Neighbourhood Wardens
Manual of Guidance
Neighbourhood Wardens – Manual of Guidance

This manual provides information specifically for Neighbourhood Wardens operating across the Horsham district. All employees of the scheme are employed by Horsham District Council (HDC).

This manual is intended to give guidance by ensuring an efficient Warden Service, which will operate within a framework of honesty, integrity, confidentiality and equal opportunity. It includes details of your role and responsibilities, uniform dress code, relevant legislation and other useful areas of business.

The Neighbourhood Wardens manual is intended to be a supplementary guide that will complement the staff handbook and the extensive training given to officers. Where other policies or procedures are referred to, detail will be given on where to find this information.

It may not have all the answers you need, so please do ask if you have any queries.

I hope you enjoy being a Neighbourhood Warden.

Kind regards,

Greg Charman
Community Safety Manager / Health & Wellbeing Manager
Horsham District Council

Document History

<table>
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<tr>
<th>Version</th>
<th>Issue Date</th>
<th>Author</th>
<th>Reason</th>
</tr>
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<tbody>
<tr>
<td>1.0</td>
<td>November 2010</td>
<td>Neil Worth</td>
<td>Initial issue</td>
</tr>
<tr>
<td>1.1</td>
<td>August 2011</td>
<td>Neil Worth</td>
<td>Content Revision</td>
</tr>
<tr>
<td>2.0</td>
<td>April 2016</td>
<td>Neil Worth</td>
<td>Content Revision</td>
</tr>
<tr>
<td>3.0</td>
<td>February 2018</td>
<td>Sharon Cadman</td>
<td>Content Revision</td>
</tr>
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1. INTRODUCTION TO THE NEIGHBOURHOOD WARDEN SERVICE

Aims of the Service

The aim of the Neighbourhood Warden Service is to enable the people of Horsham District to live safely and independently in their neighbourhoods and communities. The service provides a highly visible and reassuring patrol presence, which is responsive to the public and flexible enough to cope with changing demands; whilst working in partnership with other service agencies, businesses and the voluntary sector.

All wardens remain accountable to the residents of the communities in the areas that they work and ensure that the aims and objectives of the service are met. These are:

- To contribute to the delivery of the Community Safety Partnership Plan by working in partnership with Sussex Police to provide a highly visible and reassuring uniform patrolling presence across Horsham District, deterring low level criminality (including environmental offences) and anti-social behaviour.

- Promote community cohesion, resilience and solidarity to encourage communities and neighbourhoods to identify and solve their own problems.

- Work in partnership to tackle anti-social behaviour.

- Be a trusted friend for the community.

- Improve access to local authority services.

- Promote social inclusion by undertaking a range of community development functions.

The role of the Neighbourhood Warden

Neighbourhood Wardens are visible representatives of Horsham District Council and as such are ambassadors for the Council. Your role is crucial in conveying a positive image amongst not only residents and the general public at large, but partners and agencies within the multi agency framework you work within. The role has developed over the years and now includes offering support to vulnerable members of the community from all backgrounds and of all ages. This is done in line with the District Council’s Safeguarding policy.

Your role as a Warden is a varied, demanding and exciting one but the core duties will involve the following:

- Provision of a daily patrol, by producing a patrol plan of the area that you are working and acting as the eyes and ears of the community.

- The reporting, actioning, checking and resolving of issues identified during that patrol.
• Provision of feedback regarding any action taken on issues identified in the form of a letter, personal visit or phone call.

• Close liaison with both statutory and voluntary organisations.

• Perhaps most importantly acting as a point of contact for residents, offering advice and support as appropriate.

• Providing community development support to all residents within your community.

You are expected to work to a high degree of integrity and confidentiality in the way you carry out your work and to treat all residents equally and with respect.

_Horsham District Council does not provide an emergency service and Wardens are not Police Officers or a replacement for them._

The role of the warden is to provide a highly visible and accessible service and although there to deter low level criminality and anti-social behaviour, Wardens will not get involved in any criminal activities other than those for which they have legal powers to deal with (littering, dog fouling, fly posting, underage drinking etc). _There is no duty or expectation to intervene in situations where your own safety, or that of the public, could be put in jeopardy (such as acts of violence or drunkenness)._ These matters are for the Police.

_As wardens you will not deal with emergency requests for help as you are neither trained nor equipped to do so and have limited backup resources available. Criminal offences that fall outside of your remit are the preserve of the Police and should be directly reported to them. A copy of the Rules of Engagement for wardens can be found in Section 4._

You are a key problem solver working with others to deal with issues within the community. You are expected to work with minimal supervision dealing with issues and responding to various incidents making appropriate decisions relating to each situation. This includes exercising your judgement and discretion in relation to vulnerable people, safeguarding and enforcement action where necessary.

