

Powers of South Yorkshire Police Community Support Officers

'STANDARD POWERS' (Those which are applicable to all PCSOs across the UK)

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 S.54 of the Road Traffic Offenders Act 1988 (fixed penalty notices) in respect of an offence under S.72 of the Highway Act 1835 (riding on a footway) committed by cycling.

Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002

Power to issue FPN for littering:

Power of an authorised officer of a litter authority to give a notice under s.88 Environmental Protection Act 1990 (FPNs in respect of litter)

(South Yorkshire PCSOs to act as expert witnesses ONLY for the Local Authority)

Para. 1(2)(d) of Sch. 4 to the Police Reform Act 2002

Power to require name and address of a person:

Whom a PCSO has reason to believe has committed:

- A 'Relevant Offence' as defined under sub-para. 2(6) of Sch. 4 Police Reform Act 2002

and include:

- 'Relevant Fixed Penalty Offences' under para. 1 of Sch. 4
- 'Relevant Licensing Offences'
As specified under the Licensing Act 2003
- An offence under s. 39 ASB, Crime & Policing Act 2014 (Failure to comply with a direction excluding a person from an area)

AND

- which is an offence that appears to have caused alarm or distress to another person or damage to another person's property.

Para. 1A of Sch. 4 to the Police Reform Act 2002

(Inserted by para. 2 of Sch. 8 to the Serious Organised Crime and Police Act 2005 and amended by Part 3 S. 40(1) and (2) Anti Social behaviour Crime and Policing Act 2014

Power to require name and address of person acting in an anti-social manner:

Power of a constable in uniform, under s.50 Police Reform Act 2002, to require a person, whom he has reason to give his name and address believe to have been acting, or to be acting, in an anti-social manner (ASB has the meaning given by s. 2 Anti-social Behaviour, Crime and Policing Act 2014).

SY - PCSOs may detain (require the subject to remain for 30 mins. pending the arrival of a constable) where the person fails to comply with the requirement or it appears that the name and address furnished is false or inaccurate

Para. 3 Sch. 4 Police Reform Act 2002 (Inserted by para. 3(10) of Sch. 8 to the Serious Organised Crime and Police Act 2005 and amended by Para. 31 Sch. 11 Antisocial behavior Crime and Policing Act 2014

Power to require name and address (for road traffic offences):

Of a driver or pedestrian who fails to follow the directions of a PCSO or police officer under s.35 or 37 Road Traffic Act 1988.

Para. 3A of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 6 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Alcohol consumption in restricted area in breach of prohibition in a Public Spaces Protection Order:

PCSO may:

- Require a person whom a PCSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, not to consume that alcohol and to surrender any alcohol or container (open or unopened) for alcohol.
- Dispose of alcohol surrendered.

Para. 5 of Sch. 4 to the Police Reform Act 2002

(Amended by Part 4 Ch. 2 S. 69 para. 5 (1) Antisocial behavior Crime and Policing Act 2014 (*Powers of a constable under s. 63 Anti-social Behaviour, Crime and Policing Act 2014*))

Power to require persons aged under 18 to surrender alcohol:

Require a person who is reasonably suspected to be under 18 or is or has been supplying alcohol to a person aged under 18 to surrender any alcohol possessed and to give their name and address. Power to require such a person to surrender sealed containers of alcohol. Power to dispose of alcohol surrendered.

Para. 6 of Sch. 4 to the Police Reform Act 2002

Power to seize tobacco from a person aged under 16

(and to dispose of that tobacco)

Para. 7 of Sch. 4 to the Police Reform Act 2002

Power to seize drugs and require name and address for possession of drugs:

Enables PCSOs to be designated with a power to seize **unconcealed** drugs **OR** drugs found **when searching for alcohol, tobacco or other items** if the PCSO reasonably believes the person is in unlawful possession of them.

The PCSO must ■ inform the subject where to make enquiries to get the drugs back if in lawful possession ■ retain the drugs until a constable instructs what to do with it.

If a PCSO finds drugs in a person's possession or has reason to believe that a person is in possession of drugs and reasonably believes such possession is unlawful then the PCSO may require that person's name and address.

