

London Borough of Barking and Dagenham

Notice of Meeting

THE EXECUTIVE

Tuesday, 10 June 2003 - Civic Centre, Dagenham, 7:00 pm

Members: Councillor C J Fairbrass (Chair); Councillor C Geddes (Deputy Chair); Councillor J L Alexander, Councillor G J Bramley, Councillor S Kallar, Councillor M E McKenzie, Councillor B M Osborn, Councillor J W Porter, Councillor L A Smith and Councillor T G W Wade.

Declaration of Members Interest: In accordance with Article 1, Paragraph 12 of the Constitution, Members are asked to declare any direct/indirect financial or other interest they may have in any matter which is to be considered at this meeting

30.05.03

Graham Farrant
Chief Executive

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AGENDA

1. **Apologies for Absence**
2. **Minutes - To confirm as correct the minutes of the meeting held on 27 May 2003 (circulated separately)**

Business Items

Public Item 3 and Private Items 10 and 11 are business items. The Chair will move that these be agreed without discussion, unless any Member asks to raise a specific point.

Any discussion of a Private Business Item will take place after the exclusion of the public and press.

3. **Delivery of Housing Services - Community Housing Partnerships Board Recruitment (Pages 1 - 3)**

Discussion Items

4. **Pensions for Councillors (Pages 5 - 14)**

5. **Future of the Parks Constabulary (Pages 15 - 52)**
6. **Fees and Charges: Careline Service 2003/04 (to follow)**
7. **Any other public items which the Chair decides are urgent**
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Executive, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972).

Discussion Items

9. **Request for Exemption from the Requirement to Repay a House Renovation Grant and Review of Associated Delegation (Pages 53 - 56)**

Business Items

10. **Term Contract for Asbestos Treatment, Removal, and Disposal Services for Council Owned Buildings 2003 - 2006 (Pages 57 - 60)**
11. **Term Contract for Asbestos Analysis and Surveying Services for Council Owned Buildings 2003 - 2006 (Pages 61 - 64)**
12. **Any other confidential or exempt items which the Chair decides are urgent**

THE EXECUTIVE**10 JUNE 2003****REPORT OF THE DIRECTOR OF HOUSING & HEALTH**

DELIVERY OF HOUSING SERVICES: COMMUNITY HOUSING PARTNERSHIP BOARD RECRUITMENT		FOR DECISION
<i>This report includes recommendations on issues, which are the Executive's responsibility.</i>		
<u>Summary</u>		
This report sets in the attached paragraph the detailed results of the latest round of recruitment in the community for Board members to sit on the Community Housing Partnerships (CHP).		
<u>Recommendation</u>		
That the Executive approve the attached list and agree to the placement of the successful residents on their appropriate local CHP Board. The CHP Boards are the Councils chosen method of empowerment of the tenant and resident movement in the Borough.		
<u>Reason</u>		
These are decisions reserved for the Executive as they affect the provision of housing services to all wards.		
Contact: Roger Phillips	Head of Housing Customer Services	Tel: 020 8227 2827 Fax: 020 8227 5705 Minicom: 020 8227 2478 E-mail: roger.phillips@lbbd.gov.uk
Jim Ripley	Head of Landlord Services	Tel: 020 8227 3738 Fax: 020 8227 5705 Minicom: 020 8227 5755 E-mail: jim.ripley@lbbd.gov.uk

1. Introduction

- 1.1 On the 27th of August 2002 Members agreed to the introduction of Community Housing Partnerships as its preferred method of consultation with an empowerment of the local community in matters relating to the Council's housing services. On the 18th of February 2003 the Executive agreed to recommend to the Assembly that the constitution for the CHP's be adopted.
- 1.2 The selection of tenants, lessee and freeholder representatives is carried out by a selection panel of tenants, lessees and Councillors as provided for in Section 7.8 of the CHP Board's Constitution. Recruitment will continue until all places are filled. Progress on this is reported to the CHP Boards.

2. Proposed Board Members

2.1 The current Community Housing Board membership (**excluding** proposed new Board members shown in 2.2 below), is :

<u>CHP Board</u>	<u>Positions</u>	<u>Selected</u>
Alibon, Eastbrook and Heath	5 Tenants, 1 Leaseholder 1 Freeholder and 2 Independents (to be appointed in due course)	4 Tenants 1 Freeholder
Abbey, Gascoigne and Thames	5 Tenants, 1 Leaseholder 1 Freeholder and 2 Independents (to be appointed in due course)	4 Tenants 1 Freeholder
Chadwell Heath and Marks Gate	3 Tenants, 1 Leaseholder 1 Freeholder and 1 Independent (to be appointed in due course)	1 Tenant
Eastbury, Longbridge and Mayesbrook	5 Tenants, 1 Leaseholder 1 Freeholder and 2 Independents (to be appointed in due course)	2 Tenants
Becontree, Parsloes and Valence	5 Tenants, 1 Leaseholder 1 Freeholder and 2 Independents (to be appointed in due course)	2 Tenants 1 Freeholder
Goresbrook, River And Village	5 Tenants, 1 Leaseholder 1 Freeholder and 2 Independents	4 Tenants 1 Leaseholder 1 Freeholder 2 Independents

2.2 The Selection Panel proposes **adding** the following as new Board members:

<u>CHP Board</u>	<u>Name</u>	<u>Address</u>	<u>Status</u>
Alibon, Eastbrook and Heath	Doris Smith	9 Grove Gdns Dagenham	Tenant
Chadwell Heath and Marks Gate	Vic Ferridge	21 Reynolds Court Padnall Rd Chadwell Heath	Tenant
	Donna Copleston	12 Uplands Rd Chadwell Heath	Freeholder
Eastbury, Longbridge and Mayesbrook	Nirmal Singh Gill	91 Woodbridge Rd, Barking	Freeholder
	Abdoulie Jallow	384 Longbridge Rd, Barking	Leaseholder

Goresbrook, River
and Village

Jeanneane
Cesvette

213 Ibscott Close Tenant
Dagenham

There were no background papers used in the preparation of this report.

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THE EXECUTIVE**10 JUNE 2003****REPORT OF THE DIRECTOR OF FINANCE**

PENSIONS FOR COUNCILLORS		FOR DECISION
<p><i>This reports details the introduction of pensions for Councillors and recommendations of the Independent Remuneration Panel.</i></p> <p><u>Summary</u></p> <p>Changes to the Local Government Pension Scheme (LGPS) now allow Councillors to join the scheme with effect from 1 May 2003. The Independent Members Remuneration Panel have recommended that this provision apply to all members of the Council and that pensionable pay be based on both Basic and Special Responsibility Allowances.</p> <p><u>Recommendation / Reason</u></p> <p>The Executive is asked to recommend the Assembly to agree membership to the LGPS for all Councillors with effect from 1 May 2003 and approve the revised Scheme for 2003/04, which now includes the pension provision as set out in Appendix A, in accordance with the recommendations of the Independent Remuneration Panel. All other elements of the scheme have previously been agreed,</p>		
<p>Contact Officer Malcolm Simons</p>	<p>Head of Business Services</p>	<p>Tel: 020-8227-2002 Fax: 020-8227-2868 Minicom: 020-8227-2413 E-mail: malcolm.simons@lbbd.gov.uk</p>

1. Background

- 1.1 The Local Government Act 2000 made provision for the availability of pensions for Councillors, but limiting it to members of an Executive. The Government subsequently consulted local authorities on the issue in September 2001, and following strong support from the Local Government Association, decided to give local authorities the power to determine, on the advice of their Independent Remuneration Panels, which Councillors are eligible for membership of the Local Government Pension Scheme (LGPS).

2. Proposed Changes - Which Elected Members can join the LGPS

- 2.1 Regulations have now been issued that set out the position for Councillors joining the Local Government Pension Scheme and the role that the Independent Remuneration Panel plays in the process of deciding which Councillors may be eligible for membership of the scheme.
- 2.2 Basically the Independent Remuneration Panel can make recommendations as to which Councillors (who are under age 70) can join the LGPS and whether the basic allowance or special responsibility allowance, or both, should be made pensionable.

- 2.3 The Council's scheme of allowances must set out which Councillors are entitled to join the LGPS and also whether the basic allowance or special responsibility allowance, or both, is to be pensionable. The Council will **only** be able to make membership of the LGPS available to those Councillors who are recommended for membership of the LGPS by the Independent Remuneration Panel, but the Council can decide not to offer membership to some or all of the recommended Councillors;
- 2.4 Where the Council's scheme offers membership of the LGPS to a Councillor, it will be for that Councillor to decide whether or not to opt into the LGPS;
- 2.5 An "Eligible Councillor" is entitled to join the Scheme at any time before age 70 and remain as an active member in the LGPS until age 70; and
- 2.6 A Councillor who opts to join the LGPS (a "Councillor Member") is, for the purposes of the Scheme, to be treated as a whole time employee.
- 2.7 The Government has given the Council until 30 September 2003 to put their new scheme of allowances in place and may backdate its effect to 1 May 2003.

3. Contribution Rates

- 3.1 The contribution rate for a Councillor Member is 6% of the pensionable allowances, which is the same rate as employees of the Council.
- 3.2 The Council's contribution rate to the LGPS will be the same as other scheme members of the authority, as assessed by the Fund actuary every three years. Currently this is 8.5% for 2003/2004 and 9.0% for 2004/2005.

