

Report of: Val Johnson, Business Manager, Neighbourhood Renewal

Title: Street Wardens Proposal for Extension of Powers

Ward: ALL

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Key Decision: Yes

Lead Member: Cllr Susan Brown

Scrutiny responsibility: *Community*

RECOMMENDATIONS

That the Executive Board agrees to:

- 1. To authorise Officers to seek all available enforcement powers for the Street Wardens from the Chief Constable of Thames Valley Police under their accreditation procedures, for all current and future Street Wardens.**
- 2. To request that the Chief Constable includes in the accreditation procedures, all available powers as described in:**
 - a. the Police reform Act 2002**
 - b. Anti-Social Behaviour Act 2003**
- 3. To ask the Neighbourhood Renewal Business Manager to delegate all available Local Authority enforcement powers including those as may be accredited by the Chief Constable of Thames Valley Police to all current and future Street Wardens.**

Background

1.1 The report sets out the role of Street Wardens and the new powers that can be given to them by the Chief Constable of Thames Valley Police, under certain conditions.

1.2 The Street Wardens do not currently have any additional enforcement powers. There are existing powers in relation to litter dropping, dog fouling, graffiti and fly posting that Street Wardens can be authorised to carry out.

The provisions of the Clean Neighbourhood Act 2005 will further extend these powers.

- 1.3 The Chief Constable of Thames Valley Police is able to devolve some Police Powers to the Street Wardens and Police Community Support Officers under certain circumstances and on the condition that the terms of the Accreditation Scheme are met. The Accreditation Scheme is currently in draft form but should be available in the next few months.

Additional Powers Under the Police Reform Act 2002

2.1 The following are made available to accredited persons in Schedule 5 of The Police Reform Act 2002:

- a) The power to request the name and address of a person acting in an antisocial manner
- b) The power to request the name and address of someone suspected of committing;
 - an offence for which the Accredited Person is authorised to issue a penalty notice
 - an offence that caused injury alarm and distress to another person
 - an offence that caused damage to or the loss of another's property
- c) The power to issue Fixed Penalty Notices for dog fouling, littering and riding a bicycle on a footpath. Street Wardens can be authorised to issue fixed penalties for litter and dog fouling under the primary legislation.
- d) The power to require the removal of abandoned vehicles
- e) The power to confiscate cigarettes and tobacco products from young people
- f) The power to confiscate alcohol from young persons
- g) The power to stop a vehicle for testing
- h) The power to regulate traffic for the purpose of escorting abnormal loads (this is the only power which can be exercised throughout England and Wales)

Additional powers under the Anti-social Behaviour Act 2003

3.1 The Anti-social Behaviour Act 2003 extended the following to accredited persons:

- a) The power to issue a Fixed Penalty Notice for graffiti
- b) The power to issue a Fixed Penalty Notice for fly-posting.

- c) The power to issue a Fixed Penalty Notice to parents for truancy (eg. if they come across a parent with a child who should be at school in a shopping mall)
- d) The power to stop cyclists if they are suspected of having committed the offence of riding on a foot-way.
- e) The power to issue Penalty Notices for Disorder (PNDs) under the Criminal Justice and Police Act 2001. Full guidance on the issuing of PNDs by accredited people can be found on the Home Office website.

Consultation on extending Street warden powers

4.1. In November an extensive consultation on the role of Street Wardens and the possibility of extending their powers, was undertaken through the publication of the White Paper – “Community reassurance and the role of the street wardens”. The consultation was carried out in a number of ways, including:

- Press releases
- Minimum of 2 reports sent to public buildings (38 in total)
- Letters to tenants and residents associations (100 members)
- Letters to all GP surgeries (28 surgeries in total)
- Letters to representatives of parish councils
- Area Committees
- Community Scrutiny Committee
- Questions to the Talk Back citizens panel in January 2005

4.2 The key responses from this consultation were that:

- Councillors and the general public felt that Street Wardens should be accredited with powers to deal with low-level anti-social behaviour and enforcement issues.
- The majority agreed that anti-social behaviour was the main priority for Street wardens but that there was also a need to address community concerns such as environmental issues and community development
- Support was given to accreditation of a wide range of powers, as indicated in the talk Back tables below:

Staffing Issues

5.1 The Street Wardens have indicated a willingness to issue Fixed Penalty Notices and are already aware of the health and safety issues involved. The Street Wardens play a major role in community development and supporting community initiatives. The enforcement nature of accreditation will be used to complement this community development and will be used with great discretion.