There are specific criminal offences relating to accredited persons, which include wilfully obstructing, resisting and assaulting them. Wardens are instructed to contact the Police via 999 in any of these circumstances and also in the event that a person fails or refuses to comply with their requests (particularly when exercising accredited powers). A list of these offences can be found at Appendix E.
2. STANDARDS OF PROFESSIONAL BEHAVIOUR

Officers’ Code of Conduct

As an employee of Horsham District Council you are bound by the Officers’ Code of Conduct under the Council’s Constitution. This Code applies to everyone who works for HDC and reflects the key aims of providing a professional public service. Failure to comply with the Code could result in disciplinary action so it is vital, therefore that you understand your responsibilities and duties. A full copy of the Code can be found at Appendix A.

Contained within the code are the Seven Principles of Public Life which set out public expectations of those who work in public life, including local government. As a warden you will act in line with the Seven Principles, listed here, when carrying out your duties in the community, treating everybody with fairness and respect.

Accountability
You are answerable for your decisions, actions and omissions.

Honesty
You are truthful and trustworthy.

Integrity
You always do the right thing.

Leadership
You lead by good example and challenge poor behaviour wherever it occurs.

Objectivity
You take decisions based on evidence, without discrimination or bias.

Openness
You are open and transparent in your actions and decisions.

Selflessness
You act solely in terms of the public interest.

College of Policing Code of Ethics

The College of Policing established a Code of Ethics\(^1\) that is effectively a code of practice relating to professional behaviour within policing throughout England and Wales. This code is legally binding on all police forces and introduces a set of standards that are enshrined in law. Although Horsham District Council is not bound by the Code of Ethics, certain aspects of it are viewed as best practice, particularly in terms of the accreditation granted to the Council by Sussex Police.

The Code of Ethics outlines the standards of behaviour that are expected from those working in policing and are based on both Police Regulations and the Seven Principles of Public Life. Of the ten professional standards it contains, the following are directly applicable to Neighbourhood Wardens and as such must be born in mind when carrying out your duties:

**Honesty and Integrity**
You must act with honesty and integrity at all times, to gain and maintain the trust of the public, your colleagues and your team. You are dependable and a role model.

**Authority, Respect and Courtesy**
You will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. You will use your powers and authority lawfully and proportionately; respecting the rights of all individuals.

As a warden you must carry out your role in an efficient, diligent and professional manner. You must avoid any behaviour that might impair your effectiveness or damage either your own reputation or that of the Council. Ensure that any relationships at work do not create an actual or apparent conflict of interest.

Ensure that your behaviour and language could not reasonably be perceived to be abusive, oppressive, harassing, bullying, victimising, or offensive by the public or your colleagues.

**Equality and Diversity**
You will act with fairness and impartiality, treating all people with respect. You will not discriminate unlawfully or unfairly.

Horsham District Council has a legal duty under the Equality Act 2010\(^2\) to consider the needs of all individuals when delivering services, giving due regard to eliminating unlawful discrimination, advancing equality of opportunity and foster good relations between people.

**Duties and Responsibilities**
You will be diligent in the exercise of your duties and responsibilities, carrying them out to the best of your ability. You are fully responsible for and should be prepared to explain and justify your actions and decisions.

**Confidentiality**
You will treat information with respect, and access or disclose it only in the proper course of your duties. You will not disclose information, on or off duty, to unauthorised recipients.

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\(^2\) Section 149 Equality Act 2010.
**Fitness for Work**
You will ensure that when you are at work that you are fit to carry out your responsibilities.

You must not consume alcohol when on duty.

You must not use illegal drugs.

You must not misuse legal drugs or other legal substances.

If you believe that you are unfit to work or are somehow impaired you must immediately report this to your line manager.

**Conduct**
You will behave in a manner which does not bring discredit on Horsham District Council or undermine public confidence in the Neighbourhood Warden Service.

**Challenging and Reporting Improper Conduct**
You will report, challenge or take action against the conduct of a colleague which has fallen below the standards of behaviour expected.

You must never ignore unprofessional behaviour by a colleague irrespective of the person’s grade or role. You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.

If you feel that you cannot question or challenge a colleague directly, you should report your concerns through your line manager. The Officers’ Code of Conduct contains a Confidential Reporting Code which outlines the process to follow in relation to confidential reporting (whistleblowing). This can be found at Appendix B.
3. ADMINISTRATIVE PROCEDURES

Incident Logging

The scheme formally operated a paper based incident reporting/logging system based upon a Sussex Police form known as a T19. This has now been replaced by the multi-agency E-CINS cloud based computer system that allows for incidents to be recorded and, where necessary, shared with partner agencies including Sussex Police and Housing Providers. Reports are completed upon receipt of a request for service/incident giving full details of the complainant, location of the incident and its nature. Each incident is given a unique reference number and any action taken in relation to it is recorded on the system. Where necessary these can be collated to provide a report for use both internally and externally within the Community Safety Partnership.

