

Should private security guards have police powers?

Analysis of the Community Safety Accreditation Scheme

Introduction

Under the Police Reform Act 2002, police authorities can establish a Community Safety Accreditation Scheme (CSAS) and accredit non-police individuals with certain police powers. These 'accredited persons' have increased in number from 950 in 2006, to 1406 in 2008, 1667 in 2009, 2219 in 2010, to over 2600 today.

There is a danger that these individuals become a law unto themselves, outside the control and direction of police forces. Accredited persons have had as little as five days training, and do not answer to a police constable. Yet many possess significant powers that can affect people's lives and future careers.

Our FOI survey discovered a concerning lack of accountability within police forces' CSAS. 80% of police forces do not keep any records on the activities of their accredited persons. Quite simply, they do not know how many fines these people are issuing, or how they have used their powers.

In the longer term, the Manifesto Club is calling for a wholesale review of the accreditation scheme. In the shorter term, we urge police forces to install systems of greater accountability and transparency within their accreditation schemes.

Who are accredited individuals and what powers do they have? [Table 1]

We sent FOI requests to all police authorities, requesting details on their accredited persons scheme. This survey revealed that there are currently 154 organisations accredited by 27 police authorities, including private security companies, local councils, transport companies, football clubs, housing associations, shopping centres, and hospitals. Together these organisations account for 2617 accredited persons (See Table 1 for full details).¹

¹ FOI request issued by the Manifesto Club to all national police authorities in March 2012; responses received April-June 2012

Police constables can decide to give accredited persons a variety of different powers.²

The most widespread power is the power to request name and address. In practice, this means that the accredited person can pass on information about an individual to the police - for example, to recommend that they receive a Penalty Notice for Disorder. It also means that council officials can compel a member of the public to give their name and address (for the receipt of a litter fine, for example). Thus litter authorities gain a compulsive power previously only associated with the police.

Many accredited organisations, including councils and private security companies, also have the powers of alcohol and tobacco confiscation. Alcohol confiscation powers, provided for in the Criminal Justice and Police Act 2001³, mean that an official can require an individual to stop drinking, or to hand over their alcohol. There are no specified limits on how the power may be used. A person does not have to be behaving in a disorderly manner; it is only required that the officer 'reasonably believes that a person is, or has been, consuming...alcohol'.

Finally, and most worryingly, some accredited persons have been given power to issue Penalty Notices for Disorder (PND). These on-the-spot penalties for criminal offences can be recorded on the Police National Computer, and return on people's enhanced CRB checks. Our survey found that 34 accredited organisations have the power to issue PNDs, including private security companies, shopping centres, and transport companies. Accredited persons can issue PNDs for offences including: causing 'harassment, alarm and distress' (Public Order Act); use of 'public electronic communications to cause annoyance'; the sale of alcohol to under-18s; and for refusing a request to surrender alcohol.

How have Accredited Persons used their powers? [Table 2]

There is no Home Office record of how accredited persons have used their powers. Our FOI requests to accredited organisations returned 19 accounts of how these powers had been used (See Table 2).

In the year 2011-12, five accredited organisations have issued PNDs. The private security company Interserve issued three PNDs for the offence of 'causing harassment, alarm and distress'; Transport for London issued one PND for public

² For a list of all available powers, see <http://www.hampshire.police.uk/Internet/help/Accredited+Powers.htm>

³ <http://www.legislation.gov.uk/ukpga/2001/16/section/12>

drinking, and one for 'harassment, alarm and distress'; Cambridge University Hospital issued one PND for 'harassment, alarm and distress'. Trading standards officers in Welsh local authorities issued 11 PNDs for the sale of alcohol to under-18s, and North Yorkshire County Council issued one PND for the same offence.

The PNDs for 'harassment, alarm and distress' are particularly worrying, since this is a public order offence, and would in all likelihood debar individuals from teaching, nursing, and many other jobs.

Accredited council officials have issued large numbers of on-the-spot fines for littering offences. Redcar Council issued 476 fixed penalty notices (FPN), Durham County Council issued 1083, Nottingham City Council issued 5755, and Sandwell Borough Council issued 1522.

