

Our Ref: 005727/17



**Freedom of Information Section**  
Nottinghamshire Police HQ  
Sherwood Lodge, Arnold  
Nottingham NG5 8PP

**Tel:** 101  
**Ext** 800 2507  
**Fax:** 0115 967 2896

01 September 2017

Dear

**Request under the Freedom of Information Act 2000 (FOIA)**

I write in connection with your request for information, which was received by Nottinghamshire Police on 25/07/2017.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

**RESPONSE**

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

***Under the Freedom of Information Act, please can you provide me with a list that details which discretionary powers are designated for Police Community Support Officers in your force, as listed in Annex B of the Government's Police community support officers powers publication: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117572/pcso-powers.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117572/pcso-powers.pdf)***

**Powers exercisable by Nottinghamshire Police Community Support Officers**

**Under schedule 4 of the Police Reform Act 2002, the following exercisable powers are granted to Nottinghamshire Police Community Support Officers:**

- **Abandoned Vehicles – Power to remove** (Paragraph 10 of Schedule 4 to the Police Reform Act 2002)



- **Confiscation of alcohol – designated places** (Paragraph 5 of schedule 4 to the Police Reform Act 2002)
- **Confiscation of alcohol – from persons under 18** (Paragraph 6 of schedule 4 to the Police Reform Act 2002)
- **Confiscation of tobacco – persons under 16** (Paragraph 7 of schedule 4 to the Police Reform Act 2002)
- **Power to search for alcohol and tobacco** (Paragraph 7A of schedule 4 to the Police Reform Act 2002)
- **Power to seize drugs and require name and address for possession of drugs** (Paragraph 7B and 7C of schedule 4 to the Police Reform Act 2002)
- **Cordoned areas – Section 36 Terrorism Act 2000** (Paragraph 14 of schedule 4 to the Police Reform Act 2002)
- **Control traffic – escorting abnormal loads** (Paragraph 12 of schedule 4 to the Police Reform Act 2002)
- **Power to detain** (Paragraph 2(3) and 2(4) of schedule 4 to the Police Reform Act 2002)
- **Power to disperse groups and remove persons under 16 to their place of residence** (Paragraph 4A of schedule 4 to the Police Reform Act 2002)
- **Entry to save life and limb** (Paragraph 8 of schedule 4 to the Police Reform Act 2002)
- **Limited power to enter licensed premises** (Paragraph 8A of schedule 4 to the Police Reform Act 2002)
- **Power to use reasonable force to prevent a detained person making off** (Paragraph 4 of schedule 4 to the Police Reform Act 2002)
- **Power to require name and address** (Paragraph 1(A) of schedule 4 to the Police Reform Act 2002)
- **Power to require name and address for Anti Social Behaviour** (Paragraph 3 of schedule 4 to the Police Reform Act 2002)
- **Remove children in contravention of curfew notices to their place of residence** (Paragraph 4B of schedule 4 to the Police Reform Act 2002)
- **Power to carry out road checks** (Paragraph 13 of schedule 4 to the Police Reform Act 2002)
- **Seize vehicles used to cause alarm** (Paragraph 9 of schedule 4 to the Police Reform Act 2002)
- **Stop vehicle for testing – Section 67 RTA 1988** (Paragraph 11 of schedule 4 to the Police Reform Act 2002)
- **Stop pedal cycle – Section 163(2) RTA 1988** (Paragraph 11a of Schedule 4 to the Police Reform Act 2002)
- **Power to deal with begging** (Paragraph 3(4), 3(6) and 3(7) of Schedule 8 of SOCAP Act 2005)
- **Power to enforce certain licensing laws** (Paragraph 2(6A) of Schedule 4 to the Police Reform Act 2002)
- **Power to search detained persons for dangerous items that could be used to assist escape** (Paragraph 2A of Schedule 4 to the Police Reform Act 2002)