Reports and actions taken will be reviewed by your line manager who will make recommendations if necessary and will have the final oversight in closing reports. This will ensure that as a service the Neighbourhood Wardens are compliant with the requirements of HDCs Anti-Social Behaviour Policy and the Community Trigger Process under the Anti-Social Behaviour, Crime and Policing Act 2014.

Recording incidents in this way provide both accountability and an auditable way for the scheme to account for their actions.

Time Sheets

Wardens work a thirty-seven hour week on a rotating shift basis and are entitled to an unpaid refreshment break daily (this varies depending on the shift length but will be a minimum of twenty minutes every six hours worked). Time sheets should be submitted after every four weeks to the Warden Supervisor. A copy of the time sheet can be found at Appendix C.

Annual Leave Procedure

Requests for annual leave and time off in lieu are to be made in writing to the Community Safety Officer at least one week in advance of the requested leave period. The granting of annual leave is dependant on service cover and as such only one member of a team may be on leave at any time (i.e. only one Ashington Neighbourhood Warden can be off at a time). Once approved the relevant leave card will be signed off.

Requests for annual leave over the Christmas and New Year period will only be considered in September and will be granted on the basis of equity for all members of staff.

Bank Holidays

Horsham District Council recognises the eight designated public holidays in England: Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, May Day
and two Bank Holidays, one in spring and one in late summer. Where a Public Holiday falls on a weekend or on a rest day it is normal practice for the first working day/days of the following week to be treated as substitute Bank Holidays.

**Shift/Duty Changes**

Requests for shift/changes should be made on the grounds operational necessity and must be made in writing at least one week in advance where possible. The granting of shift changes is at the discretion of supervision. Any changes to shifts made by supervision will only be done for operational reasons who will give as much notice as possible.

**Shift Pattern**

An outline shift pattern has been designed to give the maximum amount of cover with the resources available but is also designed to be flexible depending on the needs of the particular parish.

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<td>Week 4</td>
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**Uniform**

You have a high profile job. The image you convey reflects upon both Horsham District Council and the service as a whole. This image should leave an impression of courtesy, professionalism, and smartness to all residents and members of the public. The job also carries a degree of responsibility that makes easy recognition of the service as a necessity. Wardens are issued with the following items of uniform and equipment:

- High visibility coat.
- High visibility vest.
- Navy blue shell/fleece jacket embroidered Neighbourhood Warden
- Navy blue polo shirts embroidered Neighbourhood Warden.
- Navy blue combat trousers.
- Black boots.
- Black leather gloves.
Utility belt and associated pouches.

Maglight torch.

Mobile telephone.

Responsibility for and Care of Your Uniform

You must maintain a smart appearance and Uniform must be clean and tidy at all times i.e. shirts and trousers ironed, boots cleaned and polished.

You must only wear items issued and authorised by HDC.

Items lost (unless due to a work incident that has been reported to the Community Safety Officer) must be replaced and paid for by you.

You will not wear your uniform outside of working hours.

No jewellery will be worn whilst in uniform with the exception of a wrist watch, wedding and/or engagement ring.

Only sleeper/stud earrings to be worn.

Ladies with hair that falls below the collar of the uniform shirt must tie it back to prevent any chance of it being grabbed.

High visibility jackets/vests are to be worn at all times when on patrol.

Failure to attend work in a smart and clean uniform will result in you being sent home.

Identifying numbers must be clearly displayed at all times and not covered.

You have been issued with a torch and a personal attack alarm, which is to be kept in good working order and regularly, checked for serviceability.

Identity Cards

All wardens are issued with Horsham District Council identity cards that MUST be worn at all times when on duty. In addition to identifying you as an employee of the Council the cards also contain your authority from the Chief Executive to exercise your local authority powers including the issue of Community Protection Notices and fixed penalty notices. The cards must be kept securely when not on duty as they provide access to the Council Offices at Parkside.
Sussex Police Identity Cards

Those wardens who are issued with a Sussex Police identity card by virtue of being based at a Police Station MUST NOT wear this whilst in public or on patrol.

Sussex Police ID cards must only be worn by wardens when present within a police station. This is to ensure that there is no confusion by the public over your role or powers that you may be exercising.

Community Safety Accreditation Scheme Powers Card

This card must be carried at all times when on duty and must be produced to a member of the public should they request to see it when you are exercising any of your accredited powers.

Mobile Telephones

All Wardens are issued with mobile telephones which are provided for work purposes only. These must be kept securely and must also be charged throughout the working day.

These telephones are your primary means of contact for both the public and colleagues and you are able to access your e-mails when out of the office in order to increase the amount of time spent working in the community.