4. Service

- 4.1 Councillor Membership will count as whole time service in the LGPS from the date of joining the Scheme.
- 4.2 Councillor Membership is treated entirely separately from any scheme membership as an employee. Councillor Membership and membership derived from employment as an employee cannot be aggregated.
- 4.3 Councillor Members cannot transfer pension rights into the LGPS. But they may aggregate any earlier membership as a Councillor Member with a current period of Council Membership provided that both the earlier and current periods are with authorities participating in the same Fund.
- 4.4 If the Councillor Member does not aggregate (or is not able to aggregate) two separate periods of Councillor Membership, the earlier period will not count in the later period towards:
- Calculating the amount of benefits;
 - Calculating the amount of any ill health enhancement;
 - The 85 year rule (i.e. age and service equals 85 years)

But will count towards:

- Qualifying for benefits.

4.5 The Council cannot increase membership for a Councillor Member either on joining or on leaving at aged 50 or over (“added years”).

5. Benefits Payable

5.1 Councillor Members are: entitled to benefits, provided they have 2 years Councillor Membership or have attained age 70;

5.2 Entitled to retire voluntarily from age 65 to age 70 (but with a reduction if the member does not satisfy the 85 year rule, unless the council agrees to waive the reduction on compassionate grounds);

5.3 Entitled, if the council gives its permission, to receive retirement benefits from age 50 to age 65 (with an actuarial reduction if the 85 year rule is not satisfied, unless the council agrees to waive the reduction on compassionate grounds);

5.4 Entitled to ill health benefits if they cease to be a Councillor by reason of being permanently incapable; and

5.5 Covered for spouse’s and children’s benefits calculated by reference to Career Average Pay rather than final pay;

5.6 But Councillor Members are not covered by the redundancy or early retirement provisions, so cannot be awarded Severance Payments or “added years”;

5.7 When a councillor leaves the Scheme / retires, his / her pension will be calculated as follows:

$$\frac{\text{Number of years in the LGPS as a councillor}}{80} \times \text{Career average pay}$$

5.8 Career Average Pay is the pensionable pay for each year or part year ending 31 March increased by inflation. The aggregate of each years’ revalued pay is then divided by the total number of years and part years to arrive at the career average pay. An example is shown in Appendix B.

5.9 The lump sum retirement grant will be three times the amount of the pension.

5.10 If a person remains a councillor beyond age 70 he / she will not be able to draw pension benefits until he / she ceases to be a councillor or, if earlier, age 75. The benefits will be actuarially increased to compensate for the delay in payment.

5.11 Where a councillor who is contributing to the LGPS dies in service, a death grant of two times career average pay will be payable; if he / she is a deferred pensioner at the date of death, a death grant of three times the deferred pension will be payable; and if he/ she dies whilst on pension, a death grant of 5 times the pension less the amount of pension already paid will be payable.

6. Compensation Provisions

- 6.1 The provisions that permit the award of compensatory added years or a lump sum termination payment of up to 66 weeks pay upon redundancy or efficiency retirement, do not apply to Councillor Members.
- 6.2 Councillor Membership cannot count when calculating gratuities or Injury Allowances.

7. Proposals

- 7.1 The Members Independent Remuneration Panel have agreed that all Councillors be eligible to join the LGPS, provided they meet the entry requirements. In addition the panel agreed that both the basic allowance and special responsibility payments should count as pensionable pay.
- 7.2 This does seem to be the most equitable way of dealing with the new provisions and it is thought likely that a number of other administering pension authorities via their independent panels will be making similar proposals. Also as mentioned the same employers' contribution rate as the main membership for LBB&D will apply so there will be no adverse effect on the pension fund. However, the cost of the employers' contribution will fall on the general fund, these can be accommodated within existing budgets. For a variety of reasons not all Councillors will join the scheme, but on the basis of a 25% take up annual employers' costs will be in the region of £13,600.

Officers consulted

Solicitor to the Council
Head of Democratic Support

Background Papers used in the preparation of this report

- Local Government Act 2000
- Statutory Instrument 2003 No. 1022 - The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003

MEMBERS' ALLOWANCES SCHEME**1. Title and Term**

The scheme is known as the London Borough of Barking and Dagenham Members' Allowances Scheme. The allowances are reviewed annually and take effect the day after Annual Assembly each year.

2. Meanings

"Councillor" means a Member of the London Borough of Barking and Dagenham Council who is a councillor;

"year" means the period ending the day of the Annual Assembly.

3. Basic Allowance

A basic allowance is paid to each Councillor as specified in the Schedule attached.

4. Special Responsibility Allowances

A special responsibility allowance is additionally paid to Councillors who hold certain responsibilities as specified in the Schedule.

5. Childcare and Dependant Carers Allowance

An allowance paid to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking 'Approved Duties'.

6. Travel and Subsistence Allowances

Reimbursement of actual and necessarily incurred expenditure whilst undertaking 'Approved Duties'.

7. Renunciation

A Councillor may by notice in writing given to the Chief Executive, elect to forego any part of his/her entitlement to an allowance under this Scheme.

8. Part-Year Entitlements

If the scheme is amended during the year or a Councillor holds office part way through the year, entitlements to basic and special responsibility allowances will be dealt with on a pro-rata basis.

9. Payments

Payments are made in equal instalments every month.

10. Pensions

All Councillors are eligible to join the Local Government Pension Scheme.

SCHEDULE OF ALLOWANCES 2003/04

1. Basic Allowance

The basic allowance for the year is £8,800.

2. Special Responsibility Allowances

The following special responsibility allowances are payable, as appropriate, in addition to the basic allowance:-

Leader of the Council	£26,400
Deputy Leader of the Council	£17,600
Members of the Executive } Chair of the Scrutiny Management Board }	£13,200
Chairs of the:- Assembly } Development Control Board }	£8,800
Deputy Chairs of the:- Assembly } Scrutiny Management Board } Development Control Board }	£3,000
Leaders of the Minority Parties } * (£300 per seat with a minimum of £1,000 per Leader)	£1,000 *

Note – only one special responsibility allowance is payable to any Councillor [the highest allowance applies].

3. Childcare and Dependant Carers Allowance

This allowance is payable to those Councillors who incur expenditure for the care of dependant relatives or children whilst undertaking “approved duties”. The rate payable will be £4.20 per hour until 30th September 2003, and £4.50 per hour from 1st October 2003.

4. Travel & Subsistence Expenses

Reimbursement of travel expenses via public transport will be the actual fare paid. Councillors using their own motor vehicle will be reimbursed at the appropriate rate as shown on the Councillors claim forms for travelling expenses and subsistence costs. Similarly, for reimbursement for subsistence costs in respect of meals.

Subsistence costs involving an overnight stay are also as shown on the Councillors claim form.

5. Pension Provision

Provision has been made that allows all Councillors to join the Local Government Pension Scheme (backdated to 1 May 2003). Pensionable pay will be calculated on Basic pay and where payable Special Responsibility Allowance.

Please note the following example is for illustrative purposes only. This is because it relates to a future period for which no rates of pay or inflation rates are known. However, what it does show is exactly how career average pay is calculated and the benefits due.

Example

Councillor X retires on 31 March 2003 with 10 years Councillor membership of the LGPS.

They receive a Basic Allowance plus SRA.

Benefits are based on membership of the LGPS and career average pay.

Example of career average pay:

Pay Year 1:	
£4300 plus inflation for Year 1 =	5,384.03
Pay Year 2:	
£6500 plus inflation for Year 2 =	7,963.15
Pay Year 3:	
£8200 plus inflation for Year 3 =	9,668.62
Pay Year 4:	
£9900 plus inflation for Year 4 =	11,433.51
Pay Year 5:	
£11500 plus inflation for Year 5 =	12,819.05
Pay Year 6:	
£13200 plus inflation for Year 6 =	14,258.64
Pay Year 7:	
£15100 plus inflation for Year 7 =	16,132.84
Pay for Year 8:	
£17900 plus inflation for Year 8 =	18,513.97
Pay for Year 9:	
£19700 plus inflation for Year 9 =	20,034.90
Pay for Year 10:	
£20500	= 20,500.00
 Career Average Pay=	 = 136,708.71 /10 = £13,670.87

Benefits are calculated as follows:

Annual Pension:

$$10 / 80 \times \text{£}13,670.87 = \text{£}1,708.86$$

Lump Sum Retiring Allowance:

$$10 / 80 \times \text{£}13,670.87 \times 3 = \text{£}5,126.58$$

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PRIVATE AND CONFIDENTIAL
(NOT FOR PUBLICATION)**THE EXECUTIVE****10 JUNE 2003****REPORT FROM THE DIRECTOR OF LEISURE AND ENVIRONMENTAL SERVICES**

FUTURE OF THE PARKS CONSTABULARY	FOR DECISION	
<p><i>This report includes issues of a strategic and financial nature on which a policy indication is sought.</i></p> <p>Summary</p> <p>This report deals with a request to modernise the Borough's Parks Constabulary with a view to increasing public awareness and officer safety.</p> <p>Recommendation</p> <p>The Executive is asked to agree:</p> <ol style="list-style-type: none"> 1. The service name change from the 'Parks Constabulary Section' to the 'Parks Police' and the issuing of blue lights for use on Parks Police vehicles. 2. To the transfer the two night constables onto the day shifts and contract out the night shift duties. 3. That upon the retirement of the current corporate security manager that his role be merged with that of the Parks Constabulary & Security managers post to form a new post entitled Corporate Security & Parks Police Manager, 4. That batons should not be issued to Park Constables at this time, in light of the Community and Open Spaces Policing Associations (COSPA's) advice and that of Metropolitan Police Chief Inspector Hayhoe; and 5. Note that Officers will progress investigations into the relocation of the Parks Constabulary from the former changing room facilities in Goresbrook Road to a more suitable facility elsewhere in the Borough. <p><u>Reason</u></p> <p>To enable the profile and presence of the service to be raised and assist in achieving the Council's Community Priority of "<i>Making Barking and Dagenham, Cleaner, Greener and Safer</i>".</p>		
<p>Contact Allan Aubrey</p>	<p>Head of Leisure & Community Services</p>	<p>Telephone: 020 8227 3576 Fax: 020 8227 3129 Minicom: 020 8227 3034 E-mail: allan.aubrey@lbbd.gov.uk</p>

