

My Ref: IG-9393
Contact: David Brewster
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Mr Simon Hoyle

Sent by email to: [request-396695-
d063702b@whatdotheyknow.com](mailto:request-396695-d063702b@whatdotheyknow.com)

12 May 2017

Dear Mr Hoyle,

Review of the handling of your request for information (IG-9393)

I write in response to your request for an internal review dated 11 April 2017. I have now had the opportunity to investigate your original request, our response and your request for a review in full.

Your original FOI request

Your original FOI request was received on 22 March 2017 and was as follows:

"Please provide the following information regarding your Community Protection Officers.

- 1) Do they have the power to stop and search*
- 2) Do they have the power to demand name and address - if so under what law(s)*
- 3) Do they have the power to detain*
- 4) Do they have the power of arrest, or under instruction to use citizen's arrest whilst on duty*
- 5) Are they authorised to conduct a pursuit on foot*
- 6) Are they authorised to conduct a pursuit in a vehicle*
- 7) What level of DBS Checks do they have*
- 8) Have any been convicted of a criminal offence, if so, what offence and what sentence*
- 9) Are they subjected to extended vetting beyond a DBS check"*

We responded to your request on 11 April. Our response was as follows:

"Please provide the following information regarding your Community Protection Officers.

- 1) Do they have the power to stop and search*

No.

2) Do they have the power to demand name and address - if so under what law(s)

If someone is committing Anti-Social behaviour then CPO's have the power to ask for the offenders details under The Anti-social Behaviour, Crime and Policing Act 2014.

3) Do they have the power to detain

No.

4) Do they have the power of arrest, or under instruction to use citizen's arrest whilst on duty

No powers to arrest.

5) Are they authorised to conduct a pursuit on foot

No, a CPO's role is to observe and report in such instances.

6) Are they authorised to conduct a pursuit in a vehicle

No.

7) What level of DBS Checks do they have

It is mandatory for CPO's to undertake and pass a Non Police Personnel Vetting (NPPV) level 2 process before gaining employment.

8) Have any been convicted of a criminal offence, if so, what offence and what sentence

In accordance with section 1(1) of the Act the Authority has a duty to inform the requester whether it holds information of the description specified in the request and we can confirm that the Authority does not hold the information as described.

In accordance with section 16 of the Act the Authority has a duty to advise and assist. Please note that we only record whether checks had information disclosed on the certificate as it is not a statutory requirement to centrally record whether the information disclosed on the DBS certificate contained a caution or criminal record. This information would be used by the recruiting line manager only.

9) Are they subjected to extended vetting beyond a DBS check"

See response to question 7.

Your request for a review

In your email dated 11 April 2017, you state that:

"I am writing to request an internal review of Nottingham City Council's handling of my FOI request 'Community Protection Officer Powers'.

I am dissatisfied with the response to my question as to whether Community Protection Officers have the power to demand name and address.

Your response was "If someone is committing Anti-Social behaviour then CPO's have the power to ask for the offenders details under The Anti-social Behaviour, Crime and Policing Act 2014"

I have considered Anti-social Behaviour, Crime and Policing Act 2014 and I do not see how you can claim that Community Protection Officers or others employed by a council can claim a "power" to demand name and address and the Act does not state a penalty for refusing to give those details.

Please clarify if there is a power to demand name and address, where that power is derived from and the penalty for non compliance. It seems to me that in order to issue a notice, a Community Protection Officer may only request details and has no power to enforce it."

Findings of my review

Having reviewed your original request, the council's response to your original request and your request for an internal review, I believe you think that the response provided to question 2 of your original request was incorrect. I have therefore separated your request for an internal review into three distinct questions:

1. Is there a power for Community Protection Officers to demand name and address
2. If so, where is that power is derived from
3. What is the penalty for non-compliance of providing name and address

Community Protection have reviewed these 3 questions and responses can be found below:

1. Community Protection Officers do have the power to demand name and address from a person.
2. The power to request the name and address is part of the Community Safety Accreditation Scheme (CSAS scheme). Under this agreement the following are agreed powers for accreditation:
 - 3.1 Nottingham Community Protection will be accredited by the Chief Constable, Nottinghamshire Police with the following powers in the relevant police area as described in Schedule 5 of the Police Reform Act 2002.
 - 3.2 The Director of Community Protection may grant some or all of the following powers to Accredited Officers as appropriate to their role and responsibilities in accordance with Delegation 1, Nottingham City Council constitution.

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)(a) of Schedule 5 of the Police Reform Act 2002 or an

offence the commission of which appears to the accredited person to have caused –

- i) injury, alarm or distress to another person; or
- ii) loss of or damage to another person's property.

Power to require name and address for anti-social Behaviour: An Accredited person has the power of a constable in uniform under section 5 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 or her name and address.

3. The ultimate penalty for non-compliance of a person providing his or her name and address to a Community Protection Officer is that he or she can be arrested by a police officer.

Conclusions of my review:

I have re-examined your original request, our response, and your request for a review. I uphold the council's response to your original request, as I find on review that the council did provide an accurate response to your request.

If you remain dissatisfied after receiving this response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at mail@ico.gsi.gov.uk.

Yours sincerely,

David Brewster
Information Governance Officer
Information Management Services