It is important that when you are not on duty or are unable to answer a call that an appropriately worded voicemail message is in place stating that the call will be returned in due course when next on duty.

There may be a time when personal calls may be made to immediate family to notify them that they may be late coming off duty.

Reporting Sickness Absence

If you become sick during the working day and need to leave work before your normal finishing time you must personally notify your manager, or if the manager is not available another senior member of your team.

Contact must be by telephone, text or email and you must ensure your manager has received notification.

Only in exceptional cases, should someone other than the employee be making the call, for example, serious illness and emergency hospitalisation.

If you are unable to attend work you must inform your manager on your first day of absence within one hour of your normal start time (unless there is a clearly defined local arrangement).
You must inform your manager of the nature of your illness, likely duration of the absence and whether or not a GP appointment is being sought.

You should discuss any work commitments which would need to be covered during your absence.

However, if both your manager and alternative manager are unavailable, you should leave a message and contact number with another team member so that you can be contacted once your manager/alternative manager returns.

If your absence is likely to exceed three days, you must contact your manager as soon as possible and within one hour of your normal start time on the fourth and eighth days of absence.

**Statement of Fitness to Work**

If your absence is likely to exceed eight consecutive days (including rest days), you must make arrangements to obtain a medical certificate called a Statement for Fitness to Work (Fit Note) to cover you from at least the eighth day onwards.

Your Fit Note must be submitted to your manager immediately.

You must keep your manager regularly up to date of your situation and on the expiry of your first Fit Note, it is your responsibility to ensure that additional certificates are obtained and submitted on time to cover your absence from work. A failure to obtain or submit a Fit Note regularly and on time may be considered to be taking unauthorised absence, which will be dealt with under the Council’s Disciplinary procedure.

Maintaining regular contact allows your manager to monitor your progress so that appropriate support can be offered, such as a referral to occupational health to aid your return to work and keeping you informed of work developments.

If you are sick whilst on annual leave (excluding public, extra statutory and locally agreed days) you will be regarded as being sick from the dates you obtained a Fit Note. Your manager will adjust your leave accordingly.

**Further Guidance**

Further guidance regarding sickness policy and procedures can be obtained from Human Resources and also via the intranet under Absence Management.
Injuries on Duty

Staff who fall ill or are injured during the course of their duty should notify the Community Safety Officer at the earliest opportunity. Any injury sustained at work, no matter how minor, must be recorded by way of an Accident Report Form that can be found on the intranet and submitted to the Health and Safety Officer, via the CSO as soon as practicable. This is in-line with the Council’s Accident/Incident/Dangerous Occurrence Reporting Policy that can also be found on the intranet.

Injuries sustained as a result of an assault or violence must be reported using the Contact with Caution Incident Report Form that can be found on the intranet. Any assaults on staff must be reported to the Police immediately.
4. **STANDARD OPERATING PROCEDURES**

**Patrolling**

You will always report for duty at your respective base at the beginning of your shift. You will also terminate your duty at the base. Before deploying onto patrol areas a briefing will be carried out on any events that may have occurred overnight.

All Wardens are expected to work to a high degree of integrity and confidentiality in the way they carry out their work and treat all persons with whom they come into contact equally and with respect.

The manner in which you patrol will vary according to the time of day and other factors. During the working day it is usual to be conspicuous and patrol those areas used by the public. During the evening it will be more appropriate to concentrate on areas where damage may be caused or in areas where there may be disorder (i.e. known hotspot for underage drinking). Intelligent planning and patrolling of a beat will enable you to engage with your community, detect offences and prevent crime.

**Safety When Patrolling**

Familiarity and complacency are the biggest obstacles to staying safe whilst on patrol. All Wardens must adjust the timing of patrols, to ensure that you are not in exactly the same place every day and so that people will not be able to predict and anticipate your arrival.

Wardens will be in possession of a fully charged mobile telephone at all times when patrolling.

**Rules of Engagement**

The framework below has been devised for you to apply operational risk assessment and decision making.

The rules of engagement govern all interventions (including the exercise of accredited powers) and draws on risk assessments – weighing up the benefits and risks of a situation. There is no expectation that wardens will engage in activities assessed as high risk.

*There is no positive duty for a warden to intervene – you are not Police Officers.*

The decision for you to withdraw, observe and report is a valid tactical option and is fully supported by the Council.