1. Background

- 1.1 The current Parks Constabulary Section has evolved over the years from a traditional “Park Keeper” style service to a mobile service that provides security cover to nearly every service in the Council.
- 1.2 The Parks Constabulary Section has been operating out of the rather antiquated former sports pavilion / changing room facility located in Goresbrook Road for the past ten years.
- 1.3 The Parks Constabulary currently provides a 24-hour security presence in the Borough, which includes a night patrol around the school sites in the Borough and an inspection service of the Council’s vacant land sites.
- 1.4 The Parks Constabulary Section originated in the former Contract Services Department and is currently managed by the Leisure & Community Services Division of Leisure & Environmental Services Department.
- 1.5 The service consists of the Parks Constabulary and Security Manager, two Sergeants and ten Constables – two of whom currently work nights.
- 1.6 There is currently a three shift pattern operated by the service

Shift	Start time	Finish time	Number of staff involved
Early shift	06.30 hrs	17.30 hrs	1 Constable. Rotated on a 4 days on, 4 days off, basis.
Late shift	12.00 hrs	23.00 hrs	1 Sergeant 3 Constables. This shift is worked on a 4 days, on 4 days off, basis.
Night shift	20.00 hrs	06.30 hrs	2 Constables & 1 contracted in security guard. This shift operates on a 4 nights on, 4 nights off, basis.

- 1.7 Given the limited number of Constables it is very difficult to maintain a 24-hour service, particularly when annual leave etc. is taken into account.
- 1.8 In addition to the Parks Constabulary, the Division also manages the Corporate Security Unit.
- 1.9 A copy of the Chief Inspector's letter dated 13 March 2003 and two Briefing Notes from Stewart-Price Associates on behalf of the Community and Open Spaces Policing Association (COSPA). Which are referred to during this report are attached as Appendix A and B respectively.

2. Current Position and Proposals

- 2.1 All the indications from public meetings (e.g. Community Forums) show a strong public demand for a more visible presence within Parks and Open Spaces across the Borough to deal with Byelaws offences and anti-social behaviour. This can only be achieved by use of a professional service with the relevant powers to deal with such matters
- 2.2 All the Constables and Sergeants within the Constabulary Section are sworn in Constables with powers to enforce the Byelaws, which are in place for the Parks, Open Spaces, Recreation Grounds, Country Parks & Nature Reserves in this Borough. This includes the Power of Arrest.
- 2.3 Training
 - 2.3.1 All staff have successfully completed the Parks Constabulary Initial Recruits Course [three week course] covering all aspects of legislation and powers pertaining to Local Authority Parks Constabularies.
 - 2.3.2 Currently all staff are trained in officer safety and are issued with quick cuffs and ballistic / stab proof body armour for their own personal safety.
- 2.4 Due to the nature of the work, the need for Officer safety is always high on the agenda. To date all Officers have been trained as dog handlers and supplied with a guard dog for their personal protection. All staff are trained to National Standards and are certificated on a yearly basis.
- 2.5 Name Change
 - 2.5.1 It is felt that a large section of the public within Barking and Dagenham have failed to comprehend the importance of the title Parks Constabulary due to the somewhat dated wording.
 - 2.5.2 To raise the profile of the service and the public awareness as to what the service is all about, it is recommended that the Parks constabulary section becomes the Parks Police. The Parks Constabularies of both the London Boroughs of Kensington & Chelsea and Wandsworth have termed themselves Parks Police for over ten years. To date no objection has been raised.
 - 2.5.3 The Metropolitan Police have been consulted and have no objections to the proposal (Appendix A).

2.6 Blue Lights and Vehicle Markings

- 2.6.1 The Parks Constabulary vehicles are fitted with amber flashing lights on roof bars. It has been said that this detracts from the professional appearance of the service.
- 2.6.2 It is felt that the introduction of blue lights along with better vehicle markings would improve the professional standing of our Officers in the eyes of the general public.
- 2.6.3 The Metropolitan Police have been consulted and have no objections to the proposal. (Appendix A)
- 2.6.4 Stewart-Price Associates have indicated that the fitting of the blue lights to Park Constabulary vehicles would in itself not comply with current legislation; however, there are a number of Parks Constabularies / Police who have fitted blue lamps but cover or remove them when the vehicles are on the public highway. Where there is no objection from the Metropolitan Police Service this has now, to a large extent, become 'accepted practice'. It is proposed that the Council also operate this system. The blue lights will only be used in compliance with the Road Vehicle Lighting Regulations 1989 and off the public highway within the Boroughs Parks & Open Spaces and other land owned by the Council. This will be made clear and emphasised to the Park Constables as part of their initial and ongoing training.

2.6 Batons

- 2.7.1 A number of the Constables have requested that they be issued with batons for their own safety and as a deterrent against those who might wish to harm them.
- 2.7.2 To date only the London Borough of Wandsworth Parks Police have issued their Officers with extending batons
- 2.7.3 There is, however, serious doubt surrounding the legality of issuing this equipment at this time and the Metropolitan Police strongly recommend that this option is not adopted. A copy of the Chief Inspector's letter dated 13 March 2003 is attached as Appendix A. Also attached as Appendix B are two Briefing Notes from Stewart-Price Associates on behalf of the Community and Open Spaces Policing Association (COSPA).
- 2.7.4 In view of the advice Officers are advising against the introduction of batons at this time.

2.8 Shift Patterns and Coverage

- 2.8.1 Due to the lack of resources (i.e. back up should something happen) the night shift and the early shift are severely hindered in providing an overt security presence. The majority of the calls received on the night shift relate to attending Council sites where alarms have been activated. The night shift also conducts the night patrols of the school grounds and other Council premises, which they are specifically asked to target. It is, therefore, proposed to introduce the following:

Shift	Start time	Finish time	Number of staff involved
Parks Constabulary	11.00 hrs	22.00 hrs	1 Sergeant 5 Constables, on a 4 days on 4 days off basis.
Night - Security (Private contractor)	21.30 hrs	11.30 hrs	Two individuals on at any one time.

NB. A private security contractor would not have the powers to enforce Byelaws compliance.

2.8.2 The proposed new shift pattern will mean that the Constables will be able to spend more time in the Borough's Parks, however, in order to be able to cover the overheads of the service, other departments' security work will still have to be undertaken by this section. The Executive is asked to note that this will mean that the Parks Police will not be purely dedicated to work in Parks and Open Spaces and will continue to have many demands placed upon it. A summary of the typical demands for the service for a month is attached as Appendix C.

2.9 Memorandum of Understanding

In order that there can be no misunderstanding between the Metropolitan Police and the Council it is proposed that a Memorandum of Understanding be drawn up between the two parties. Attached as Appendix D, is a draft; which is a similar to that already in place between London Borough of Wandsworth and the Metropolitan Police.

2.10 Management Review

2.10.1 The "Safer Review" which includes all the services within the Council with a security remit is scheduled to commence in year 5 of the Best Value Review Programme (2005/06).

2.10.2 In order to prepare for this review, it is intended that when the current Corporate Security Manager retires in August 2004 to merge responsibilities for both the Parks Police and the Corporate Security Unit. The management responsibility for these services will then be amalgamated into a single post, entitled Corporate Security & Parks Police Manager.

2.10.3 In addition, steps will be undertaken to improve partnership working with services that fall under the "Community Safer" umbrella (e.g. Street Wardens and Youth Service).

2.11 Parks Police Headquarters

2.11.1 The services current headquarters is a rather antiquated former sports pavilion / changing room facility. If it were possible to sell this site it could attract a Capital receipt. A proper security headquarters with modern and easily maintained kennelling facilities is needed and Officers will look into the options of moving the service and kennels elsewhere. However, owing to the specialist nature of the service care will need to be taken in choosing the alternative site.

2.11.2 A bid to support this proposal will be compiled and submitted for approval, through the corporate capital and asset review groups, to seek funding for 2004/05 financial year or thereafter.

3. Financial implications

3.1 Expenditure

Item	Cost
Costs of raising the profile of the vehicles i.e. blue lights & re-signing of the vehicles)	£5,000 (One off)
Cost of re-signing of the uniforms	£2,500 (One off)
Estimated additional cost associated with employing a contractor to perform the duties currently performed by our Constables on night shift & drawing our night constables into day shifts. (Based upon 2002/03 actual spends & a estimated contract with a costing £112,000.)	£64,000 (annually re-occurring)

3.2 Should any Client department require an increase in on the current service level the cost will need to be funded by the requesting Client department's own budgets. In addition, the issue of more equitable recharges will be discussed with The Management Team in preparation for the Best Value Review.

