

Cheshire Constabulary



Police Community Support Officer

Partner Service Level Agreement

“Working together to deliver Safer and Stronger Neighbourhoods where people are safe, feel safe and act to help each other”

**SERVICE LEVEL AGREEMENT FOR THE PROVISION OF A POLICE
COMMUNITY SUPPORT OFFICER WITHIN SAUGHALL AND
SHOTWICH PARK PARISH COUNCIL**

THIS AGREEMENT is made the 29th day of January 2007 between the Cheshire Constabulary (1) of Cheshire Constabulary Headquarters Clemonds Hey Oakmere Road Winsford Cheshire CW7 2UA (hereinafter called "the Constabulary") of the one part and Saughall & Shotwick Parish Council c/o 10 Merton Close Little Neston Cheshire CH64 OTR(2) (**herinafter called the Partner**) of the other part

WHEREAS:-

The Partners and the Constabulary wish to utilise the services of One Police Community Support Officer (hereinafter called "the PCSOs") to enhance the service capacity of the local neighbourhood team and fulfil the role of a PCSO as more particularly described in Appendix B within the Parish's of Saughall and Shotwick Park

AND WHEREAS

The Constabulary and the Partners have, subject to the exigencies of the Police service which must be provided to the general public of Cheshire, agreed to provide One PCSO whose powers are more particularly described in Appendix A and whose job description is described in Appendix B.

NOW IT IS HEREBY AGREED AS FOLLOWS:-

1. Aim of this Agreement

The aim of this Agreement is to develop Partnership working towards reducing Crime & Disorder and increase the level of public confidence leading to a greater level of reassurance through the provision of a PCSO in the area under this Agreement.

The role of the Police Community Support Officer is to provide a visible uniformed presence in order to contribute to the reduction of crime and disorder and the promotion of public reassurance and quality of life in the Parish's of Saughall and Shotwick Park.

2. Developing Neighbourhood Services

Neighbourhood policing is a way of working which allows the police, its partners and the public to work closely together to solve problems of crime and disorder, and improve feelings of security. The key elements being,

- The consistent presence of dedicated neighbourhood teams capable of working with the community to establish and maintain control – to be visible, accessible skilled, knowledgeable and familiar to the community;
- Intelligence-led identification of community concerns leading to prompt, effective, targeted action against those concerns;

- Joint action and problem solving with the community and other local partners in order to improve the local environment and quality of life within the community.

Neighbourhood Policing is not simply about policing outcomes, it also aims to align local policing activity to a neighbourhood management and community agenda and toward a style and culture where neighbourhood specialists can directly impact upon confidence and satisfaction levels through effective problem solving, greater partnership working and through closer interaction and co-operation with local people.

3. Role of Police Community Support Officers

The introduction of an increased number of Police Community Support Officers (PCSOs) within Cheshire, Halton and Warrington is central to reducing levels of Crime and Disorder, delivering more resources to enable improved local visibility.

The core objectives of PCSOs include the provision of a visible and approachable presence in neighbourhoods, engaging with communities (residential, retail and business), offering reassurance to the public, and working with partners & communities to deliver lasting solutions to Crime and Disorder problems. To achieve this, they will be deployed as a key component of neighbourhood teams in intelligence led activity. They complement the work of police officers by focusing predominantly on lower level crime, disorder and anti-social behaviour (ASB) and community issues affecting the quality of life of residents, visitors and businesses.

The Role of PCSOs is more particularly described in Appendix B.

4. Role of Partners

Active engagement is required between Partner Agencies and the Constabulary through attendance at local tasking arrangements more specifically referred to in Appendix B. The Partner will contribute funding as identified later in this Agreement working together to ensure PCSOs are tasked with issues that are important to the local community and relevant to the local Community Strategy, the Safer & Stronger Neighbourhoods Strategy and the Parish Plan.

In achieving the objectives of the Safer & Stronger Neighbourhoods Strategy, Partners will be expected to recognise that there are wider resources available for local neighbourhood management.

5. Management of PCSOs

As a member of the Cheshire Constabulary, the officer remains under the operational control of the Chief Constable. The Constabulary will be responsible for the management of PCSOs for all 'Personnel' matters e.g. absence, sickness, training and in doing so will take into account representations from the Partner. The management of the individual PCSOs will lie with the Neighbourhood Policing Managers.