As employees of a public authority, wardens actions will support the human rights of individuals, according to the PLAN acronym (Proportionate, Legal, Accountable & Necessary) – see Section 4 Prosecutions and Enforcement.
In preparing to engage in an incident, wardens should use the “safe working method” approach to risk management by undertaking a dynamic risk assessment shown below:

**Called to incident**
- By Member of Public

**Information Received**
- Place
- Object
- Subject

**Threat Assessment**
- Yourself
- Subject
- Colleagues

**Powers and Policies**
- PLAN
- Must I?
- Should I?

**Tactical Options**
- Use Power
- Conflict Resolution
- Recording
- Enforcement
- Risk -v- Benefit

**Contact**
- Inform before/after
- Back up
- Withdraw
- Wait & withdraw
Confrontational or Potentially Violent Situations

When dealing with any incident that has the potential to become violent or confrontational, you should conduct yourself in accordance with the following method and if necessary call the Police for assistance when safe to do so. Never place yourself at risk and follow the maxim withdraw, observe and report.

- At all times remain calm remembering that the emphasis lies with diffusing confrontational situations.
- You are not expected to intervene or carry out any function that would not be expected of a reasonably able bodied citizen.
- You are expected to safely monitor the situation until the Police arrive.
- You are expected to provide professional witness statements and appear in Court as a witness where necessary.
- You should alert members of the public who may be affected and in possible danger, where it is feasible and safe to do so.

THE “BETARI BOX” CYCLE OF BEHAVIOUR

```
My attitude → Affects → My behaviour

My behaviour → Affects → Your behaviour

Your behaviour → Affects → Your attitude

Your attitude → Affects → My attitude
```

21
Neighbourhood Wardens – Manual of Guidance

**Entering a Home**

There may be times when appointments have been made by wardens to attend a resident’s address. Wardens will only attend on express invitation by the householder and must not make a lone visit. You must ensure you are accompanied by a suitable member of staff.

When work is being undertaken in residents’ homes, the rights of the resident need to be taken into account. You must not smoke, chew gum or ask for refreshments. You should ensure that you do not bring in muddy boots that will deposit mud or debris in residents’ homes.

Key points to remember:

- Only do so if essential and when invited to.
- Carry your identity card and always show it before entering.
- Introduce yourself stating why you have come.
- Do not enter if the person that you wish to see is not there.
- Respect customers' personal space.
- Always follow the person into the house or room and wherever possible sit facing them near the door.
- Avoid aggressive stances (e.g. standing too close, finger pointing)
- Ensure somebody knows where you are going and when to expect you back.

**Data Sharing and Security**

Horsham District Council is signed up to various information sharing protocols with partner agencies. Information can be shared between partners within the Community Safety Partnership for the purposes of preventing crime and disorder under Section 115 of the Crime and Disorder Act 1998. Accredited Wardens have all signed the Official Secrets Acts and any data that they may come into contact with must only be used in compliance with these Acts. A copy of the Sussex Police Community Safety Accreditation Scheme Information Sharing Protocol can be found at Appendix J. A copy of the Individual Responsibility Declaration form can be found at Appendix I.

**Fire**

In the event of fire breaking out, you should alert the Fire Service by dialling 999. Remember all such calls go to a central service control and therefore full details must be given clearly as below:

Full address of property including town/village – giving any landmark nearby
• If a flat also give flat number, Floor level and whether tenant is at risk (e.g. disabled)
• If in a communal area, advise of nearest road and give details of nearby landmarks.

You should not take any personal risks and must not enter any areas that are affected by fire, heat and/or smoke. You should provide public reassurance and gather as much information as possible.

You should meet the Fire Service at the access point to assist the fire officer on arrival, provide any information and direct him/her to the scene of the fire.

**Medical Emergencies**

There may be occasions when you come across somebody during the course of your patrol that requires medical assistance. All Wardens are first aid trained and are expected to give assistance where possible. In circumstances where an ambulance is required dial 999 and give the following information:

• Location
• Approximate Age of Casualty
• Gender
• Whether they are Conscious and Breathing
• Nature of Their Injury

**Enquiries from the Press**

If officers receive an enquiry from the press under no circumstances should they make any comment. Advise the caller to contact the Community Safety Manager and advise them of the enquiry and to record the call on your weekly Report.

**Lost and Found Property**

Wardens should not accept found property from others – but encourage them to take property to the nearest Police Station. If you find lost property you must record it in your pocket notebook and then take it to the nearest Police Station.

**Lost Children**

If you encounter a child whom you believe is lost you should get the child to a place of safety and contact the police immediately via 999. An incident form must be completed with any action taken and feedback provided.
5. **USING YOUR POCKET NOTEBOOK**

**The Pocket Notebook**

The pocket notebook is an official document and must be carried at all times when on duty. The book is issued by a supervisor and a record is kept of all book issued. It remains the property of the Council and should be stored centrally after completion until it is required for reference or for use when giving evidence.

The pocket notebook is used to record evidence and information relating to an offence or incident. Pocket notebook entries will normally be written although they may be in sketch form, such as a plan to show where property was found.

Pocket notebook entries will be used as the basis of reports or statements.