4. Consultation

The following groups / individuals have been consulted on the contents of this report:

External

Metropolitan Police – Chief Inspector Hayhoe
COSPA (Communities and Open Spaces Policing Association)

Internal

Councillor J Porter;
Councillor M McKenzie,
Andy Carr, Assets Manager, Education, Arts and Libraries Department

Robin Payne, General Manager, Community and Environment, Housing and Health
Tony Chapman, Team Leader - Street Warden Service, Housing and Health Department
Paul Feild, Corporate Lawyer, Legal Division, Chief Executive's Department
Mike Lineker, Human Resources Team Manager
Jason Payne, Senior Accountant Strategic Finance, LESD
Trade Unions (APEX, Unison and GMB)

Background Papers

- Appendix A - A copy of letter dated 13 March 2003 from Inspector Hayhoe, Metropolitan Police
- Appendix B - Briefing Note from Stewart-Price Associates on behalf of the Community and Open Spaces Policing Association (COSPA).
- Appendix C - A summary of a typical monthly call log
- Appendix D - Draft Memorandum of Understanding
- Byelaws:
 - Pleasure Grounds, Public Walks and Open Spaces Byelaws
 - Country Parks and Picnic Sites Byelaws

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Your reference:

Our reference: KG/189/2003

Date: 13th. March 2003



METROPOLITAN POLICE SERVICE

Dagenham Police Station
561 Rainham Road South
Dagenham
Essex
RM10 7TU

Telephone: 0208-217 5
Facsimile: 0208-217 5

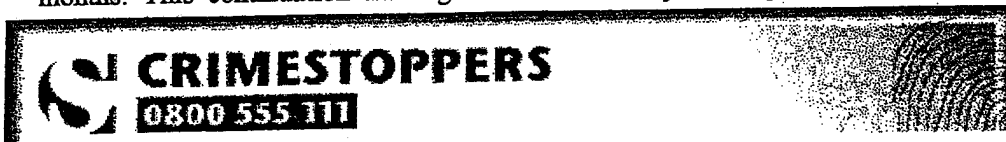
Mr. J. Boath.
Constabulary and Security Manager.
L.B.B.D. Parks Constabulary,
Barking Park Lodge,
Longbridge Road,
Barking,
Essex. IG11 8TA

Dear Jim,

I am sorry about the delay in replying to your letter concerning the profile of the Parks Constabulary and the proposed changes but it was necessary to seek some legal advice on two of the proposals.

I will deal with each point in the order that you raised them, mentioning the legal issues;

- 1) There is no police objection to the proposed change of title from Parks Constabulary to Parks Police.
- 2) The vehicles that are fitted with, and can use blue lights, are governed by The Construction and Use Regulations, The Road Vehicle Lighting Act 1989 and The Road Vehicle Lighting (Amendment) Regulations 2003. Police drivers undertake a variety of courses and specialist training allowing the use of such equipment and I would have reservations about the use of this equipment by untrained drivers. I believe that the lights would not be used to facilitate progression on public roads but are for use in Parks, as such I would have no objection to this. Having stated this all of your drivers should be aware of the above legislation.
- 3) Issue of Batons-As you will change your title to Parks Police legally you would be able to issue batons to your officers for "self-defence" purposes. Having stated this my personal opinion is that such equipment in untrained hands is a danger to both the public and the officer using it. Metropolitan Police Officers undergo a strict training programme in the use of batons and are retrained every six months. This continuation training ensures the safety of all persons and is a recognised National



standard that is recorded and available to defend officers in the event of either criminal or civil proceedings being taken against them. I strongly recommend that this proposal is not adopted.

I trust this assist's with the review currently being conducted.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'L. Hayhoe', written in a cursive style.

Leonard Hayhoe. Chief Inspector (Operations)





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Associates

APPENDIX 'B'

Barking and Dagenham Briefing Note

Introduction

Stewart-Price Associates [on behalf of COSPA] has been asked to provide advice to Barking and Dagenham Parks Constabulary on the following issues:

- The use of the term 'Parks Police'
- The fitting of blue lights to their vehicles
- The carrying of batons by their officers

This document is produced using

- 'Current counsel's advice
- The Metropolitan Police policy
- Home Office policy
- Research of current legislation

COSPA would be happy to consult further if this was felt desirable.

The Use of the Term Parks Police.

The term 'police force' is defined by the Police Act 1996. A police force is, generally, a force responsible to the Home Office, with a defined police area and a police authority established within the terms of the Act. There are 43 such police forces within England and Wales. The term includes other forces established by statute (e.g. British Transport Police, Ministry of Defence Police)



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This definition is taken by all leading authorities as defining such terms as 'police', 'policing purpose' etc.

Sec 90(1) Police Act 1996 states:

Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence.....

Both the Metropolitan Police and the Royal Borough of Kensington and Chelsea have sought counsel's advice on the use of the term 'Parks Police' and have been advised that it could be taken to falsely suggest that the constables are members of a Home Office police force. The advice proffered was that using the term 'police' was therefore undesirable.

The parks constabularies of both Kensington and Chelsea and Wandsworth term themselves Parks Police and have done so for over ten years. To date no objection has been raised.

It is arguable that using the term 'Parks Police' makes it clear that this organisation is distinct from any Home Office police force. This would not be the case if the organisation referred to itself as, say, Barking and Dagenham Police.

In the present climate it would seem unlikely that the Metropolitan Police would wish to pursue a prosecution over what would amount to a minor, technical infringement of the law at worst.



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The primary considerations should, therefore be:

- Would such a change in title enhance the performance of the organisation?

- Would such a change in title induce a raised public expectation of the service they could expect to receive from the organisation which could not realistically be met?

Provided that the local authority is satisfied that enhanced performance can be achieved without public expectation being raised unrealistically there would appear to be no reason why such a title change should not be pursued.



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Fitting of Blue Lights

The fitting of blue lights to vehicles used on a road is governed by regulation 3 of the Vehicle Lighting Regulations. Apart from certain specialist organisations e.g. The Coastguard their use is confined to 'emergency service vehicles'. These are defined as vehicles being used for a police, fire brigade or ambulance purpose.

The term police is defined by the Police Act 1996 (see above). A vehicle can only be being used for a policing purpose if it is being used on behalf of a Home Office Police Force or some other force established by statute (e.g. British Transport Police). ~~As Barking and Dagenham Parks Constabulary fall outside of this definition it follows that fitting blue lights to their vehicles would constitute an offence/~~

The Carrying of Batons by Park Constables

Truncheons and batons, including the expanding variety, are made offensive weapons for the purposes of The Prevention of Crime Act 1953 which created the offence of Possession of an Offensive Weapon. This is a serious offence which carries a maximum of five years imprisonment for a first offence. As such it is an arrestable offence.

The full offence is

'Possessing an offensive weapon in a public place without lawful authority or reasonable excuse'.

There has been considerable debate recently as to whether police constables have lawful authority to possess offensive weapons such as batons. Until the enactment of the Police Reform Act 2002 no such authority had been granted by parliament, although such authority was implied in various pieces of legislation. The Police Reform Act 2002 provides such authority to police constables as defined by the Police Act 1996.



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There is no such lawful authority for parks constables to possess such weapons in a public place, and it therefore follows that if they were to possess such weapons lawfully it would be by dint of their having reasonable excuse for their possession.

There is precedent in law for persons who reasonably fear being subject to 'imminent attack' to be considered as having reasonable excuse for possessing a weapon. However all of the decided cases demonstrate that once the danger has passed the reasonable excuse ceases to exist. The question is, therefore:

Are parks constables permanently in fear of imminent attack as a result of the nature of their duties?

This question was considered by Samuel Wiggs QC in opinion he supplied to the Metropolitan Police in 1990. This advice is currently accepted by both the Metropolitan Police and the Home Office. Mr Wiggs' conclusion was that such a reasonable excuse could not be held to exist on a permanent basis.

This is, of course, merely opinion and does not have the weight of a decided case. It is possible that a jury, and subsequently the Appeal Court, may take a contrary view. However, at the present time the local authority would be placing their employees and themselves at risk of both criminal proceedings and civil litigation if they were to issue batons on a permanent basis.

Recently Wandsworth Parks Police have issued their officers with expanding batons. The Metropolitan Police approach to this decision is that it is a matter of 'organisational sovereignty' and that, whilst they doubt the legality of issuing this equipment they would not consider taking action unless complaints were received from an independent source. It will be interesting to watch subsequent developments as these could provide a definitive judgement.

Elaine Price

Stewart-Price Associates

30th January 2003

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Training Consultants

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Surrey, CRO OXZ
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Re: Draft Parks Constabulary Review Report

In general the contents of the document are satisfactory. I would, however, make the following comments;

- **Change of name**

If the name of the organisation is to be changed to 'Parks Police' the constables should be told that they must not at any time do or say anything which may lead members of the public to believe that they have all the powers of a police constable.

- **Authority to carry batons**

Despite the views of the Metropolitan Police Chief Inspector a change of name does **NOT** provide lawful authority to possess a baton, expanding or otherwise. Lawful authority is now provided by Section 6 of the Police Reform Act 2002 but this only applies to members of a police force i.e. a force as defined in the Police Act 1996 or some other primary legislation.

- **Use and fitting of 'blue lights'**

It is true that if requested to attend a scene urgently by the Metropolitan Police it would be arguable that the vehicle was being driven for a policing purpose, legitimising the use of blue lights on a road. However, the Health and Safety Executive take the view that driving a vehicle in this mode constitutes using dangerous machinery and the driver must receive adequate training. The constables should be instructed that they are not to use a blue light on a road whilst the vehicle is in motion.

I trust that this will be of assistance. Please do not hesitate to contact me if I can be of further assistance.