The CSAS brings council officials into day-to-day collaboration with the police in identifying and punishing anti-social behaviour. Sandwell Borough Council's accredited persons made 619 requests for name and address in 2011-12, while the Metropolitan Police logged 3962 requests to give name and address across its accredited persons, and Redcar Council logged 212 requests. Meanwhile, Hampshire County Council issued 818 anti-social behaviour yellow cards to young people in 2011-12.

The power of alcohol confiscation is used widely, with some accredited organisations confiscating thousands of units of alcohol in the past year. Nottingham City Council was the highest confiscating organisation, with 4356 incidents of alcohol confiscation in 2011-12. Accredited persons across London accounted for 2573 alcohol confiscation incidents in 2011, while Sandwell Borough Council recorded 909 alcohol confiscation incidents. Caerphilly County Borough Council recorded 598 incidents of alcohol confiscation, while Hampshire County Council recorded 699 incidents.

This is concerning given the open-ended nature of the alcohol confiscation power. Home Office guidance specifies that alcohol should only be confiscated if a person is behaving in an anti-social manner, but there have been many incidents of people having their alcohol confiscated while sitting peaceably in a park or on a beach.⁴ A particular problem has been the victimisation of homeless people, who often have their alcohol confiscated merely because they are seen as 'undesirable' or 'messy'. Such over-use of alcohol confiscation powers occur with trained police officers under a chain of command, and so are likely to be all the greater with accredited persons.

⁴ For examples of the abuse of alcohol confiscation powers, see the Manifesto Club report: Robbed by the Police - <http://www.manifestoclub.com/files/Robbedbythepolice.pdf>

Unaccountable to police constables

We asked police authorities for any data they possessed on the activities of accredited persons. This revealed that only eight police authorities (covering 517 accredited persons, or 20% of the total) possessed data on the activities of their accredited persons. The remaining 19 police authorities – covering 2100 individuals, or 80% of the total – possessed no data at all.

Accredited persons are not trained by the police, and receive as little as five days training⁵, sometimes from a private contractor. If there are complaints about accredited individuals, these are reported to the organisation and not to the police force.

Many police forces seem to have outsourced training and monitoring of accredited persons. When Sussex Police was asked about the training and checking of accredited persons, it responded:

'It is up to the organisation applying for accreditation to arrange for their staff to be properly trained. We require evidence that this training has taken place as part of their application.... It is the duty of the accredited employer to ensure that their staff are performing their duties to a high standard and to arrange any additional training if required. It is also their responsibility to advise us if anyone falls below the standard and we can consider whether to withdraw their accreditation.'⁶

It is unrealistic that accredited organisations should be expected to report their own employees to the police authority for any wrong-doing. There is a real danger that these organisations become a law unto themselves, outside of proper lines of command and control.

Lack of transparency

In addition, some accredited organisations are unwilling to respond to public requests for information about their activities.

⁵ For example, see the South West Resource Centre: <http://www.swresourcecentre.org.uk/swrc-index/training/services/swrc-training-services-wardentraining.htm>

⁶ See response to FOI request, December 2010: http://www.whatdotheyknow.com/request/community_safety_accreditation_s_65#outgoing-111959

We found that private companies running accreditation schemes are unprepared or unwilling to answer public requests about the operation of their scheme. We approached several private companies – including Event Guard, Vision Security, and Ultimate Security Services – and not one was able to answer questions about their accredited persons' use of powers.

Therefore, these private companies have police powers, yet they are not being monitored by the police, and they do not respond to public requests for information. It is difficult to see how they might be held accountable.

Recommendations for reform

There is a danger of accredited organisations becoming a shadow police force, outside of both police control and of public scrutiny. This surely runs contrary to government attempts to make the police more transparent and accountable. It is worth recalling (then shadow home secretary) Dominic Grieve's 2008 statement about the CSAS:

'The public will be angered that the Home Office is seeking to take serious powers that should be appropriately applied by the police and encouraging them to be given not just to local councils, but also to private firms. The public want to see real police on the streets discharging these responsibilities, not private firms who may use them inappropriately - including unnecessarily snooping on the lives of ordinary citizens.'⁷

We would like to propose measures for the reform of this scheme.

In the longer term, we are calling for the wholesale review of the Community Safety Accreditation Scheme. We think serious questions need to be asked about whether it is appropriate to allocate police powers to non-police individuals.

In the short-term, we would like to see police authorities withdrawing the most serious police powers – particularly the issuing of PND – from the operation of the scheme.

