor the Police Authority, who would only be liable if the accredited person is employed by the Police Authority.

4. The Addenbrookes Pilot

- 4.1 Following an approach by Addenbrookes Hospital, who are seeking to establish a CSAS and initially accredit around 10 of their uniformed staff, the Chief Constable has agreed to a small pilot scheme solely within the confines of the hospital for around 12 months.
- 4.2 The pilot is likely to run until September 2009. Initial stages involve the establishment of processes moving on to actual staff accreditation and training. We expect 'go live' around March 2009.

5. Police Authority

- 5.1 In addition to the Chief Constable consulting the Police Authority, there is a specific requirement under section 40 (7) of the Police Reform Act 2002:

'Every Police Plan under section 8 of the Police Act 1996 which is issued after the commencement of this section, and every draft of such a plan which is submitted by a Chief Officer of Police to a Police Authority after the commencement of this section, must set out—

- (a) whether a Community Safety Accreditation Scheme is maintained for the Police area in question;
- (b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;
- (c) particulars of any such proposal or of any proposal to modify during that period any Community Safety Accreditation Scheme that is already maintained for that area;
- (d) the extent (if any) of any arrangements for provisions specified in Schedule 4* to be applied to designated persons employed by the Police Authority; and
- (e) the respects in which any Community Safety Accreditation Scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.'

** 'Schedule 4' relates to Police staff designated under the Act; in our case PCSOs. Therefore legislation requires an explanation of how CSAS may supplement designated staff i.e. PCSOs.*

6. Recommendation

- 6.1 Having noted the statutory mandate referenced at item 2 above, the Authority may wish to form a view on the desirability of schemes of this type in Cambridgeshire.

BIBLIOGRAPHY

Source Document (s)	Contact Officer	Location
	Philip Peaston Chief Executive (01480) 425996	Cambridgeshire Constabulary Hinchingsbrooke Park, Huntingdon, Cambs, PE29 6NP.
<p>Originating OfficerPhilip Peaston, Chief Executive.....</p> <p>Is it considered that this report contains 'exempt information' and should be considered in private? No</p> <p>If the answer is "YES", please state the nature of the exempt information and the relevant clause(s) in Part 1 of revised Schedule 12A to the Local Government Act 1972</p> <p>The attached report has been cleared with the undermentioned officers: (delete as appropriate)</p> <p>Chief Executive</p> <p>Submitted on8th December 2008.....</p> <p>A report will not be sent to the Authority unless this box has been satisfactorily completed and all necessary consultation carried out - the responsibility for which rests with the originator (except for consultation with the Chairman and this will be undertaken by the Chief Executive).</p>		

Powers available to accredited persons (CSAS)

All are entirely at the discretion of the Chief Constable

Below are the powers that are available to Community Safety Accreditation Scheme accredited people under the Police Reform Act 2002 and Anti social Behaviour Act 2003. Plus new powers under more recent legislation.

Table 1, lists the powers that Chief Officers may confer on accredited persons including new powers added by the Serious Organised Crime and Police Act 2005 and the Clean Neighbourhoods and Environment Act 2005.

Table 2, lists the offences for which accredited persons may be accredited with a power to issue a penalty notice for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001. If a Chief Officer of Police accredits an accredited person with powers under paragraph 1 of Schedule 5 of the Police Reform Act 2002 he or she may choose whether to give the accredited person the power to issue penalty notices for all of the available fixed penalty offences or a selection of them.

Table 1

<u>Power</u>	<u>Relevant legislation</u>
Power to issue penalty notices for disorder: Power of a constable 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) except in respect of an offence under section 12 of the Licensing Act 1872 or section 91 of the Criminal Justice Act 1967(See below for a list of penalty notices for disorder that accredited persons can issue)	Paragraph 1(2)(aa) of Schedule 5 to the Police Reform Act 2002 (inserted by section 89(1) of the Anti-Social Behaviour Act 2003)
Power to issue fixed penalty notices for truancy: 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)(ab) of Schedule 5 to the Police Reform Act 2002 (inserted by section 23 of the Anti-Social Behaviour Act 2003)
Power to issue fixed penalty notices for cycling on a footpath: 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.	Paragraph 1(2)(a) of Schedule 5 to the Police Reform Act 2002