Elaine Price
Stewart-Price Associates

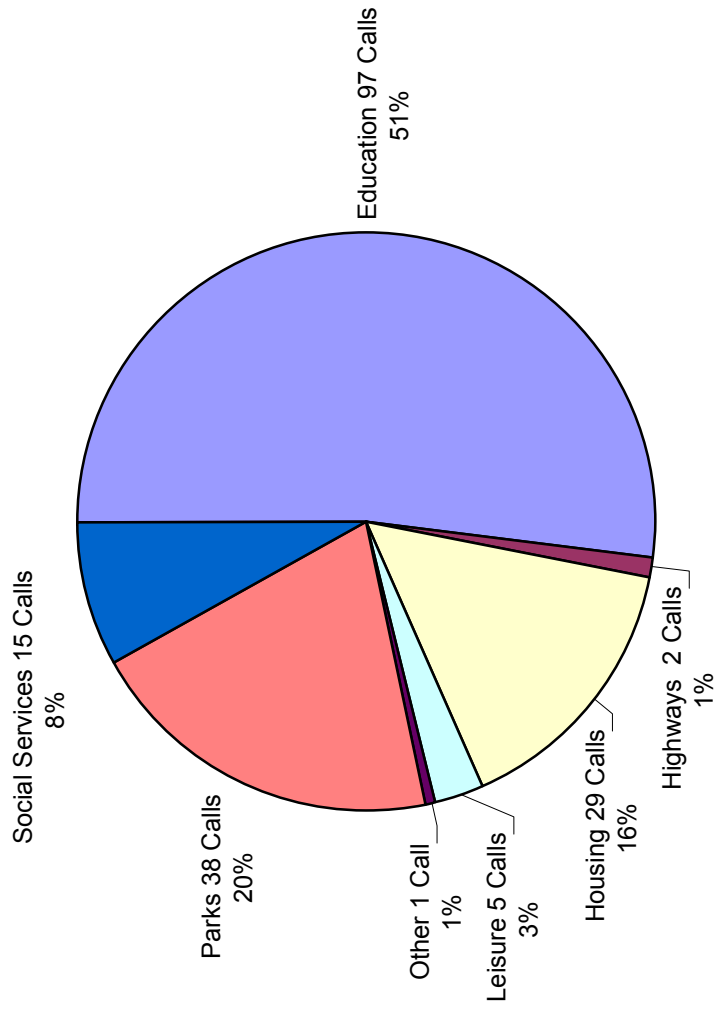
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Appendix C

Parks Constabulary Log February 2003 Breakdown by Service Total Number Calls for Month 187



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APPENDIX C (continued)

Service	Calls	Dept Responsibility	%
Education 97 Calls	97	DEAL	51
Housing 29 Calls	29	H&H	16
Parks 38 Calls	38	LESD	
Leisure 5 Calls	5	LESD	
Highways 2 Calls	2	LESD	25
*Other 1 Call	1	LESD	
Social Services 15 Calls	15	SS	8
TOTAL	187		100

* St Margaret's Churchyard

EDUCATION PREMISES

Date	Call	Arrival	Response	Location	Type of Incident	Action
08-Feb-03	2:20	2:25	0:05	Barking Abbey, Longbridge Road	Alarm Activation	Two windows found open. Caretaker advised. No forced entry.
16-Feb-03	23:31	23:31	0:00	Barking Abbey, Longbridge Road.	Insecurity	Two windows found insecure. Closed over by patrols.
15-Feb-03	12:30	12:30	0:00	Barking Abbey, Sandringham Road.	Vehicles on site	Three vehicles parked on site. Details noted.
06-Feb-03	9:50	10:00	0:10	Beacon Youth Centre	Alarm Activation	Keyholder fault.
10-Feb-03	0:05	0:15	0:10	Beam Junior	Alarm Activation	Site checked and found to be secure.
17-Feb-03	23:15	23:23	0:08	Beam Junior	Alarm Activation	Site checked and found to be secure.
18-Feb-03	4:52	5:05	0:13	Beam Junior	Alarm Activation	Site checked and found to be secure.
20-Feb-03	4:50	4:55	0:05	Beam Junior	Alarm Activation	Site checked and found to be secure.
15-Feb-03	14:10	14:20	0:10	Becontree Junior	Alarm Activation	Site checked and found to be secure.
16-Feb-03	1:15	1:20	0:05	Becontree Primary	Alarm Activation	Site checked and found to be secure.
16-Feb-03	7:48	7:59	0:11	Becontree Primary	Alarm Activation	Site checked and found to be secure.
05-Feb-03	22:50	22:55	0:05	Campbell Junior	Alarm Activation	Site checked all secure.
08-Feb-03	5:15	5:25	0:10	Campbell Junior	Alarm Activation	Site checked all secure.
16-Feb-03	2:05	2:05	0:00	Dagenham Priory	Insecurity	Several windows found to be open. Pushed shut unable to secure.
17-Feb-03	23:55	23:55	0:00	Dagenham Priory	Insecurity	Several windows found to be open. Pushed shut unable to secure.

28-Feb-03	10:58	11:10	0:12	Dagenham Priory	Pupil threatening staff	Matter resolved prior to arrival.
01-Feb-03	3:59	4:08	0:09	Eastbrook Comp.	Alarm Activation	Several windows found open. No sign of break in alarms reset.
11-Feb-03	19:00	19:07	0:07	Eastbury Infants	Alarm Activation	Number of small windows found open to rear of school. No entry made. Alarm reset.
06-Feb-03	1:05	1:10	0:05	Eastbury Comprehensive	Alarm Activation	Site checked all secure.
07-Feb-03	22:05	22:25	0:20	Eastbury Comprehensive	Alarm Activation	Site checked all secure.
10-Feb-03	3:21	3:26	0:05	Eastbury Comprehensive	Alarm Activation	Site checked and found to be secure.
02-Feb-03	17:05	17:15	0:10	Eastbury Manor	Youth Disorder	Youths had left prior to arrival
20-Feb-03	19:07	19:15	0:08	Eastbury Manor House	Alarm Activation	Five males seen climbing on scaffolding ran off on arrival of patrol. Keyholder attended and site checked. All in order. Transit van parked against fencing Individuals moved off while building being checked but seen to drive past on several occasions. Extra attention g
19-Feb-03	14:00	14:10	0:10	Faircross Community Centre	Youth Disorder	Report of youths starting fires. No trace on arrival
25-Feb-03	10:19	10:19	0:00	Faircross Community Centre	Alarm Activation	Keyholder fault.
05-Feb-03	19:40	19:48	0:08	Fanshawe Hall	Youth Disorder	Youths reported on roof. Gone before patrol arrival.
11-Feb-03	16:15	16:40	0:25	Fanshawe Hall	Youth Disorder	Report of youths on roof. No trace on arrival.
13-Feb-03	17:03	17:10	0:07	Fanshawe Hall	Youth Disorder	Youths reported on roof. Gone before patrol arrival.
14-Feb-03	16:48	16:54	0:06	Fanshawe Hall	Alarm Activation	Site checked and found to be secure.
17-Feb-03	13:45	13:50	0:05	Fanshawe Hall	Youth Disorder	Report of youths throwing stones. No trace on arrival
17-Feb-03	16:13	16:19	0:06	Fanshawe Hall	Suspicious Incident	Report of males in vehicle talking to children. Area searched negative results.
19-Feb-03	19:05	19:10	0:05	Fanshawe Hall	Youth Disorder	No trace on arrival.
21-Feb-03	13:30	13:40	0:10	Fanshawe Hall	Youth Disorder	No trace on arrival.
22-Feb-03	16:00	16:05	0:05	Fanshawe Hall	Youth Disorder	Report of youths throwing stones. Group moved on.
22-Feb-03	17:32	17:36	0:04	Fanshawe Hall	Youth Disorder	Report of youths on roof. No trace on arrival.
24-Feb-03	17:10	17:18	0:08	Fanshawe Hall	Youth Disorder	Report of youths on roof. No trace on arrival.
11-Feb-03	17:30	17:38	0:08	Fanshawe Library	Youth Disorder	Group of 15 to 20 youths left site on arrival.