We also propose measures to introduce greater accountability into the CSAS. Police authorities could publish statistics on their websites about their numbers of

⁷ Daily Telegraph, 26 August 2008: <http://www.telegraph.co.uk/news/uknews/2628415/Civilians-given-power-to-issue-on-the-spot-fines.html>

accredited persons, and the powers they possess. (This is especially important given that the Home Office has ceased annual surveys of police forces' accreditation schemes.)

Police forces could also collect regular reports from accredited organisations about accredited persons' use of powers, so they can identify any possible problems such as the excessive use of powers. Accredited organisations should also inform the police authority about any complaints or disciplinary proceedings involving accredited persons. Police forces could then provide these reports if requested by members of the public.

TABLE 1: ACCREDITED PERSONS AND THEIR POWERS

Police authority	Employer	Total accredited persons	Available powers
Avon and Somerset	Interserve	120	FPN for littering; PND; Alcohol confiscation (young people)
	Bristol City Council		FPN for littering; PND; Alcohol confiscation
	Cash and Traffic Management (CTM)		Intelligence sharing; Request name and address
	Bradsons Event Services (Bradsons)		Intelligence sharing; Request name and address
	BKS	-	Intelligence sharing; Request name and address
British Transport Police	Southern Rail	270	Request name and address; Alcohol & tobacco confiscation young people
	Southeastern Rail		Power to photograph; PNDs for false report, Public Order Act, Malicious communications and alcohol consumption
	Southwest Trains		Power to photograph; PNDs for false report, Public Order Act, Malicious communications and alcohol consumption
	Transport for London		PNDs for Public Order Act, alcohol consumption; Request name and address; Alcohol & tobacco confiscation (young people)
	Carlisle Security		PNDs for Public Order Act, alcohol consumption, and sale of alcohol to under-18
	STM Security		Request name and address; Alcohol confiscation (young people)
Cambridgeshire	Cambridge University Hospital, Addenbrookes	23	PND for Public Order Act; Request name and address
Cheshire	Cheshire West and Chester Council	34	Alcohol confiscation; Request name and address
Cleveland	Stockton Borough Council	124	FPN for littering; Alcohol confiscation; Request name and address
	Middlesborough Council		
	Redcar and Cleveland Council		FPN for littering; Request name and address
Devon and Cornwall	Teignbridge District Council	4	Alcohol confiscation; Intelligence sharing; Request name and address
	Bradsons Event Services	10	
	BKS	4	
	Plymouth University Security Services	3	
Durham	Durham County Council	53	FPN for litter; Request name and address; Alcohol confiscation (under-18)
Essex	Attendance Solutions	407	Powers vary between organisations

	Basildon Council		
	Basildon Hospital		PND
	Broomfield Hospital		
	British Cycling Federation		
	Braintree Council		PND
	Cash and Traffic Management		
	Castle Point Council		PND
	Colchester United Football Club		
	CHP		PND
	Chelmsford Borough Council		
	Colchester Borough Homes		
	Colchester Borough Council		PND
	Colchester Hospital		PND
	Epping Forest District Council		PND
	Eastgate Shopping Centre		
	Estuary Housing		PND
	Festival Leisure		PND
	First Buses		
	Garde Uk Ltd		
	Greenfields Community Housing		PND
	Home Group Ltd		
	Harlow District Council		
	High Chelmer Shopping Centre		PND
	Maldon District Council		PND
	Parkguard Security		
	Regency Security		
	South Essex Homes		
	Southend Borough Council		PND
	Stockvale Ltd		
	Southend Hospital		
	Southend YMCA		
	Tendring District Council		
	Thurrock Council		PND
	The Royals Shopping Centre		
	Turning Tides		
	VOSA		
	Waldegraves Holiday Park		