<p>Power to issue fixed penalty notices for dog fouling: 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)</p> <p><i>With the commencement of Section 65 of the Clean Neighbourhoods and Environment Act 2005, no further land may be designated under the Dogs (Fouling of Land) Act 1996. However local authorities who have designated land under the 1996 Act prior to its repeal can continue to enforce, thus FPNs may be issued and/or prosecution sought under the original provisions.</i></p>	<p>Paragraph 1(2)(b) of Schedule 5 to the Police Reform Act 2002.</p>
<p>Power to issue fixed penalty notices for graffiti and fly-posting: 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)</p>	<p>Paragraph 1(2)(ba) of Schedule 5 to the Police Reform Act 2002 (inserted by section 46 of the Anti-Social Behaviour Act 2003)</p>
<p>Power to issue fixed penalty notices for littering: 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)(c) of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to issue fixed penalty notices in respect of offences under dog control orders: 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)(d) of Schedule 5 to the Police Reform Act 2002 (see section 62(3) of the Clean Neighbourhoods and Environment Act 2005)</p>
<p>Power to require giving of name and address: Power to require the name and address of a person whom an accredited person has reason to believe has committed a relevant offence (Relevant offences are defined under paragraph 2(3) of Schedule 5 of the Police Reform Act 2002 as relevant fixed penalty offences under paragraph 1 of Schedule 5 or an offence that causes injury, alarm or distress to another person or loss of or damage to another person's property.) It is an offence to fail to comply with an accredited person's requirement.</p>	<p>Paragraph 2 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to deal with begging: The Serious Organised Crime and Police Act makes offences under sections 3 and 4 of the Vagrancy Act 1824 into relevant offences, giving accredited persons the power to request the name and address of someone committing such an offence.</p>	<p>Paragraph 2(3)(aa) of Schedule 5 to the Police Reform Act 2002 (see paragraph 18 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>

<p>Power to require name and address for anti-social behaviour: 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.</p>	<p>Paragraph 3 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to require name and address for road traffic offences: The Serious Organised Crime and Police Act 2005 allows chief officers to confer the power to require the name and address of a driver or pedestrian who fails to follow appropriate directions on an accredited person.</p>	<p>Paragraph 3A of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 19 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to require persons drinking in designated places to surrender alcohol: Power to require a person whom an accredited person 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 4 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to require persons aged under 18 to surrender alcohol: 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 accredited person has reason to believe that the person is, has been or intends to consume alcohol. Power to dispose of alcohol surrendered.</p>	<p>Paragraph 5 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to seize tobacco from a person aged under 16 and to dispose of that tobacco in a manner directed by the employer of an accredited person.</p>	<p>Paragraph 6 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to remove abandoned vehicles under regulations made under section 99 of the Road Traffic Regulation Act 1984.</p>	<p>Paragraph 7 of Schedule 5 to the Police Reform Act 2002.</p>
<p>Power to stop vehicles for testing: Powers of a constable in uniform to stop vehicles for the purposes of testing under section 67 of the Road Traffic Act 1988.</p>	<p>Paragraph 8 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to stop cycles: Powers of a constable in uniform to stop a cycle under section 163(2) of the Road Traffic Act 1988 when an accredited person has reason to believe that a person has committed the offence of riding on a footpath.</p>	<p>Paragraph 8A of Schedule 5 to the Police Reform Act 2002 (inserted by section 89 of the Anti-Social Behaviour Act 2003)</p>

<p>Power to control traffic for purposes other than escorting a load of exceptional dimensions: The Serious Organised Crime and Police Act 2005 enables accredited persons to be given 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 accredited persons the power to direct traffic for the purposes of conducting a traffic survey. Accredited persons conferred with powers under this paragraph must also be given powers under paragraph 3A of Schedule 5 to the Police Reform Act.</p>	<p>Paragraph 8B of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 20 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>
<p>Power to direct traffic for the purposes of escorting abnormal loads</p>	<p>Paragraph 9 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to photograph persons away from a police station: The Serious Organised Crime and Police Act 2005 enables accredited persons to be given the power to photograph a person who has been given a fixed penalty notice away from the police station.</p>	<p>Paragraph 9ZA of Schedule 5 to the Police Reform Act 2002 (inserted by paragraph 21 of Schedule 8 to the Serious Organised Crime and Police Act 2005).</p>

Table 2 – Offences for which PNDs could be issued by an Accredited (non police employee)

<p>Offences for which Accredited Persons may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001</p>	<p><i>Relevant legislation</i></p>
<p>Sale of alcohol to a person under 18</p>	<p>s146 of the Licensing Act 2003</p>
<p>Purchase of alcohol for a person under 18</p>	<p>S149(3) of the Licensing Act 2003</p>
<p>Delivery of alcohol to a person under 18 or allowing such delivery</p>	<p>s151 of the Licensing Act 2003</p>
<p>Breach of fireworks curfew</p>	<p>Fireworks Regulations 2004 under s11 of the Fireworks Act 2003</p>
<p>Possession of a category 4 firework</p>	<p>Fireworks Regulations 2004 under s11 of the Fireworks Act 2003</p>
<p>Possession by a person under 18 of an adult firework</p>	<p>Fireworks Regulations 2004 under s11 of the Fireworks Act 2003</p>
<p>Supply of excessively loud fireworks</p>	<p>Fireworks Regulations 2004 under s11 of the Fireworks Act 2003</p>

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
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(1) 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
Drinking in a designated public area	s12(4) of the Criminal Justice and Police Act 2001