Unforeseen abstractions from duty, such as sickness, will be notified to the nominated point of contact within the Partner Organisation as soon as is practicable.

An integral part of the management arrangements will be the provision of performance management information through the CDRP network.

6. Tasking and Deployment of PCSO's.

The tasking and deployment of PCSOs is more particularly described in Appendix B.

7. Identified Point of Contact (POC)

Whenever the Partner wishes to make direct contact with the Constabulary in relation to the use/deployment of a PCSO, there will be an identified person who will be the POC within the Neighbourhood Policing Area. This person will be the local Community Action Team Sergeant.

In a similar way, the Partner will identify a lead point of contact, in addition to any other individual(s) deemed appropriate, for the Police to contact.

8. Complaints system and accountability

If an issue is raised by the Partner in relation to the operation of the Scheme which cannot be resolved by the local POC, then the matter will be referred to the local Neighbourhood Policing Unit Inspector.

9. Management of Finance

The Partner will contribute the agreed sum per annum, making payment by 30th April each year via cheque or BACS. The Constabulary will contribute the balance of the salary and on costs including but not limited to, supervision, training, equipment and resource management. The Agreed sum will be £11,000 per PCSO per annum for the first three years. The Partner will be notified of the Agreed sum in subsequent years by November the preceding year. The Agreed sum will increase to reflect the Partner's contribution to the increased salary of the PCSO as it increases due to the PCSO advancing through the salary scale and receiving annual increases to reflect the cost of living.

The Constabulary's Bank details for payments are: - The Co Operative Bank.

Sort Code: - 08-92-74 Account Number: - 61080247

Cheques are to be made payable to Cheshire Police Authority.

Payment must be made within 30 days of receipt of invoice. Failure to adhere to this will be considered a breach of this Agreement and the Constabulary reserve the right to withdraw the current service provided.

The charges will be reviewed annually after April 2010.

10. Exit strategy

The agreement between the Constabulary and the Partner may be terminated by either party giving 12 months notice after the Scheme has been in place for a minimum of 12 months.

The commencement date for the purposes of this Agreement will be the same as the start date for the employment of the PCSOs or after the 1st April 2007, which ever is soonest.

11. Disrepute

In the event that the activities or behaviour of the Partner bring or have the potential to bring the Constabulary into disrepute by the Partner's association with the Constabulary, the Constabulary reserve the right to terminate this Agreement forthwith without further notice.

12. Force Majeure

Neither party shall be liable in respect of any breach of this agreement due to any cause beyond its reasonable control including Act of God, inclement weather, flood, lightning or fire, the act or omission of Government, highway authorities or other competent authority, war, military operations or riot.

13. TUPE Warranty

The Partner warrants that they will indemnify the Constabulary in full against any claims for compensation and / or damages and / or costs under The Transfer of Undertakings (Protection of Employment) Regulations 2006 that may arise as a result of the appointment of PCSOs under this agreement.

SIGNED on behalf of the Constabulary

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SIGNED on behalf of the Partner

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Appendix A

Current powers of a PCSO in Cheshire

Power to issue Fixed Penalty Notice (FPN) for littering Power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990.

Power to remove abandoned vehicles under regulations made under section 99 of the Road Traffic Regulation Act 1984

Power to issue FPN for cycling on pavement Power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 in respect of an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling.

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 a PCSO has reason to believe that a person has committed the offence of riding on a footpath.

Power to require name and address for road traffic offences: The Serious Organised Crime and Police Act 2005 allows PCSOs to be designated with the power to require the name and address of a driver or pedestrian who fails to follow the directions of a community support officer or police officer.

Power to direct traffic and to place traffic signs

Power to seize vehicles used to cause alarm: Power to stop and seize a vehicle which a PCSO has reason to believe is being used in a manner which contravenes sections 3 or 34 of the Road Traffic Act 1988 under section 59 of the Police Reform Act 2002.

Power to require persons drinking in designated area to surrender alcohol Power to require a person whom a PCSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol.

Power to require persons aged under 18 to surrender alcohol: Power to require a person who he reasonably believes is 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 PCSO has reason to believe that the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.

Power to seize tobacco from a person aged under 16 and to dispose of that tobacco.

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 to give his name and address.

