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Community Wardens

SALC in association with Sussex Police and the Police & Crime Commissioner

Why are we meeting now ?

- Changes to the Police Operating Model
- Govt. looking to give Chief Constables greater flexibility
- Local councils managing demand and expectations
- Opportunity to budget for a versatile role able to undertake a wide range of tasks – see later slides.
- Budgets being discussed now in preparation for precept setting by January.
- Seeking expressions of interest from possible pilot councils

Possible options

- Wardens employed and managed by District Councils under a SLA as with Horsham DC and Chichester DC
 - *Advantage – Infrastructure already in place if DC offers the service*
 - *Disadvantage – corporate overhead costs, DC may not wish to offer the service. Possible reluctance of DC to operate outside its own boundary to detriment of natural clusters.*
- Wardens employed, deployed and managed direct by an individual town or parish council
 - *Advantage – costs easier to manage, direct deployment and more likely to be focussed on the area taking 'ownership' of the Council's requirements*
 - *Disadvantage – additional staff supervision and cover if a single employee*
- Employed by a hub town or parish council on behalf of a cluster of parishes
 - *Advantage – shares costs and creates capacity if more than one employee*
 - *Disadvantage – possible difficulty ensuring that parish councils agree on work programme and terms of employment*

Community Warden[s] employed direct by local councils – tasks that might be performed

- Low level anti social behaviour
- Engagement with schools and youth clubs in the area
- Liaison with the Police using appropriate communications
- Co-ordinate Emergency / Resilience Plan & ensure details up to date
- Monitor sites at risk of fly tipping and inform Police / District Council
- Monitor condition of roads, footways and PROW, inform County Highways of defects and follow up progress
- Check on playground equipment, street furniture and street lights

Continued

- Know where vulnerable members of the community live and ensure a 'good neighbour' approach exists
- Acting as Co-ordinator of Volunteers
- If suitably qualified, become involved with First Responders
- Liaise with wardens in other parishes to provide mutual support and cover
- Attend parish council Meetings to report and take further instruction

The above are in addition to any activities that might be accredited by the Chief Constable [full list in handout]

- **Note – Parking Enforcement is not included – full explanation will be given**

Example of possible costs

- These would be apportioned using individual parish tax bases eg

	<u>Tax base</u>	<u>Warden incl.emp costs</u>
Town A	3,000	
Parish B	600	
Parish C	300	
Parish D	<u>100</u>	
	4,000	<u>£28,000</u>
Cost per Band D property across the cluster		£7.00

COMMUNITY SAFETY ACCREDITATION SCHEME POWERS – updated February 2015

Chief Officers may choose to give accredited persons all, some or none of the below powers.

TABLE 1 lists the powers that Chief Officers may confer on accredited persons (NB: powers that have been repealed since this list was last updated are also included for information).

TABLE 2 lists the offences under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001 for which accredited persons may be accredited with a power to issue a fixed penalty notice for disorder. 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 fixed penalty notices for all of the available fixed penalty offences or a selection of them (NB: powers that have been repealed since the last update are also included for information).

TABLE 1

Power	Relevant Legislation
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, section 91 of the Criminal Justice Act 1967, section 1 of the Theft Act 1968, section 1(1) of the Criminal Damage Act 1971 and section 87 of the Environmental Protection Act 1990. (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(6) of the Anti-Social Behaviour Act 2003)
Power to issue fixed penalty notice in respect of an excluded pupil in a public place: 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).	Paragraph 1(2)(ac) of Schedule 5 to the Police Reform Act 2002 (inserted by section 107(4) of the Education and Inspections Act 2006)
Power to issue fixed penalty notices for cycling on a footpath: Power of a constable in uniform to give a person a	Paragraph 1(2)(a) of Schedule 5 to the Police Reform Act 2002

<p>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>Power to issue fixed penalty notices for dog fouling (REPEALED – see exception below): 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 (see article 4 of Statutory Instrument 2006/795).</p>	<p>Paragraph 1(2)(b) of Schedule 5 to the Police Reform Act 2002 (REPEALED but see aside exception)</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(2)(b) 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 (REPEALED): 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 (inserted by section 62(3) of the Clean Neighbourhoods and Environment Act 2005) REPEALED by Anti-social Behaviour, Crime and Policing Act 2014, s181(1), Schedule 11, Part 1, Paragraph 33 as of 20 October 2014</p>
<p>Power to issue fixed penalty notices in relation to offences against certain byelaws: Power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972</p>	<p>Paragraph 1A of Schedule 5 to the Police Reform Act 2002 (inserted by section 133 of the Local Government and Public Involvement in Health Act 2007). In force from 27 January 2010, except for para 1A(3) and (5)(a) - see</p>