25-Feb-03	16:50	17:00	0:10	Fanshawe Library	Youth Disorder	Report of youths smashing tiles on roof. No trace of youths however broken tiles found in car park. Extra attention given to site.
27-Feb-03	17:05	17:10	0:05	Fanshawe Library	Youth Disorder	Report of youths on roof. No trace on arrival.
11-Feb-03	17:55	18:05	0:10	Firs Primary	Youth Disorder	4 youths seen to climb over gate into adjacent property.
15-Feb-03	12:15	12:20	0:05	Galleon Hall	Alarm Activation	Site checked and found to be secure.
19-Feb-03	5:45	5:50	0:05	Gascoigne Hall	Alarm Activation	Site checked and found to be secure.
23-Feb-03	1:23	1:30	0:07	Gascoigne Hall	Alarm Activation	Site checked and found to be secure.
08-Feb-03	19:25	19:31	0:06	Godwin Primary	Alarm Activation	Site checked and found to be secure.
08-Feb-03	11:55	12:12	0:17	Henry Green School	Alarm Activation	Site checked and found to be secure.
16-Feb-03	14:32	14:37	0:05	Ibscott Close	Youth Disorder	Report of children playing in sand. No trace on arrival.
02-Feb-03	11:24	11:32	0:08	John Perry	Alarm Activation	Site checked all in order. Unable to obtain reset. Keyholder advised stated would attend later.
05-Feb-03	17:25	17:35	0:10	John Perry	Youth Disorder	Report of youths playing football on site. No trace on arrival.
17-Feb-03	18:45	19:00	0:15	Leys Primary	Alarm Activation	Unable to gain full access due to alien locks. No sign of entry. Alarm reset.
24-Feb-03	18:53	18:58	0:05	Marks Gate Community Centre	Youth Disorder	Youths seen on roof trying to gain entry via skylight. Youth seen to run off by staff on site. No actual entry gained.
18-Feb-03	0:05	0:05	0:00	Marsh Green School	Insecurity	Main gate found to be open. Secured by patrol.
15-Feb-03	17:54	17:59	0:05	Rectory Road library	Insecurity	Gate found open. Site checked and found to be in order.
10-Feb-03	4:56	5:01	0:05	Ripple Junior	Alarm Activation	Two high-level fanlight windows found open unable to obtain reset. Keyholder advised and will attend later.
13-Feb-03	0:29	0:40	0:11	Ripple Junior	Alarm Activation	Site checked and found to be secure.
14-Feb-03	14:00	14:09	0:09	Ripple Junior	Youth Disorder	Youths left site prior to arrival.
18-Feb-03	19:00	19:08	0:08	River Outdoor Centre	Alarm Activation	Unable to gain full access due to alien locks. No sign of entry. Alarm reset.
13-Feb-03	17:50	17:55	0:05	Rose Lane Community Hall	Youth Disorder	Report of youths on roof. Had left scene prior to arrival.
17-Feb-03	20:20	20:27	0:07	Rush Green Jnr	Alarm Activation	Site checked and found to be secure.
04-Feb-03	3:25	3:30	0:05	Rush Green School	Alarm Activation	Site checked and found to be secure.
08-Feb-03	23:58	23:58	0:00	St. Margaret's School	Insecurity	Ground floor window found open. Caretaker requested but refused to attend.
11-Feb-03	3:09	3:13	0:04	St. Margaret's School	Alarm Activation	Site checked and found to be secure.

14-Feb-03	5:38	6:20	0:42	St. Margaret's School		Alarm Activation	Attended with police assistance. Site secure
04-Feb-03	19:47	19:50	0:03	Sydney Russell		Youth Disorder	Youths left site prior to arrival.
05-Feb-03	20:25	20:32	0:07	Sydney Russell		Alarm Activation	Fire alarm activation. Cancelled by control prior to arrival.
08-Feb-03	21:30	21:35	0:05	Sydney Russell		Youth Disorder	Caretaker reports two youths tried to smash doors to girls toilets. Youths had since made off.
11-Feb-03	19:05	19:20	0:15	Sydney Russell		Youth Disorder	Youths left site prior to arrival.
14-Feb-03	18:31	18:37	0:06	Sydney Russell		Alarm Activation	Fire alarm activated Keyholder on scene false alarm.
18-Feb-03	0:40	0:40	0:00	Sydney Russell		Plant left on site	Contractors have left plant on site, which is insecure. Compressor immobilised to avoid possible theft.
22-Feb-03	16:01	16:01	0:00	Sydney Russell		Youth Disorder	Group of youths annoying security guard moved on.
23-Feb-03	0:30	0:30	0:00	Sydney Russell		Damaged Windows	Three windows smashed but no access available. Control Advised.
11-Jun-00	20:09	20:13	0:04	Sydney Russell Leisure Centre		Youth Disorder	Complaint re group of youths running around inside centre. One youth stopped outside centre and details noted.
01-Feb-03	6:45	7:00	0:15	Sydney Russell Leisure Centre		Alarm Activation	Building secure. Unable to obtain reset. Keyholder advised. Patrol stood down.
06-Feb-03	19:47	19:55	0:08	Sydney Russell Leisure Centre		Youth Disorder	Group had moved on prior to arrival.
07-Feb-03	18:59	19:05	0:06	Sydney Russell Leisure Centre		Youth Disorder	Large group of youths had left site but were standing outside on roadway. Group spoken to and advice given.
08-Feb-03	14:03	14:04	0:01	Sydney Russell Leisure Centre		Youth Disorder	Youths causing disturbance refusing to leave for staff. Ran off on arrival of Patrols.
24-Feb-03	17:50	17:54	0:04	Sydney Russell Leisure Centre		Youth Disorder	Report of youths causing disturbance. No trace on arrival.
01-Feb-03	13:30	13:50	0:20	Sydney Russell.		Youth Disorder	Youths had left prior to arrival
22-Feb-03	16:29	16:38	0:09	Teresa Green Community Centre		Youth Disorder	report of youths damaging trees. No trace on arrival.
23-Feb-03	1:45	1:55	0:10	Teresa Green School		Alarm Activation	No access available due to alien locks. Reset obtained.
02-Feb-03	23:35	23:35	0:00	Thames View Infants		Insecurity	Two windows found insecure. Pushed too and control advised. No alarm activation.
14-Feb-03	19:05	19:10	0:05	Thames View Jnr.		Alarm Activation	Doors and windows found insecure. Building searched negative results. Keyholder requested but unavailable. Site secured.
16-Feb-03	5:50	5:58	0:08	Thames View Jnr.		Alarm Activation	System fault.

26-Feb-03	18:00	18:10	0:10	Trinity Heathway	Youth Disorder	Two youths detained for climbing on roof. Police attended and took children home where they issued a warning.
03-Feb-03	23:45	23:50	0:05	Trinity School	Alarm Activation	Caretaker on site has reset alarm. Area checked all secure.
24-Feb-03	21:55	22:00	0:05	Valence Infants	Alarm Activation	Site checked and found to be secure.
08-Feb-03	15:15	15:20	0:05	Village Infants	Assist Air Ambulance	Access allowed to Police an Air Ambulance following accident Harefield Road.
11-Feb-03	18:40	18:47	0:07	Village Infants	Alarm Activation	Site checked and found to be secure.
19-Feb-03	20:10	20:20	0:10	Wantz Hall	Youth Disorder	No trace on arrival.
11-Feb-03	23:38	23:48	0:10	Warren Comp	Alarm Activation	Site checked and found to be secure.
18-Feb-03	5:19	5:25	0:06	Warren Comp	Alarm Activation	Site checked and found to be secure.
22-Feb-03	10:30	11:08	0:38	Warren Comp	Alarm Activation	Keyholder fault.
23-Feb-03	15:58	16:05	0:07	Warren Comp	Alarm Activation	Site checked and found to be secure.
23-Feb-03	16:21	16:37	0:16	Warren Comp	Alarm Activation	Keyholder fault.
25-Feb-03	1:15	1:25	0:10	Warren Comp	Alarm Activation	Site checked and found to be secure.
27-Feb-03	19:48	20:00	0:12	Warren Comp	Youth Disorder	No trace on arrival.
04-Feb-03	19:55	20:02	0:07	Warren School	Youth Disorder	Report from caretaker of youths causing problems on site. No trace of either youths or caretaker on arrival.
18-Feb-03	16:55	17:05	0:10	William Bellamy Jnr	Youth Disorder	No trace of youths on arrival. However rear door found insecure. Site checked and appears in order. Keyholder requested.

HOUSING PREMISES

16-Feb-03	22:55	23:02	0:07	Highgrove Road	Assist Noise Team	Witness noise team action in relation to house alarm.
04-Feb-03	23:15	23:30	0:15	St. Mary's	Insecurity	Report of window open in flat at locus. Living room window confirmed forced. No persons on site. Control advised.
15-Feb-03	15:55	16:05	0:10	Longbridge Road	Youth Disorder	Youths playing football moved on when requested.
19-Feb-03	13:45	13:45	0:00	Abbey Road	Assist Street Wardens	Request to assist street wardens re traveller problem. Travellers spoken to and advised.
23-Feb-03	15:00	15:10	0:10	Alderman Ave	Motorcyclists	Report of motorcycles riding on green. No trace on arrival.
06-Feb-03	17:40	17:55	0:15	Barnmead Court	Youth Disorder	Report of youths kicking football against windows. Group of ten youngsters spoken to but not in possession of a football.
08-Feb-03	18:10	18:20	0:10	Barnmead Court	Youth Disorder	No trace on arrival.
28-Feb-03	15:25	15:36	0:11	Church Elm Lane Complex	Alarm Activation	LFB on scene. Site checked all in order. False alarm.
12-Feb-03	17:20	17:20	0:00	Goresbrook Village	General patrol	All quiet
12-Feb-03	21:25	21:25	0:00	Goresbrook Village	General patrol	All quiet
18-Feb-03	21:00	21:00	0:00	Goresbrook Village	Youth Disorder	Request to assist security re motorcyclists and general youth disorder. Youths moved on prior to arrival.
17-Feb-03	16:22	16:35	0:13	Hitherfield Green	Youth Disorder	Small group of youths playing football moved on.
20-Feb-03	16:40	16:47	0:07	Hitherfield Green	Youth Disorder	Report of youth with dog causing disturbance. Small group of 5 / 10 year olds playing on green with Yorkshire terrier. No action taken.
28-Feb-03	21:55	22:01	0:06	Inskip Road	Youth Disorder	Report of youths playing football. Group of about 10 youths advised to move on.
26-Feb-03	17:25	17:35	0:10	John Burns Drive	Youth Disorder	Youths climbing scaffolding ran off on arrival of patrol.
26-Feb-03	17:10	18:00	0:50	Linsdale Road	Youth Disorder	Report of children playing football on site. No trace on arrival.
05-Feb-03	16:47	16:55	0:08	Maude Gardens	Youth Disorder	Report of youths disturbing residents by knocking on doors. Area checked no trace.
22-Feb-03	10:30	10:40	0:10	Parsloes Avenue	Alarm Activation	Keyholder fault.