You may use the notebook to refresh your memory when giving evidence. The court must be satisfied that the entries were made at the time of the incident or as soon as practicable afterwards.

The pocket notebook is subject to the scrutiny of the court. In order to support its integrity a number of rules for its completion have been established. Failure to comply with these rules may lead the court to question the accuracy of your evidence and your honesty as a witness. This in turn may result in the exclusion of your evidence and ultimately the dismissal of the case.

**When to Use It**

The diversity of events with which you will be involved makes it impossible to provide a comprehensive guide as to when an entry should be made in a pocket notebook or the precise detail it should contain. The general rule is that it should be used to record all information or intelligence relating to incidents.

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A RECORD MUST BE MADE OF THE DESCRIPTION OF ANY SUSPECT AS FIRST GIVEN TO YOU BY A WITNESS. THIS IS A REQUIREMENT UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984 CODES OF PRACTICE
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Accurate notes should be made as the scene of the incident and at other stages on the investigation. The notes should not be limited to those matters that you are able to give in evidence, but should include all material that may have some bearing on the incident and the investigation.

**How to Use It**

Your pocket notebook may be examined by your supervisors and by lawyers or court officials when you are giving evidence during a court case. The circumstances in which you have to make entries in the notebook may make it difficult to maintain neat writing.
For example you will need to make verbatim records of what victims, witnesses or offenders say. You must ensure that all entries are legible.

**Pocket Notebook Rules**

- Entries should be made in ink

- Entries should be made at the time of the event which is being recorded or, where circumstances prevent this, as soon as practicable after the event.

- The day, date and year should be recorded and underlined at the beginning of entries for that day.

- All surnames/family names should be in block capitals.

- Entries should be made only on the lines of the pages of the book and all lines and pages should be used.

- Each entry should include time and location.

- Names and addresses of victims, witnesses, offenders and informants should be recorded.

- Where the incident involves vehicles, property or documents, full descriptive details should be recorded including unique identifiers (e.g. registration numbers).

- It is often necessary to record information or a person’s account in direct speech: Q: “What happened?” A: I was walking along when….."

- It should be followed by a section of narrative which accurately explains the event.

- A note should be made of any comments made by a person suspected of committing an offence whether these comments are in response to your questions or not. The person should be invited to read the note and write an endorsement to effect that “I certify that this is a true and accurate record of the conversation that took place.” This should be signed by the suspect and the warden as the conversation may be construed to be an interview. If the suspect does not consider it to be correct, he or she should be invited to indicate which details are considered to be inaccurate and to sign a record of those details.

- If the suspected person refuses to read or sign the note, this should be noted and signed by the warden.

- Where whole or part pages are accidentally left blank a diagonal line should be drawn across the blank area and “Omitted in error” written across the page.

- If a mistake is made, cross it out with a single line so that the word(s) remain legible. Initial the deletion and follow it with the replacement word(s).
Aide-Memoire

The rules governing the use of your pocket notebook can be summarised in the mnemonic:

“No ELBOWS”
- Erasures
- Leaves torn out
- Blank spaces
- Overwriting
- Writing between lines
- Statements in “direct speech”
6. **CONTACT WITH CAUTION**

**Caution Register**

The Council has a duty of care to its employees and reserves the right to exclude individuals from Council premises and restrict/prevent employees visiting premises where there is a known risk.

Where necessary the Council will make special arrangements for dealing with those individuals who have demonstrated violent or abusive behaviour of a serious nature which has clearly resulted in placing an employee or agent at risk.

As a Warden it is your responsibility to report incidents of violent or abusive behaviour of a serious nature within 24 hours of the incident (or as soon as possible in the case of weekends and bank holidays) to your line manager and by using the ‘Contact with Caution Incident Report e-form’ which is available on the council’s intranet. Failure to complete, or delays in completing this incident report form may place others at significant risk.

The Council’s Contact with Caution Register can be searched via the intranet and it is recommended that you search the register if you believe that you are going to be dealing with an individual that may present a risk to your safety. If an individual is listed within the register there may be safety recommendations in relation to dealing with them i.e. visit in pairs only etc.

**Incident Reporting Process**

The following is an extract from the Contact with Caution Policy that was adopted by the Council in 2013:

**Part One**

In the event of a violent or abusive incident occurring during the course of a visit to an individual, or on Council premises, the individual reporting the incident is under a duty to complete part 1 of the ‘Contact with Caution Incident Report e-form’ within 24 hours and select the appropriate manager to which the report should be directed. 

NOTE: If the appropriate manager is on leave or out of the office they should select an alternative to ensure the incident is dealt with promptly.

An e-mail notification is automatically sent to the manager selected by the individual reporting the incident.