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

Power to disperse groups and remove persons under 16 to their place of residence: Powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).

The PCSOs employed by the Constabulary will also have the full powers of a Traffic Warden.

Additional Powers agreed by the Chief Constable but awaiting Royal Assent (ratification expected September 2007)

Power to issue Fixed Penalty Notice (FPN) for dog fouling Power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996.

Power to issue FPN graffiti/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.

Power to issue fixed penalty notices in respect of offences under dog control orders:

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 notice under that section (fixed penalty notices in respect of dog control orders).

Power to stop vehicles for testing, power to escort abnormal loads and power to carry out road checks

Limited power to enter licensed premises: The Serious Organised Crime and Police Bill allows PCSOs to be designated with a power to enter licensed premises under section 180 of the Licensing Act 2003 for the purposes of investigating relevant licensing offences.

Power to search for alcohol and tobacco: Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a PCSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 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.

Power to seize drugs and require name and address for possession of drugs: The Serious Organised Crime and Police Act 2005 allows PCSOs to be designated with a power to seize unconcealed drugs or drugs found when searching for alcohol, tobacco or

dangerous items. The PCSO must retain the drugs until a constable instructs them what to do with it.

Power to issue Penalty Notice for Disorder (PND) for: sale of alcohol to a person under 18; purchase of alcohol for person under 18; delivery of alcohol to person under 18; drinking in designated area; consumption of alcohol by person under 18 or allowing such consumption; buying or attempting to buy alcohol by a person under 18 and sells or attempts to sell alcohol to a person who is drunk.

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. It also gives PCSOs a power to detain a person who they have required to stop committing an offence under sections 3 and 4 of the Vagrancy Act and who has failed to comply with the requirement.

Power to issue PND for breach of fireworks curfew; possession of a category 4 firework; possession by persons under 18 of an adult firework; supply of excessively load firework

Power to require name and address for relevant offences Power to require the name and address of a person whom a PCSO has reason to believe has committed a relevant offence (Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act).

Power to detain: Power to detain a person whom a PCSO has reason to believe has 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 for up to 30 minutes or until 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).

Power to photograph persons away from a police station: The Serious Organised Crime and Police Act 2005 enables PCSOs to be designated with the power to photograph a person who has been arrested, detained or given a fixed penalty notice away from the police station.

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

Power to enforce cordoned areas: under section 36 of the Terrorism Act 2000

Power to enforce byelaws: The Serious Organised Crime and Police Act 2005 provides that offences committed under relevant byelaws are relevant offences under paragraph 2(6) of Schedule 4 of the Police Reform Act 2002. A relevant byelaw is a byelaw from a list of byelaws that has been agreed between a chief constable and a relevant byelaw-making body.

Power to remove children in contravention of curfew notices to their place of residence: Power to remove a child to their place of residence if the PCSO has reason

to believe that the child is in contravention of a curfew notice under sub-sections 15(1), (2) and (3) of the Crime and Disorder Act 1998.

Power to issue FPN for truancy Power of a constable to give a penalty notice under section 444A of the Education Act 1996.

Power to remove truants to a designated place: where a local authority designates premises to which young person or child may be removed under this section. Powers of a constable in uniform to remove a child or young person that they have reasonable cause to believe is absent from school without lawful authority, back to the school or to designated premises.

Discretionary power agreed by the Chief Constable for those officers partner funded by Trading Standards:-

Power to enforce certain licensing offences: The Serious Organised Crime and Police Act 2005 establishes a set of relevant licensing offences. These offences are sale of alcohol to a person who is drunk, obtaining alcohol for a person who is drunk, sale of alcohol to children, purchase of alcohol by or on behalf of children, consumption of alcohol by children and sending a child to obtain alcohol. Where these offences apply specifically to clubs they are not relevant licensing offences. PCSOs may require name and address but may not detain for those relevant licensing offences that are most likely to be committed by license holders.

Appendix B

Service Level Agreement Between Cheshire Constabulary and Saughall & Shotwick Park Parish Councils For the provision of One Police Community Support Officer

This document should be read in conjunction with the following:

- Chester Community Safety Strategy

Aim

The primary role of the Police Community Support Officer is to provide a visible uniformed presence in order to contribute to the reduction of crime and disorder and the promotion of public reassurance and quality of life in the Parish's of Saughall and Shotwick Park.