<p>where the accredited person has reason to believe an individual has committed an offence against a relevant byelaw.</p>	<p>Local Government and Public Involvement in Health Act 2007 (Commencement No 9) Order 2010 (SI 2010/112), article 2(e)</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 in relation to which the accredited person is able to give a fixed penalty notice under paragraph 1 of Schedule 5 or an offence that appears to the accredited person to have caused injury, alarm or distress to another person or loss of or damage to another person's property. It also includes an offence under a relevant byelaw within the meaning of paragraph 1A). 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 2005 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 who has committed 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 (within the meaning of section 1 of the Crime and Disorder Act 1998) 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: Power of a constable under sections 165(1)(c) and 169 of the Road Traffic Act 1988 to require the name and address where the accredited person has reasonable cause to believe certain offences under that Act have been committed.</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 of a constable under section 12 of the Criminal Justice and Police Act 2001 (alcohol consumption in public places) 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 (anything which is, or which the accredited person reasonably believes to be alcohol, or a container for alcohol) and to surrender any alcohol or container for alcohol. Power to dispose of alcohol surrendered to him.</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 of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of intoxicating liquor) to require a person in a relevant place who he reasonably suspects is in possession of alcohol and is either 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 to him.</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: Power of a constable in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of 16 years found smoking in any street or public place and to dispose of any tobacco and cigarette papers as the employer of the accredited person may direct.</p>	<p>Paragraph 6 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to remove abandoned vehicles: Powers in the relevant police area as are conferred on an accredited person by regulations made under section 99 of the Road Traffic Regulation Act 1984 (removal of abandoned vehicles).</p>	<p>Paragraph 7 of Schedule 5 to the Police Reform Act 2002</p>
<p>Power to stop vehicles for testing:</p>	<p>Paragraph 8 of Schedule 5 to the Police</p>

<p>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>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 footway by cycling.</p>	<p>Paragraph 8A of Schedule 5 to the Police Reform Act 2002 (inserted by section 89(6) 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 of a constable 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: Power of a constable engaged in the regulation of traffic in a road, for the purpose of escorting a vehicle or trailer carrying a load of exceptional circumstances (vehicle or trailer the use of which is authorised by an order made under section 44(1)(d) of the Road Traffic Act 1988) either to or from the relevant police area, to direct a vehicle to stop, to proceed in, or keep to, a particular line of traffic, and to direct pedestrians to stop.</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 of a constable under section 64A of the 1984 Act to photograph a person, who has been given a penalty notice under the power at paragraph 1(2), 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 Accredited Persons may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001	Relevant legislation
Wasting police time, giving false report.	s.5(2) Criminal Law Act 1967
Using public electronic communications network to cause annoyance, inconvenience or needless anxiety to another.	s.127(2) Communications Act 2003
Knowingly gives or causes to be given a false alarm of fire to a person acting on behalf of a fire and rescue authority.	s.49 Fire and Rescue Services Act 2004
Behaviour likely to cause harassment, alarm or distress.	s.5 Public Order Act 1986
Throwing fireworks.	s.80 Explosives Act 1875 (NB: due to be repealed by the Fireworks Act 2003, Schedule 1, para1 on a date to be appointed)
Sells or attempts to sell alcohol to a person who is drunk.	s.141 Licensing Act 2003
Supply of alcohol by or on behalf of a club to a person aged under 18.	s.146(3) Licensing Act 2003
Sale of alcohol anywhere to a person under 18.	s.146(1) Licensing Act 2003
Buys or attempts to buy alcohol on behalf of a person under 18.	s.149(3) Licensing Act 2003
Buys or attempts to buy alcohol for consumption on relevant premises by a person under 18	s.149(4) Licensing Act 2003
Delivery of alcohol to person under 18 or allowing such delivery.	s.151 Licensing Act 2003
Breach of fireworks curfew.	Fireworks Regulations 2004 under s11 of the Fireworks Act 2003 NB: Regulation 7(1) has a prohibition on the use of certain fireworks at night.
Possession of a category 4 firework.	Regulation 5 (subject to the exceptions at regulation 6) of Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Possession by a person under 18 of an adult firework.	Regulation 4 (subject to the exceptions at regulation 6) of the Fireworks Regulations 2004 under s11 of the Fireworks Act 2003
Trespassing on a railway.	s.55 British Transport Commission Act 1949
Throwing stones at a train.	s.56 British Transport Commission Act

	1949
Consume alcohol in a designated public place, contrary to requirement by constable not to do so. REPEALED	s.12(4) Criminal Justice and Police Act 2001- REPEALED by the Anti-social Behaviour, Crime and Policing Act 2014, s181(1), Schd 11, Pt 1, para 30 as from 20 October 2014.
Consumption of alcohol by a person under 18 on relevant premises.	s.150(1) Licensing Act 2003
Allowing consumption of alcohol by a person under 18 on relevant premises.	s.150(2) Licensing Act 2003
Buying or attempting to buy alcohol by a person under 18.	s.149(1) Licensing Act 2003

Last amendments under Policing and Crime Act (2009) Schedule 7, part 4 re: Alcohol misuse other than mandatory licensing conditions. Affected paragraph 5, schedule 5 Police Reform Act (2002).