Para. 7B of Sch. 4 to the Police Reform Act 2002

(Inserted by para. 8 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property

Para. 8 of Sch. 4 to the Police Reform Act 2002

Power to seize vehicles used to cause alarm:

Where a PCSO has reason to believe is being used in a manner which contravenes s.s 3 or 34 Road Traffic Act 1988 (careless & inconsiderate driving and prohibition of off-road driving) and is causing alarm, distress or annoyance under s 59 Police Reform Act 2002.

Para. 9 of Sch. 4 to the Police Reform Act 2002

Power to remove abandoned vehicles

(under Regulations made under s. 99 Road Traffic Regulation Act 1984):

A PCSO designated under this para. has the power to order the removal of a vehicle under regulation 3 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 Sch. 1 Regulations.

Para. 10 of Sch. 4 to the Police Reform Act 2002.

Power to stop cycles:

Powers of a constable in uniform to stop a cycle under s. 163(2) Road Traffic Act 1988 when a PCSO has reason to believe that a person has committed an offence listed in para 1(2B)(a) to (e), (f)(i) or (g) of Part.1 Sch. 4 Police Reform Act 2002

S. 11A (1) and (2) Part.1 Sch. 4 Police Reform Act 2002

(Amended by Para. 6 of Sch. 10 Antisocial Behaviour Crime and Policing Act . 2014)

Power to control traffic for purposes other than escorting a load of exceptional dimensions:

May direct as such based on the powers constables have under s. 35 and 37 Road Traffic Act 1988. AND to direct traffic for conducting a traffic survey.

PCSOs designated under this para. must also be designated with powers under para. 3A of Sch. 4 Police Reform Act 2002

Para. 11B of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 10 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Power to carry out road checks:

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

Para. 13 of Sch. 4 to the Police Reform Act 2002

Power to place signs:

Power of a constable under s. 67 Road Traffic Regulation Act 1984 to place and maintain traffic signs. Para. 13A of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 11 Serious Organised Crime and Police Act 2005.)

Power to enforce cordoned areas:

Powers under s. 36 Terrorism Act 2000

Para. 14 of Sch. 4 to the Police Reform Act 2002

Power to stop and search in authorised areas:

Powers under the Terrorism Act 2000 in authorised areas, May stop and search vehicles and pedestrians when in the company and under the supervision of a constable.

Para. 15 of Sch. 4 to the Police Reform Act 2002

Power to photograph persons away from a police station: May photograph a person, other than at a police station, who has been arrested, detained or given an FPN.

Para. 15ZA of Sch. 4 to the Police Reform Act 2002
(Inserted by para. 12 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

DISCRETIONARY POWERS: (Those designated at the Chief Constable's discretion)

Power to issue penalty notices in respect of offences of disorder:

Para. 1(2)(a) of Sch. 4 to the Police Reform Act 2002
This part of the legislation empowers South Yorkshire PCSOs to issue PNDs

Power to detain:

(Under the Act, 'Detain' is a request to remain)

A PCSO:

- may 'detain' a person whom is reasonably believed to have committed a 'relevant offence' who fails to comply with a requirement to give name and address **or** who gives an answer, which the PCSO reasonably suspects to be false **or** inaccurate.
- may detain 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 para. 2(2) (as amended by Sch. 8 to the Serious Organised Crime and Police Act 2005) a PCSO may only be designated with the power to detain if also designated with the power to require name and address under para. 1A Police Reform Act 2000

Para. 2 of Sch. 4 to the Police Reform Act 2002. (Para. 3(2) of Sch. 8 to the Serious Organised Crime and Police Act 2005.)

Power to deal with begging:

Offences under s 3 and 4 Vagrancy Act 1824 are 'relevant offences'. PCSOs may detain (requirement to remain for up to 30 minutes) a person who they have required to stop committing this offence and who has failed to comply with the requirement.