5.2 Should the proposals in the report be agreed a programme of training for Street Wardens will be developed. It is likely that any form of accreditation

by Thames Valley Police will require training that is delivered with Thames Valley Police and / or the Home Office. Training will be provided for within the current budget allocation in the Neighbourhood Renewal Business Unit.

Financial issues

- 6.1 The Street Wardens are currently funded within existing resources. However there is uncertainty in relation to the cost of enforcement of the Fixed Penalty Notices and the associated legal and administrative costs.
- 6.2 The cost of issuing Fixed Penalty Notices in the longer term may require new equipment (similar to car parks) and other factors such as licences, maintenance and supplies. The cost of enforcement may also require some additional budget allocation. At this stage it is difficult to assess how much this will be. It has not proved possible to obtain definitive costs from other authorities because the costs are spread across a number of different budget headings and are difficult to identify.
- 6.3 It is intended that the cost of enforcement is initially absorbed from within the existing budget allocation within the Neighbourhood Renewal Business Unit and the level of enforcement will be kept within the existing budget arrangements. In the longer term further work will be done to identify the cost and benefits of issuing Fixed Penalty Notices and a further report will be provided to the Executive Board setting these out.

Conclusions

- 7.1 It is proposed that Street Wardens should be authorised to issue Fixed Penalty Notices for litter, dog fouling, graffiti, abandoned vehicles, fly tipping and any other relevant Local Authority powers in the areas where they currently operate in Blackbird Leys, Rose Hill and Littlemore. The Street Warden Scheme is about to be extended into other areas of the City and it is anticipated that all Street Wardens, wherever they operate will have the same powers.
- 7.2 Officers should discuss with the Chief Constable of Thames Valley Police the potential for Street Wardens taking on additional Police powers. The powers on offer from the Thames Valley Police Accreditation Scheme should be wide ranging and incorporate powers given public support through the Talk Back Survey.
- 7.3 The Street Wardens would need to be accredited if additional Police powers were to be delegated to them. A draft procedure for accreditation is now available but needs to be finalised.

THIS REPORT HAS BEEN SEEN AND APPROVED BY
Jeremy Franklin, Legal and Democratic Services
Andy Collett, Financial and Asset Management
Portfolio Holder, Councillor Susan Brown
Val Johnson, Neighbourhood Renewal
Human Resources
Richard Adams, Strategy and Review

Background Papers: White Paper – “Community reassurance and the role of the street wardens”.

Annex 1

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/not stated
<i>Base: All who support the introduction of street wardens or who currently have street wardens in their neighbourhood (208)</i>	%	%	%	%	%	%
Street Wardens should have some powers to enforce the law	38	38	7	9	1	8

Annex 1

Q26. **Which, if any, of the following powers would you like Street Wardens in Oxford to have? Please tick all that apply.**

<i>Base: All who agree that street wardens should have enforcement powers (157)</i>	%
Power to issue on-the-spot fines for dropping litter	77
Power to issue on-the-spot fines for cycling on the pavement	61
Power to issue on-the-spot fines for dog fouling	86
Power to request the name and address of a person acting in an anti-social manner	87
Power to confiscate alcohol, cigarettes and tobacco products from young people	78
Power to request a person to stop drinking in an Alcohol Free Zone and, if they refuse, to confiscate and dispose of the alcohol.....	83
Power to require the removal of abandoned vehicles	82
None of these	11
Don't know/Not stated	3