- **Power to require name and address for road traffic offences** (Paragraph 6 of Schedule 8 of SOCAP Act 2005)
- **Power to use reasonable force to transfer control of detained persons** (Paragraph 2,3 and 4 Schedule 9 of SOCAP Act 2005)
- **Power to direct traffic for the purposes other than escorting abnormal loads** (Paragraph 10 of Schedule 8 of SOCAP Act 2005)
- **Power to place traffic signs** (Paragraph 11 of Schedule 8 of SOCAP Act 2005)
- **Power to remove truants to designated premises** (Section 16(3) of (3ZA) of the Crime and Disorder Act 1998)
- **Power to stop and search in authorised areas** (Under the Terrorism Act 2000)

#### Power to Issue fixed penalty notices

- **Power to issue fixed penalty notices for truancy** (Paragraph 1(2)(aa) of Schedule 4 to the Police Reform Act 2002)
- **Power to issue fixed penalty notices for cycling on a footpath** (Paragraph 1(2)(b) of Schedule 4 to the Police Reform Act 2002)
- **Power to issue fixed penalty notices for dog fouling** (Paragraph 1(2)(c) of Schedule 4 to the Police Reform Act 2002)
- **Power to issue fixed penalty notices for graffiti and fly-posting** (Paragraph 1(2)(ca) of Schedule 4 to the Police Reform Act 2002)
- **Power to issue fixed penalty notices for littering** (Paragraph 1(2)(d) of Schedule 4 to the Police Reform Act 2002)

#### Power to issue penalty notices for disorder under chapter 1 part 1 of the Criminal Justice and Police Act

- **Sale of alcohol to a person under 18** (s146 of the Licensing Act 2003)
- **Purchase of alcohol for a person under 18** (s149(3) of the Licensing Act 2003)
- **Delivery of alcohol to a person under 18 or allowing such delivery** (s151 of the Licensing Act 2003)
- **Destroying or damaging property under £500** (s1(1) of the Criminal Damage Act 2003)
- **Breach of fireworks curfew** (Fireworks Regulations 2004 under s11 of the Fireworks Act 2003)
- **Wasting Police time, giving false report** (s5 of the Criminal Law Act 1967)
- **Using public electronic communications network in order to cause annoyance, inconvenience for needless anxiety** (s127(2) of the Communications Act 2003)
- **Knowingly giving false alarm to a person acting on behalf of the 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)
- **Drunk and disorderly behaviour** (s91 of Criminal Justice Act 1967)
- **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)
- **Drunk in the highway** (s12 of the Licensing Act 1872)
- **Drinking in a designated public area** (s12(4) of the Criminal Justice and Police Act 2001)

***Can you also provide me with copies of any current guidance produced by the force for police staff engaged in the detention and handling of persons in police custody that provide information on procedures, priorities, and liability in case of injury or death of persons in custody.***

This information can be found on the Royal College of Policing website in the Authorised Professional Practice section and can be accessed via the below link:

<https://www.app.college.police.uk/app-content/detention-and-custody-2/>

This information is therefore exempt from disclosure under Section 21 of the Act: Information reasonably accessible by other means.

**21.** – (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1) –

- a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 21(1) of the act being applied.

**Complaints Rights**

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

**Copyright**

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail [freedomofinformation@Nottinghamshire.pnn.police.uk](mailto:freedomofinformation@Nottinghamshire.pnn.police.uk) quoting the above reference number.

Yours sincerely

**Disclosure Officer**

## **Are you dissatisfied with your response?**

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

### **How do I appeal?**

All appeals should be made in writing and sent to:-

Information Management  
Nottinghamshire Police  
Force Headquarters  
Sherwood Lodge  
Arnold  
Notts  
NG5 8PP

or alternatively [freedomofinformation@nottinghamshire.pnn.police.uk](mailto:freedomofinformation@nottinghamshire.pnn.police.uk)

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

## **What if I'm still not satisfied?**

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)