Paras 2(6)(ac) and 2(3B) of Sch. 4 Police Reform Act 2002
(see paras. 3(4), 3(5), 3(6) and 3(7) of Sch. 8 to the Serious Organised Crime and Police Act 2005)

Power to enforce certain licensing offences:

PCSOs may require name and address but may not detain for those RLOs that are most likely to be committed by license holders.

(Where the 'relevant licensing offences' apply specifically to clubs, they are not RLOs)

Para. 2(6A) of Sch. 4 to the Police Reform Act 2002 (see paras 3(3) and 3(8) of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Power to search detained persons for dangerous items or items that could be used to assist escape:

Power of a constable under s. 32 PACE to search detained persons for anything that could be used to cause physical injury or assist escape. A PCSO **must** comply with a police officer's instructions on what to do with any item found.

Para. 2A of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 4 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Power to use reasonable force to prevent a detained person making off:

May be used either when waiting for the arrival of a constable or when accompanying a detained person to a police station.

Para. 4 of Sch. 4 to the Police Reform Act 2002

Power to disperse groups and remove young persons to their place of residence:

With the authorisation of an Inspector or above, power to issue a 'Dispersal Notice' to restrict the movement of members of the public in a specified locality for up to 48hrs.

Also includes a power to seize associated articles in that person's possession for the same period.

Para. 4A, 4AB(1), (2) of Sch. 4 to the Police Reform Act 2002

(Inserted under S.34 to 42 of Part 3 to the Anti Social behaviour Crime and Policing Act 2014)

Power to remove truants to designated premises etc:

Power of a constable under s. 16(3) of (3ZA) Crime and Disorder Act 1998 to remove a truant or excluded pupil found in a specified area (as specified in a direction under s. 16(2) of the Act) to designated premises or (in the case of a truant) to the school from which the truant is absent.

Para. 4C of Sch. 4 to the Police Reform Act 2002 (Inserted by s. 8 Police and Justice Act 2006)

Power to use reasonable force in relation to detained persons:

Para. 2(4A) of Sch. 4 to the Police Reform Act 2002 places a duty on PCSOs 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. Para. 2(4B) places a PCSO 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 PCSO is designated with para. 4ZB of Sch. 4 then he or she may use reasonable force in complying with duties under 2(4A) and 2(4B). If a PCSO is designated with para. 4ZA then he or she may use reasonable force when exercising powers under paras 2(3B), 2(4), 7A(8) or 7C(2)(a)

Paras 2(4A), 2(4B), 4ZA and 4ZB of Sch. 4 to the Police Reform Act 2002 (see paras 2, 3 and 4 of Sch. 9 to the Serious Organised Crime and Police Act 2005).

Power to search for alcohol and tobacco:

Where a person has failed to comply with a requirement to surrender alcohol or has failed to allow a PCSO to seize tobacco and a PCSO reasonably believes that the person is in possession of alcohol or tobacco, then a PCSO may search them for it and dispose of anything found.

It is an offence to fail to consent to be searched and PCSOs can require name and address for this offence. PCSO may only detain a person for failure to give an adequate name and address if so designated.

Para. 7A of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 8 of Sch. 8 Serious Organised Crime and Police Act 2005)

Power to detain for failure to give name and address for possession of drugs

Builds on the power to seize drugs and require name and address under para. 7B of Sch. 4 to the Police Reform Act 2002

SY - PCSOs may detain (require the subject to remain for 30 mins pending the arrival of a constable) where the person fails to comply with the requirement or it appears that the name and address furnished is false or inaccurate.

Para. 7C of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 8 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Limited power to enter licensed premises:

Enables PCSOs to be designated with a power to enter licensed premises under s. 180 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.

Para. 8A of Sch. 4 to the Police Reform Act 2002 (Inserted by para. 9 of Sch. 8 to the Serious Organised Crime and Police Act 2005).

Power to stop vehicles for testing: Powers of a constable in uniform to stop vehicles for the purposes of testing under s. 67 Road Traffic Act 1988.

Para. 11 of Sch. 4 to the Police Reform Act 2002.