23-Feb-03	16:10	16:20	0:10	Preston House,	Youth Disorder	report of children playing football on green. Several children seen in area but causing no problems.
02-Feb-03	12:15	12:30	0:15	Richard Blackburn House	Alarm Activation	Fire alarm activated. No sign of fire. Social Alarms team attended and silenced alarm.
13-Feb-03	18:50	19:05	0:15	Saywood Lodge	Vehicle Fire	Mk 3 Escort on fire at rear of premises. Extinguished by fire service. Police aware.
02-Feb-03	20:20	20:40	0:20	Stone Close	Youth Disorder	Report of youths starting fires at locus. Area searched no trace of youths or fires.
05-Feb-03	18:15	18:20	0:05	Stone Close	Youth Disorder	Area searched no trace.
08-Feb-03	14:16	14:38	0:22	Stone Close	Youth Disorder	Police already on scene. Two youths spoken to.
21-Feb-03	15:25	15:45	0:20	Stour Road	Male refusing to leave	Police in attendance. Male escorted from building. NFA.
24-Feb-03	19:50	19:55	0:05	Stour Road	Alarm Activation	Site checked and found to be secure.
25-Feb-03	20:55	21:08	0:13	Stour Road	Alarm Activation	Site checked and found to be secure.
02-Feb-03	21:02	21:50	0:48	The Mall	Persons trapped in lifts	Checked out with site security. No trace.
16-Feb-03	18:58	19:08	0:10	Wellington Drive	Youth Disorder	No trace on arrival.

PARKS AND OPEN SPACES

20-Feb-03	15:40	15:45	0:05	Beam Valley Extension	Motorcyclists	No trace on arrival.
22-Feb-03	14:35	14:46	0:11	Beam Valley Extension	Motorcyclists	No trace on arrival.
22-Feb-03	16:55	17:08	0:13	Beam Valley Extension	Motorcyclists	No trace on arrival.
26-Feb-03	17:05	17:20	0:15	Beam Valley Extension	Motorcyclists	Gone on arrival.
20-Feb-03	21:30	21:30	0:00	Castle Green	Abandoned Vehicle	Vauxhall Astra abandoned on green adjacent to A13. Passed to AVO.
23-Feb-03	15:23	15:23	0:00	Castle Green	Motorcyclists	Two motorcycles seen cutting across park. Unable to obtain any further details.
02-Feb-03	14:00	14:00	0:00	Country park	Burnt out Vehicle	Burnt out camper van on roadway leading to Park. AVO advised.
10-Feb-03	19:25	19:25	0:00	Country Park	Abandoned Vehicle	White caravan abandoned adjacent to cemetery barrier. Reported to control. Later discovered burnt out. Parks and AVO advised.
26-Feb-03	4:30	4:30	0:00	Country Park	Abandoned Vehicle	Silver Fiesta abandoned on Chase Road, Control advised for info of AVO.
25-Feb-03	9:50	10:01	0:11	Eastbrookend Cemetery.	Female being followed	Woman had left site without leaving any details with staff who initiated call.
02-Feb-03	14:00	14:07	0:07	Goresbrook Park	Motorcyclists	Area searched no trace.
08-Feb-03	15:44	15:49	0:05	Goresbrook Park	Motorcyclists	Report of six motorcyclists in park. All rode off on arrival unable to follow. Large group of youths spoken to but became abusive and threatening. Group dispersed after roadway light thrown at patrols. No persons identified.
10-Feb-03	11:05	11:05	0:00	Goresbrook Park	Motorcyclists	Two males, approx. 30 years age, seen riding red and orange scrambler type bike across park. unable to follow due to barriers and posts.
24-Feb-03	20:18	20:22	0:04	Goresbrook Park	Abandoned Vehicle	Ford Escort rammed into basketball court fencing and set on fire. Extensive damage to fencing. AVO & Parks advised.

28-Feb-03	14:50	14:55	0:05	Goresbrook Park	Abandoned Vehicle	Red Escort AVO advised.
25-Feb-03	20:32	20:32	0:00	Greatfields Park	Youth Disorder	Youths causing disturbance removed from site and park secured.
10-Feb-03	12:20	12:27	0:07	Leys Field	Motorcyclists	Area searched no trace.
22-Feb-03	11:35	11:45	0:10	Leys Field	Motorcyclists	No trace on arrival.
05-Feb-03	14:30	14:35	0:05	Mayesbrook Park	Remote Control Car	Two persons advised re use of petrol driven remote control cars in park. No further action.
09-Feb-03	9:08	9:12	0:04	Mayesbrook Park	Criminal damage	Damage caused to arena area overnight with attempts to gain entry to premises.
20-Feb-03	15:30	15:30	0:00	Mayesbrook Park	Motorcyclists	Red / White motorcycle seen riding across grass area of park. Patrol on foot and unable to give chase.
07-Feb-03	20:10	20:15	0:05	Old Dagenham Park	Youth Disorder	Group of about 40 youths seen but not causing any trouble. Dispersed without protest following words of advice.
09-Feb-03	9:50	10:05	0:15	Old Dagenham Park	Alleged Male Rape	Met Police closing off park following allegation of male rape. Area searched as possible crime scene and then reopened to public. Would appear to be a domestic rather than original allegation.
16-Feb-03	16:30	16:37	0:07	Old Dagenham Park	Motorcyclists	No trace on arrival.
01-Feb-03	13:30	13:37	0:07	Parsloes Park	Fire in Park	Area searched no trace.
04-Feb-03	12:25	12:30	0:05	Parsloes Park	Motorcyclists	Area searched no trace.
08-Feb-03	14:26	14:26	0:00	Parsloes Park	Motorcyclists	Two bikes seen riding at speed across park. Unable to stop due to terrain.
10-Feb-03	8:15	8:15	0:00	Parsloes Park	Car in Lake	G.M. staff report Red Metro through fencing and into lake within park. Info passed to AVO & Parks office.
10-Feb-03	22:30	22:30	0:00	Parsloes Park	Abandoned Vehicle	Cars make and number unknown burnt out on Parsloes Common. Parks and AVO advised.
14-Feb-03	21:23	21:30	0:07	Parsloes Park	Vehicle Fire	Vehicle fire extinguished adjacent to changing rooms.
18-Feb-03	10:50	11:00	0:10	Parsloes Park	Motorcyclists	No trace on arrival.
19-Feb-03	15:10	15:20	0:10	Parsloes Park	Motorcyclists	No trace on arrival.
19-Feb-03	16:42	16:50	0:08	Parsloes Park	Person Using Chainsaw	Attended and spoke to tree surgeon who was carrying out repairs to equipment. Words of advice given (Private Contractor not on Council business)

21-Feb-03	15:10	15:20	0:10	Parsloes Park	Youth Disorder	Report of youths throwing stones at staff. No trace on arrival.
23-Feb-03	13:12	13:20	0:08	Parsloes Park	Theft	Report of theft of personal items from changing rooms at Parsloes Pavilion. Full details noted and persons advised to report it to Met Police.
23-Feb-03	20:13	20:18	0:05	Parsloes Park	Officer requires Assistance	Constable came under attack by a group of stone throwing youths from within grounds of Sydney Russell School. Assistance arrived on scene and youths ran off. One youth detained but insufficient evidence to charge. Details noted. Slight damage to vehicle. Constable unhurt.
11-Feb-03	15:20	15:35	0:15	Valence Park	Vehicle driving around Park	Attended report and found Green Fiesta parked in car park. Found burnt out at 17:25. Details passed via control for AVO.
13-Feb-03	20:00	20:05	0:05	Valence Park	Access to Contractors	Access given for removal of burnt out Fiesta

OTHER

26-Feb-03	1:19	1:23	0:04	St. Margaret's Churchyard	Alarm Activation	Site checked and found to be secure.
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HIGHWAYS

21-Feb-03	19:00	19:00	0:00	Chase Road	Dumped gas Cylinders	6 large gas cylinders removed by MDO.
19-Feb-03	3:40	3:40	0:00	Gosfield Road	Abandoned Vehicle	Ford Escort abandoned in roadway. Pushed to side and control informed.

LEISURE PREMISES

04-Feb-03	0:12	0:15	0:03	Dagenham Pool	Alarm Activation	Site checked and found to be secure.
25-Feb-03	6:25	6:40	0:15	Dagenham Pool	Alarm Activation	Alarm fault.
27-Feb-03	1:15	1:20	0:05	Dagenham Pool	Alarm Activation	Site checked and found to be secure.
04-Feb-03	12:50	12:55	0:05	Hatfield Hall	Alarm Activation	Keyholder fault.
01-Feb-03	12:25	12:32	0:07	Kingsley Hall Community Centre	Alarm Activation	Fire alarm activated. No sign of fire. All units stood down.