**Part Two**

The manager should deal with the incident report within 24 hours of the incident (or as soon as the offices re-open in the case of a weekend or Bank Holiday) by clicking on the link in the e-mail, reviewing the incident report details and completing part 2. Managers may make recommendations as to inclusion on the register, precautions to be advised and any exclusion sanctions to the Contact with Caution Group.
An e-mail notification is automatically sent to the Contact with Caution group.

**Part Three**

The Contact with Caution group members may review the incident e-form prior to the meeting by clicking on the link in the e-mail; however no entry should be made at this time.

The Health and Safety Adviser arranges a meeting of the Contact with Caution group.

At the Contact with Caution group meeting a discussion is held to determine the appropriate action to be taken as a result of the reported incident. This will include the decision to secure evidence from CCTV footage and telephone monitoring software.

Where the abusive behaviour is deemed to be of a fairly minor nature and is an isolated incident, the Contact with Caution Group may determine that the most appropriate response is (examples provided for illustration only):

- To advise the individual reporting the incident and the victim (if different) that the incident is insufficient grounds by itself for any action to be taken at this stage. However, this incident will influence the outcome of any decisions that may arise from further incidents instigated by the same individual.

- To send a letter advising the individual that caused the incident that such behaviour will not be tolerated in the future.

Where the violent or abusive behaviour is not an isolated incident (i.e., other reports have been made about the same individual) the Contact with Caution group may determine that the individual causing the incidents presents a risk to staff and / or agents and decide to add the individual to the Contact with Caution Register.

Sanctions will be time limited and will either:

- exclude an individual from all Council premises, or
- exclude an individual from specified Council premises, or
- require that an individual may only visit Council premises by pre-arranged appointment as agreed with an appropriate, named officer.
- result in an individual not receiving a home visit and alternative arrangements will have to be made.

NB: In practice this means that the individual representing a risk to council staff and / or agents will have a formal warning marker recorded against their record on the Contact with Caution Register and show up in any relevant searches (e.g. by name, address, or postcode).

Feedback will be given to the victim and line manager after the Contact with Caution Group have made a decision, which will be done by the Health and Safety Adviser.
Following the meeting the Health and Safety Advisor will update part 3 of the ‘Contact with Caution Incident Report e-form’ as a matter of urgency documenting the decision and recommendations of the Contact with Caution group.

On submission of part 3 if the individual that caused the incident:

- HAS been added to the Contact with Caution Register: this will be available on searches immediately.

- HAS NOT been added to the Contact with Caution Register: the incident will be saved in the Contact with Caution database for the purpose of monitoring further incidents related to the same individual but they will NOT appear on the Contact with Caution Register.
7. **WARDEN VEHICLES**

You will not be expected to use your own vehicle in order to fulfil the requirements for your post. Each team, apart from the Horsham Town wardens, has access to a vehicle which is to be used for business only. You are not authorised to use the vehicle for private mileage.

Each vehicle is based within the respective parish areas: Ashington, Steyning, Bramber and Upper Beeding and Pulborough as appropriate.

**Driving Permits**

Drivers are required to undertake a driving assessment every 12 months before a new “Permit to Drive” is issued. Employees will then be asked to resubmit their paperwork and have a brief eye sight check.

The Transport Manager may require any authorised driver to undertake a further driving assessment if s/he is not confident in the driver’s ability to control the vehicle to the appropriate standard. The Transport Manager has the authority to withdraw certification if the relevant paperwork is not provided when requested or a driver fails to achieve a satisfactory standard during the driving assessment.

Where drivers meet any of the following criteria, additional training, funded by the Council may be required before a Permit can be issued:

- Failure to meet the required driving standard.
- Two or more blameworthy claims within the past three year period
- Two convictions for motoring offences within the past three year period
- One blameworthy claim and one conviction for a motoring offence within the past three year period.

Before issuing a Permit, the Transport Section will:

- Check Driving Licence for suitability (i.e. classification of vehicle category) and validity. Photocopies will not be accepted.
- Conduct a brief eye sight check (Can a (pre September 2001 number plate be read at 20.5 metres (or post September 2001) number plate be read at 20 metres?)
- Ask to see a record that a full eye sight test has been done within the previous two years. The cost of eye sight testing will be funded for existing employees. Potential new employees will be required to provide evidence at their own cost.

Drivers may only drive vehicles for which they hold appropriate licences, e.g. Large Goods vehicle, bus/coach. All drivers must have a full current and valid driving licence for the vehicle they are using and have received additional instruction and training where necessary, e.g. for drivers of electric car or mini-bus.
Further information or guidance can be found on the Personnel section of the intranet under Health & Safety – Driving Policy.

**Standard of Driving**

We consider employees to be ambassadors for the Council. Their behaviour whilst driving is a reflection on our corporate image and therefore expects drivers to be polite and to follow the Highway Code. Where drivers are involved in careless or repeated incidents, we will require them to be reassessed and/or undertake further training at the Council's expense.