	Winn Security		
Greater Manchester Police	Metrolink Trams	40	Share intelligence; Request name and address
Gwent Police	Welsh Cycling	51	Direction of traffic
	Caerphilly County Borough Council	10	FPN for litter; Alcohol confiscation
	Newport City Council	12	FPN for litter; Alcohol confiscation
	Trading standards officers in 5 local authorities	23	PND for sale or supply of alcohol to under-18
	City and Suburban Parking	19	Direction of traffic
	Bradsons Event Services	10	Direction of traffic
	University of Wales (Newport)	21	Request name and address
	Interserve	5	Request name and address
	Caerphilly County Borough Council	4	Direction of traffic
Gwent Police - on behalf of other Welsh police authorities	Trading standards officers in 5 local authorities	76	PND for sale or supply of alcohol to under-18
Hampshire	Hampshire County Council	155	PND for public drinking; Alcohol confiscation; FPN for litter
	Portsmouth City Council		FPN for littering and truancy; Alcohol confiscation
	Winchester City Council		Alcohol confiscation; FPN for litter
	Test Valley Borough Council		PND for public drinking; Alcohol confiscation
	Basingstoke and Deane Borough Council		PND for public drinking; Alcohol confiscation
	Bradsons Event Services		Request name and address; Direct traffic
	AA Media Ltd Event Assistants		Request name and address; Direct traffic
	City and Suburban Parking		Request name and address; Direct traffic
	MITIE		Alcohol confiscation; Request name and address
Hertfordshire	Arena Security	5	
	Bradsons	10	
	John O'Conner Ground Maintenance	10	
	MITIE	13	
	Parkguard Ltd	9	
	Securitas	88	
	Stevenage Homes	3	
	Vision Security Group	4	
	Broxbourne Borough Council	11	
	Dacorum Borough	20	

	Council		
	East Herts District Council	25	
	Hertsmere Borough Council	9	
	Three Rivers District Council	6	
	Welwyn/Hatfield Council	8	
Kent	Ashford Borough Council	8	FPN for litter; Request name and address
	Dover District Council	12	FPN for litter
	Kent County Council	5	PND for sale or supply of alcohol to under-18
	Kent County Council	89	
	Kent Highways	5	Request name and address; Direct traffic
	Medway Council	6	PND for sale or supply of alcohol to under-18
	Swale Borough Council	6	FPN for litter; Alcohol confiscation
	Tunbridge Wells Borough Council	12	FPN for litter; Request name and address
Lancashire	Twin Valley Homes	15	
	Flyde Borough Council		
Leicestershire		9	
Lincolnshire	Traffic management Services	15	Direction of traffic; Request name and address
	Cash and Traffic Management Services		
Metropolitan Police	Brunel University	221	Alcohol confiscation; Request name and address
	PACE Security Ltd		Request name and address for PND; Alcohol confiscation
	Hillingdon Hospital NHS trust		Request name and address for PND; Alcohol confiscation
	Southwark Council		PND; FPN for littering; Alcohol confiscation
	Croydon Council		Request name and address for PND; Alcohol confiscation
	Tower Hamlets Council		Request name and address for PND; Alcohol confiscation
	Newham Council		Request name and address for PND; Alcohol confiscation
	Shield Guarding Company		Request name and address for PND; Alcohol confiscation
	City and Suburban Parking		Direction of traffic
	Security Force Management		Traffic offences
	Ultimate Security Ltd		Request name and address for PND; Alcohol confiscation
	Transport for London		PND for public drinking; Alcohol confiscation
Norfolk and Suffolk	Forestry Commission	3	PND for public drinking; Alcohol confiscation; Littering offences
	SCC Countryside Rangers	6	
	SCC Trading Standards	21	
	VOSA	24	
	British Cycling Federation	28	

	Cash and Traffic Management	16	
	Combined Services Provider	40	
	Europea	6	
	Eventguard	28	
	First Buses	12	
	GSL Dardan	12	
	Ipswich Central	8	
	Kings Forest Housing	3	
	Mitie Security	4	
	Newmarket Racecourse	2	
	Traffic management Services	14	
	VSG Security	6	
North Yorkshire	North Yorkshire County Council	6	PND for under-age alcohol sales
	City of York Council		
Northamptonshire	Northampton Borough Council	60	FPN for litter; Alcohol confiscation; Request name and address for PND
	Corby Borough Council		
	Wellingborough Borough Council		
Nottinghamshire Police	Nottingham City Council	100	PND for offences including Public Order Act; FPN for litter; Alcohol confiscation
Surrey	Spelthorne Borough Council	27	
	Combined Services Provider		Direct traffic
	Vision Security Group		Alcohol confiscation; Request name and address; Tobacco confiscation
Sussex	Horsham District Council	15	Alcohol confiscation; request name and address
	Crawley Borough Council		
Warwickshire	Rugby Borough Council	8	FPN for litter; Alcohol confiscation
West Mercia	Bromsgrove District Council	32	FPN for litter; Alcohol confiscation; Request name and address for PND
	Malvern Hills District Council		
	Wyre Forest District Council		
	Wyre Forest Community Housing		
	University of Worcester		
West Midlands	Sandwell Borough Council	24	PNDs for offences including Public Order Act; Alcohol confiscation
Wiltshire	Bradsons Event Services	10	Information sharing; Require name and address; Direct traffic
TOTAL		2617	