Power to direct traffic for the purposes of escorting abnormal loads

Para. 12 of Sch. 4 to the Police Reform Act 2002

The power of a constable to seize things when lawfully on premises under s. 19 Police and Criminal Evidence Act 1984 ('General Powers of Seizure')

Para. 2B of Part 1 of Sch. 4 Police Reform Act 2002
(Inserted by Para. 4 of Sch. 10 Antisocial behaviour Crime and Policing Act 2014 creates this new PCSO power)

Power of a Constable to require name and address and production of certificate of authority (in relation to Charity Collectors)

May require a person to give name and address and to sign name and require a person to produce certificate of authority.

Section 3B Part.1 Sch. 4 Police Reform Act 2002
(Inserted by paragraph 5 of Sch. 10, Anti Social Behaviour Crime And Policing Act 2014)
In accordance with s 6 and regulations under section 4 House to House Collections Act 1939

DISCRETIONARY POWERS TO ISSUE FPNs (for particular cycling / traffic offences)

Inserted by Sch. 10 Antisocial behaviour Crime and Policing Act 2014

Riding on a footway committed by cycling;

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles in this instance)

S. 72 Highway Act 1835):

Inserted into sub-para. (2B)(a) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Contravention of a prohibition or restriction relating to:

- (i) stopping, waiting or parking at or near a school entrance,
- (ii) one-way traffic on a road, or
- (iii) lanes or routes for use only by cycles, only by buses or only by cycles and buses;

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles in this instance)

S. 5(1) or 8(1) Road Traffic Regulation Act 1984

Inserted into sub-para. (2B)(b) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

More than one person on a one-person bicycle

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles in this instance)

S. 24 Road Traffic Act 1988

Inserted into sub-para. (2B)(c) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Failing to comply with traffic directions (committed by the rider of a cycle)

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles in this instance)

S. 35 Road Traffic Act 1988

Inserted into sub-para. (2B)(d) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Failing to comply with traffic signs (committed by the rider of a cycle who fails to comply with the indication given by a red traffic light)

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles in this instance)

S. 36 Road Traffic Act 1988

Inserted into sub-para. (2B)(e) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Contravening or failing to comply with a construction or use requirement about

(i) lighting equipment or reflectors for cycles

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to Power to stop cycles re (i) above

(ii) the use on a road of a motor vehicle in a way that causes excessive noise

(iii) stopping the action of a stationary vehicle's machinery

(iv) the use of a vehicle's horn on a road while the vehicle is stationary or on a restricted road at night

(v) opening a vehicle's door on a road so as to injure or endanger a person;

S. 42 Road Traffic Act 1988

Inserted into sub-para. (2B)(f) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Failing to stop vehicle or cycle when required to do so by constable or traffic officer)

(NOTE: s.11A Part.1 Sch. 4 Police Reform Act 2002 empowers a PCSO to stop cycles n this instance)

S. 163 Road Traffic Act 1988

Inserted into sub-para.(2B)(g) of Part.1 Sch. 4 Police Reform Act 2002 by Sch. 10 Antisocial Behaviour Crime and Policing Act 2014

Power to issue Community Protection Notices

Enables an authorised person (PCSO if designated) to issue a CPN to a person 16+ or a body if satisfied on reasonable grounds that their conduct is:

- having a **detrimental** effect, of a **persistent** or **continuing** nature, on the quality of life of those in the locality

and is unreasonable.

Part 1 Schedule 4 Paragraph 1ZBA Police Reform Act 2002

(Inserted by *subsection (5)*

S. 53 Antisocial behaviour Crime and Policing Act 2014

Power of a Constable to issue fixed penalty notices in respect of failure to comply with Community Protection Notice

Part 1 Sch. 4 Para. (2) (ac) Police Reform Act 2002

(Inserted by subs. (6) S. 53 Antisocial behaviour Crime and Policing Act 2014)

Power of a constable to issue a fixed penalty notice in respect of failure to comply with Public Spaces Protection Order:

(under s. 68 Anti-social Behaviour, Crime and Policing Act 2014)

Para. 1(2)(f) of Sch. 4 to the Police Reform Act 2002

(Inserted by PART 4 CHAPTER 2 S. 69 Para. 5(2) Anti-social behaviour Crime and Policing Act 2014)