Duties

The PCSO will meet this aim by:

- Visible intelligence-led public patrol in uniform:
- Attending when directed at incidents of, and using their designated enforcement powers (see Appendix A) against, crime and disorder, in particular:
 - antisocial behaviour;
 - criminal damage
 - behaviour that otherwise reduces the quality of life of the community and the local environment
- cooperating with other relevant agencies to find solutions to local community safety concerns;
- providing crime reduction and community safety advice to groups and individuals;
- collating and disseminating relevant community safety intelligence according to agreed Information Sharing Protocols;
- undertaking other duties to meet the Aim that may from time to time be directed by the local Community Action Team Sergeant, in consultation with the nominated Partner Contact.

The PCSO will work the NPU variable shift pattern.

The duties above will normally be undertaken in relation to the Parish's of Saughall and Shotwick Park. The PCSO will only be diverted to other areas/duties in exceptional circumstances, at the discretion of the Chief Constable or his delegated authority. An explanation will be given to the Partner Contact when such diversion has occurred.

Tasking and Management

As a member of the Cheshire Constabulary the officer remains under the operational control of the Chief Constable, through the local Community Action Team Sergeant, who will direct the PCSO to duties consistent with the Aim and Duties, having regard to:

- the current intelligence assessment relating to crime and disorder, public reassurance and quality of life in the Parish's of Saughall and Shotwick Park; and
- operations targeted at those issues by the local partnership Tasking and Coordination group.

The partner is encouraged to play a full role in the local partnership Tasking and Coordination process, ensuring that a proper assessment can be made of the community safety needs of the Parish's of Saughall and Shotwick Park and that if necessary appropriate additional resources can be allocated.

The purpose of this agreement is to foster a joint partnership approach to reducing crime and disorder and promoting public reassurance and quality of life. All parties will therefore seek actively to work together to direct the PCSO to activities that contribute best to those aims.

Appendix C

MANAGING ATTENDANCE PROCEDURE

BASIC PROCEDURE

The following document contains extracts from the 'Managing Attendance Procedure' from the Cheshire Constabulary's Human Resources Department. It contains brief details of the systems that are currently in place to allow the Constabulary to manage staff attendance and reduce the level of abstraction.

REPORTING SICKNESS

1. On the First Day of Sickness Absence

- If an individual is unable to work because of ill-health or injury they should personally inform their supervisor, line manager or nominated point of contact as soon as practicable, and in any case within 30 minutes of the start of the shift.
- Staff reporting sick must ensure, as far as possible, that they remain available for contact on the first day of absence, particularly where they were unable to notify their supervisor, line manager or nominated point of contact directly, i.e. in person.

2. On the Fourth Day of Sickness Absence

- The individual must contact the supervisor or line manager to notify them that their absence is continuing.

3. Eight Days or more Sickness Absence

- On the eighth day of sickness absence, the individual must personally contact their supervisor or line manager to notify them that their absence is continuing, and that they will be obtaining evidence of their sickness from a medical practitioner.
- **A medical certificate is required for the 8th and subsequent days of sickness absence.**

4. Longer Term Sickness

- For the purposes of clarity, long term sickness within this procedure is treated as absence of more than 21 days.

5. **Meetings/Home Visits**

- Managers must arrange a meeting at work or at some other suitable location or offer a home visit after 21 days absence. The purpose of the meeting is to provide support, ensure welfare needs are addressed and to plan any further actions as appropriate.

6. **Referral by Management**

- The Constabulary may refer staff to the Occupational Health Unit at any appropriate time. Current policy determines "trigger points" at which individuals should normally be referred to the Occupational Health Unit.

7. **Return to Work Interviews**

- A return to work interview will be required following each period of sickness absence on the first day back at work, or as soon as practical.

8. **Sanctions**

- Staff will render themselves ineligible for certain processes if their level of attendance is not to a satisfactory level, thereby offering opportunities to those whose is.

9. **Formal Action**

- Concern arises when an individual's sickness absence record becomes more frequent or prolonged so that the performance of the division or department is affected.
- Managers and staff should be aware from the outset that the Constabulary cannot allow individuals to continue with levels of attendance which are unacceptable. After due procedure, staff will normally be dismissed if they fail to demonstrate immediate, dramatic and lasting improvements in their attendance record.