TABLE 2: ACTIVITIES OF ACCREDITED PERSONS

Police Authority	Employer	Activities recorded by police?	Activities of Accredited Persons
Avon and Somerset	Interserve	Y	2011-12: 3 PND, 14 alcohol confiscation, 42 tobacco confiscation. (PND for Harrassment, issued by Interserve)
	Bristol City Council		
	Cash and Traffic Management (CTM)		
	Bradsons Event Services (Bradsons)		
	BKS	-	-
British Transport Police		N	
	Transport for London		FOI to TFL: 7 railway staff; 33 on London buses. 2011-12: 1 PND for drinking and 1 for Harrassment; 44 alcohol confiscation, 1 begging
Cambridgeshire	Cambridge University Hospital, Addenbrookes	N	FOI to Cambridge hospital: 1 PND for Harrassment; 19 alcohol indidents; Several request name and address
Cheshire		N	
Cleveland	Stockton Borough Council	N	FOI to Stockton Council: 2011-12: 213 FPN; 170 alcohol confiscations
	Redcar and Cleveland Council		FOI to Redcar Council: 2011-12: 212 Request name and address; 476 littering FPN
Devon and Cornwall		N	
Durham	Durham County Council	N	FOI to Durham Council: 1083 FPN; No record of alcohol confiscations
Essex		N	
Greater Manchester Police		N	
Gwent Police	Welsh Cycling	Y	
	Caerphilly County Borough Council		2011-12: 17 FPN; 598 alcohol confiscations
	Newport City Council		
	Trading standards officers in 5 local authorities		11 PND for sale of alcohol

	City and Suburban Parking		
	Bradsons Event Services		
	University of Wales (Newport)		8 Requests of name and address
	Interserve		
	Caerphilly County Borough Council		
Gwent Police - on behalf of other Welsh police authorities	Trading standards officers in 5 local authorities	N	
Hampshire	Hampshire County Council	N	FOI to Hampshire Council: 2011-12, 818 ASB yellow cards issued to young people; 2011, 699 alcohol confiscations
	Test Valley Borough Council		FOI to Test Valley Council: 2010, 26 alcohol confiscation operations (not accredited in 2011)
Hertfordshire		N	
Kent		N	
	Swale Borough Council		FOI to Swale Council: 55 FPN in 2011-12; No record of alcohol confiscations
Lancashire		N	
Leicestershire		N	
Lincolnshire		N	
Metropolitan Police	Brunel University	Y	2011: Name and address (3962 incidents); Alcohol confiscation (2573 incidents)
	PACE Security Ltd		
	Hillingdon Hospital NHS trust		
	Southwark Council		
	Croydon Council		
	Tower Hamlets Council		
	Newham Council		
	Shield Guarding Company		
	City and Suburban Parking		
	Security Force Management		
	Ultimate Security Ltd		
	Transport for London		

Norfolk and Suffolk		N	
North Yorkshire	North Yorkshire County Council	Y	1 PND issued for under-age alcohol sale
	City of York Council		
Northamptonshire	Northampton Borough Council	Y	6 FPN
	Corby Borough Council		
	Wellingborough Borough Council		
Nottinghamshire Police	Nottingham City Council	N	FOI to Nottingham Council: 2011-12: 5755 FPN; 4356 alcohol confiscations
Surrey	Spelthorne Borough Council	Y	
	Combined Services Provider		
	Vision Security Group		3 Requests name and address since Sep11
Sussex		N	
Warwickshire	Rugby Borough Council	Y	FOI to Rugby Council: 3 alcohol confiscation; 4 FPN
West Mercia		N	
West Midlands	Sandwell Borough Council	Y	2011-12: 909 alcohol confiscations; 160 tobacco confiscations; 619 requests of name and address; 1522 FPN for litter
Wiltshire		N	

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