DISCRETIONARY POWER - ISSUE OF FPNs FOR DISORDER

(Para. 1(2)(a) of Sch. 4 Police Reform Act 2002)

On relevant premises, knowingly Sells or attempts to sell alcohol to a person who is drunk

This is a Relevant '**Licensing**' and '**Fixed Penalty**' Offence

S.141 Licensing Act 2003

On relevant premises, knowingly obtains / attempts to obtain alcohol for consumption on those premises by a drunk person:

This is a Relevant '**Licensing**' and '**Fixed Penalty**' Offence

S.142 Licensing Act 2003

Sale of alcohol to a person under 18

This is a Relevant '**Licensing**' and '**Fixed Penalty**' Offence

S.146 Licensing Act 2003

Purchase or attempted purchase (by the 'relevant person') of alcohol on behalf of an individual aged under 18

This is a Relevant '**Licensing**' and '**Fixed Penalty**' Offence

S.149 (3)(a) Licensing Act 2003

Purchase or attempted purchase (by the 'relevant person') of alcohol for consumption by a person under 18

<p>This is a Relevant ‘Licensing’ and ‘Fixed Penalty’ Offence</p> <p>S. 149(4)(a) Licensing Act 2003</p>
<p>Allowing the consumption of alcohol by a person under 18 on relevant premises</p> <p>This is a Relevant ‘Licensing’ and ‘Fixed Penalty’ Offence</p> <p>S.150(2) Licensing Act 2003</p>
<p>knowingly Sending a person under 18 to obtain alcohol being sold or to be sold for consumption off the premises,</p> <p>This is a Relevant ‘Licensing’ and ‘Fixed Penalty’ Offence</p> <p>S.152(1)(a) Licensing Act 2003</p>
<p>Delivery of alcohol to a person under 18 or allowing such delivery</p> <p>This is a This is a Relevant Fixed Penalty Offence</p> <p>S.151 Licensing Act 2003</p>
<p>Drunk in the highway, other public place or licensed premises</p> <p>This is a ‘Relevant Offence’</p> <p>S.12 Licensing Act 1872</p>
<p>Destroying or damaging property *under £300 for private property/under *£500 for public property (*in the case of SYP)</p> <p>This is a ‘Relevant Offence’</p> <p>S.1(1) Criminal Damage Act 1971</p>
<p>Possession of a Category 4 firework</p> <p>This is a ‘Relevant Offence’</p> <p>Fireworks Regulations 2004 (Regulation 4, 5 and 6) (S.11 Fireworks Act 2003 creates the offences of contravening the above prohibition)</p>
<p>Wasting police time, giving false report</p> <p>This is a ‘Relevant Offence’</p> <p>S.5 Criminal Law Act 1967</p>
<p>Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety</p> <p>This is a ‘Relevant Offence’</p> <p>S.127(2) Communications Act 2003</p>
<p>Knowingly giving false alarm to a person acting on behalf of a fire and rescue authority</p> <p>This is a ‘Relevant Offence’</p> <p>S.49 Fire and Rescue Services Act 2004</p>
<p>Behaviour likely to cause harassment, alarm or distress</p> <p>This is a ‘Relevant Offence’</p> <p>S.5 Public Order Act 1986</p>
<p>Throw, cast or fire any fireworks into any highway, street, thoroughfare or public place</p>

This is a 'Relevant Offence'

S.80 Explosives Act 1875

Disorderly behaviour whilst drunk in a public place

This is a 'Relevant Offence'

S.91 Criminal Justice Act 1967

Trespassing on a railway

This is a 'Relevant Offence'

S.55 British Transport Commission Act 1949

Throwing stones etc. at a trains or other things on railways

This is a 'Relevant Offence'

S.56 British Transport Commission Act 1949

TRAFFIC WARDEN POWERS

South Yorkshire Police Community Support Officers hold the full powers of a Traffic Warden pursuant to Schedule 1. Functions of Traffic Wardens Order 1970.

Note: The Home Office has incorporated the most pertinent Traffic Warden powers within the 'Standard' and 'Discretionary' Powers above.