SOCIAL SERVICE AND RELATED PREMISES

26-Feb-03	5:00	5:10	0:10	Bowse Road	Assist Social Alarms	Assistance given and ambulance summonsed for resident.
07-Feb-03	20:40	20:45	0:05	Alice Martin Luncheon Centre	Alarm Activation	Break in discovered. Keyholder requested and police informed. Side window smashed nothing known to have been taken.
21-Feb-03	0:30	0:45	0:15	East Barking Luncheon Club	Alarm Activation	Site checked and found to be secure.
23-Feb-03	14:10	14:15	0:05	East Barking Luncheon Club	Alarm Activation	Break in discovered. Entry via rear door. Site searched no trace of suspects. Local resident stated that person concerned ran off down Gale Street towards Underground. Descriptions obtained and police advised. Keyholder advised and attended.
04-Feb-03	18:50	19:00	0:10	Ford Road Family Centre	Youth Disorder	Area searched no trace.
21-Feb-03	19:25	19:35	0:10	Ford Road Family Centre	Alarm Activation	Site checked and found to be secure.
04-Feb-03	19:35	19:37	0:02	Rusholme Community Centre	Youth Disorder	Spoke to staff onsite no trace of youths insecurity reported to door panel in main door passed to control.
08-Feb-03	17:43	17:59	0:16	Rusholme Community Centre	Youth Disorder	Report of youths on roof. No trace on arrival.
27-Feb-03	19:02	19:10	0:08	Seabrook Hall	Alarm Activation	Keyholder fault.
09-Feb-03	20:07	20:15	0:08	St. George's Day Centre	Insecurity	Chain on Halbutt St gate found to be cut. Three windows smashed at computer room. Caretaker on site.
22-Feb-03	8:45	9:05	0:20	St. George's Day Centre	Alarm Activation	Site checked and found to be secure.
25-Feb-03	20:10	20:10	0:00	St. George's Day Centre	Youth Disorder	Group of approx. 14 youths seen drinking and playing football on site. Moved on when requested.
26-Feb-03	0:45	0:45	0:00	St. George's Day Centre	Insecurity	Problem noted with main gate.
28-Feb-03	21:20	21:25	0:05	St. George's Day Centre	Alarm Activation	Site checked and found to be secure.
23-Feb-03	15:30	15:35	0:05	St. George's Day Centre	Insecurity	Main gate found to be open. Secured by patrol.

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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE METROPOLITAN POLICE SERVICE &
LONDON BOROUGH OF BARKING & DAGENHAM
JUNE 2003**

Part 1 – Purpose

To promote good working practices and operational management to ensure that the services work in partnership and harmony to the benefit of those who live, work or visit the Borough.

Part 2 – Aims

- (i) To set down working practices between the Metropolitan Police Service and London Borough of Barking and Dagenham Parks Police service (hereafter referred to as the service(s))
- (ii) Agree legal interpretation of relevant legislation.
- (iii) Promote the partnership approach, taking into account the demands on both organisations under the Crime and Disorder Act 1998.
- (iv) Promote joint advancement in crime prevention and detection.

Part 3 – Liaison

There will be regular liaison between the two services, to include a free flow of pertinent and permitted information that may affect, or have an impact on, the operational management of either or both groups.

These meetings should be documented, agreed upon and be available to the respective Operations Offices.

Part 4 – Borough of Barking & Dagenham Parks Police Powers

The following powers are legally available to the Barking and Dagenham Parks Police Constables to fulfil their function:

4.1 Constables Powers

Constables powers are derived from Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.

Parks Constables are able to arrest offenders against the byelaws in appropriate circumstances under Section 25 of PACE (general arrest conditions).

Parks Constables are able to search an offender after arrest under Section 32 of PACE where the arrest is in relation to a byelaw offence.

Where Parks Constables have a power of arrest under PACE they may use reasonable force to effect the arrest in accordance with Section 117 of PACE.

4.2 Any Persons Statutory Powers

Parks Constables may use the any person powers of arrestable offence under section 24 (4) and section 24 (5) of PACE. This includes all arrestable offences that are specified in PACE by virtue of meeting the criteria of section 24 (1), (2) or (3).

Parks Constables are authorised to use any persons powers of arrest for an offence that is specified as having a power of arrest by statute i.e. Drunk and Disorderly, section 91 Criminal Justice Act 1967; Drunk in charge of a Child Apparently Under the age of 7 years, Section 2 Licensing Act 1902; Offences under section 4 Vagrancy Act 1824.

Parks Constables may use reasonable force in the prevention of crime, in effecting or assisting in the lawful arrest of offenders or suspected offenders, or of persons unlawfully at large under section 3(1) Criminal Law Act 1967.

4.3 Common Law Powers

Parks Constables are authorised to:

Use reasonable and necessary force to prevent a breach of the peace or arrest following a breach of the peace.

Use reasonable and necessary force for the defence of themselves or others.

Part 5 – Operational Matters / Crime Information

Both services are, by reason of their nature and function, crime prevention and enforcement / detection bodies; however, by their respective construction and legal basis, they have differing responsibilities and accountabilities. Both could be broadly defined as “peace keepers”.

The Parks Police (Constables) are employed by, as well as being responsible and accountable to The London Borough of Barking & Dagenham, operating in specific defined and limited geographical areas.

The Metropolitan Police is accountable to a wider public, certain legal bodies and internal constraints / direction and have a wider geographical operational area.

In the day to day operations of both bodies in relation to crime prevention and detection as well as the maintenance of public order / tranquillity, an early exchange of information is to be encouraged. Such information may, by virtue of the constraints of the Data Protection Act, be limited; however, within such constraints a free flow of information will be encouraged. This will include, when permitted, necessary criminal intelligence.

Anti – crime initiatives or operations, by either body, should be subject to an information exchange (within constraints of security requirements) at an early stage of any planning process. In Particular, any which involves non-uniformed personnel – to prevent an operational clash or confusion.

Events in the London Borough of Barking & Dagenham's Parks and other open spaces in the ownership of the Council are generally the responsibility of the Council in relation to health & safety matters (and any licensing necessary) as well as general stewarding.

Advice and assistance may be given to the Council by the Metropolitan Police and vice versa, following any necessary consultation concerning specific events. The Council will provide the Metropolitan Police with lists of events that are taking place in the parks and open spaces and work in co-operation with Parks Police, as necessary, for specific events.

In the event of a major incident, crime investigation or similar occurrence, members of the Parks Police will act under the directions of the Metropolitan Police.

Crimes (other than offences against byelaws) reported to the Parks Police should be passed to the Metropolitan Police directly either by way of the 999 system or by telephone call to the Metropolitan Police's Control Room. The urgency of the call determining the contact route used. Any member of the Parks Police to whom a crime is reported will need to assess the degree of urgency required, consider the preservation of evidence, obtain details of witnesses and arrest / detain any suspected offender (within the constraints of legal powers). Any notes made, at the time of immediate reporting of any crime allegation, are subject to disclosure rules and the Metropolitan Police should be made aware of any such notes and provided with the original notes as required.

Complaints in criminal allegations, if the allegation is not one that requires immediate investigation, should be directed to a Metropolitan Police station or provided with the telephone number of the local Metropolitan Police Crime Management Unit for the crime to be reported.

Crimes not reported to the Metropolitan Police by the London Borough of Barking & Dagenham's Parks Police (as mentioned above) should be recorded by the Parks Police having regard for the constraints under the Data Protection Act and the Human Rights Act.

Part 6 – London Borough of Barking & Dagenham Council Parks Police Equipment and Uniform

Any uniform and equipment issued to and or used by members of the Parks Police should be such that it is obvious that Barking and Dagenham Council employs them and markings, signs and insignia should reflect that employment. Members of the Barking and Dagenham Parks Police may have equipment issued to them to perform their duties, compatible with the constraints on their legal status and their responsibilities placed on the employing body (Barking & Dagenham Council) under the Health and Safety Legislation. This includes any vehicles used by the Barking & Dagenham Council Parks Police and the constraints under the Road Traffic Legislation that relate to vehicles and vehicle equipment.

Part 7 – Byelaws

Parks Constables may take persons, arrested under their Constables' powers, to a Metropolitan Police station to be dealt with according to the law. In routine cases, once the identity of the accused has been established and a satisfactory address for service of summons provided, the case can be dealt with by process for prosecution. In a case under the Byelaws, the normal outcome will be a process for prosecution when the accused particulars are verified at a police station.

Copies of the current London Borough of Barking & Dagenham's Pleasure Grounds, Public Walks & Open Spaces Byelaws and the Country Parks & Picnic Sites Byelaws are attached as **Appendix 1**

Part 8 – Accountability

8.1 Disciplinary Procedures

Parks Constables are bound by the Council's disciplinary code. Cases against Barking & Dagenham Parks Police Constables are decided on the balance of probability.

8.2 Dealing with Complaints

There are four categories of complaint which members of the public may make against Parks Police Constables:

1. A complaint, which does not amount to an allegation of disciplinary offences, which will be dealt with under the Council's complaint procedures.
2. A complaint alleging contravention of the Council's Disciplinary Code.

3. A civil claim, such as unlawful arrest. The Director, Leisure and Environmental Services (in conjunction with the Solicitor To the Council & Monitoring Officer) Barking & Dagenham Council, will consider the claim.
4. A complaint which alleges criminal conduct. Metropolitan Police Service will treat this as a matter for criminal investigation and follow normal Metropolitan Police Service procedures.

Part 9 – Records of Convicted Offenders, Suspects and Warning Given

The Parks Police service shall hold records, in hard copy and on computer, of offences committed and offenders, arrested, reported for prosecution and verbal warnings given. These records, which will be maintained in accordance with the requirements of the Data Protection Act 1998 (or later amendments) can be made available to the Metropolitan Police Service.

Signed:

Signed:

Chief Superintendent
Metropolitan Police Service
Barking & Dagenham Division

Graham Farrant
Chief Executive
Barking & Dagenham Council

Dated:

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APPENDIX 1

Byelaws:

- Pleasure Grounds, Public Walks & Open Spaces
- Country Parks and Picnic sites.

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