In their own interest, employees driving for work must never drive faster than conditions safely allow and must abide by posted speed limits at all times. Exceeding the speed limit is against the law. Persistent failure to comply with the law will be regarded as a serious matter and excessive speeding while driving for work will be regarded as a serious disciplinary matter.

Drivers who gain penalty points on their licence may be required to undertake further driver training.

We will co-operate with police enquiries resulting from an alleged speeding offence or incident and supply details of the employee (or the driver, if different) to whom the vehicle is allocated.

**Care of the Vehicles**

You are expected to take good care of the vehicle and to ensure that it is kept in a clean and tidy condition, both internally and externally. The vehicles will be washed at least weekly.

**Weekly Inspections**

Weekly vehicle checks must be maintained and noted in the respective vehicle log books. You should, however, wear disposable gloves when doing so and take all appropriate measures to prevent injury to yourselves. You are only expected to conduct basic checks (i.e. oil dip check, water and tyre pressures) there is NO requirement for you to do anything other than this. Checks of brake and steering fluid levels should only be done visibly (i.e. checking the levels through the bottles). Do NOT open either of these under any circumstances - if you have any concerns over these levels then the car needs to be checked by a qualified mechanic.

Weekly vehicle should be recorded using the Inspection Record form found at Appendix D.
Daily Checks

In addition to the weekly vehicle checks, drivers must undertake the following daily vehicle inspections:

- Tyres – check that they are not flat, damaged or bald.
- Lights – check all lights are working correctly and that headlamps are correctly adjusted.
- Horn.
- Steering.
- Windscreen wipers are in good working condition.

Any vehicle defects must be noted in the vehicle log book and the Community Safety Officer/Manger must be informed as soon as possible. All servicing, repairs etc will be organised in accordance with the terms of the Lease Agreement.

Fuelling

Due to the nature of the Unit’s work the vehicles are in daily use. The Civil Contingencies and Emergency Planning aspect of our work may require the use of one or more of the teams’ vehicles at short notice and potentially outside of normal duty times. As a result it is imperative that all vehicles are fuelled on a regular basis and at no time should they be left with less that half a tank of fuel.

The vehicles are to be fuelled at the Hop Oast Depot between 0800 and 1200 weekdays making use of the allocated fuel keys. Fuelling should not take place at any commercial filling station other than in exceptional circumstances.

Vehicle Equipment

All of the vehicles carry the following equipment which should be checked on a regular basis to ensure that it is in appropriate working order. Any defects or missing equipment must be reported to the Community Safety Officer at the earliest opportunity.

- Magnetic amber warning beacon
- First Aid kit
- Sharps Disposal Box
- Warning Triangle x 2
- Litter pickers x 2
- Dragon lamp torch
- Latex gloves x 1 box
- Fire Extinguisher
- Traffic Cones x 4
- West Sussex map book
- Graffiti Removal Kit
- Shovel
- Rubber gloves x 2 pairs

The vehicle must never be left unlocked and equipment must not be left on view whilst the vehicle is unattended.

**Vehicle Log Book**

All of the vehicles have been issued with a log book. This will be completed before and after your shift recording any changes in driver and times. Fuel amounts and daily/weekly checks must also be entered in the appropriate place. You must also record any damage or defects in the book and report any defects to the Community Safety Officer.

**Collisions**

If you damage the vehicle or are involved in a collision this must be reported to the Community Safety Officer/Manager immediately. Any collision involving injury must be reported to the police.

**Mobile Telephone Use**

The use of mobile telephones is expressly prohibited by law and attracts a £100 fixed penalty and three penalty points.

- You must not make or receive calls (even with hands-free 'phones) whilst you are driving.
- If you receive a call on a mobile phone while driving, you should pull over at the nearest point at which it is safe to do so and switch off the engine before answering the call.
8. EMERGENCY PLANNING AND CIVIL CONTINGENCIES

The Role of Horsham District Council

Emergency Planning is intended to prevent and reduce to society from hazards produced by both man and the environment. It involves assessing threats (Anticipate and Assess) and where possible preventing them (Prevent and Prepare), tackling major emergencies when they occur (Respond), carrying on business as usual and restoring normality afterwards (Recovery).

The Civil Contingencies Act 2004 places specific duties on Horsham District Council and lists the Council as a Category 1 Responder. The Council works with other responders as part of the Sussex Resilience Forum to prepare for and respond to any major incidents within Sussex.

In the event of a major incident within Horsham District, the Council will:

- Support the emergency services
- Assist people who have been affected
- Support the community during the recovery process
- Provide public information via the media
- Maintain essential Council services as business as usual.

The Role of Neighbourhood Wardens in Emergency Planning

As wardens you will be required to assist in discharging the Council’s duties. This may include acting as Incident Liaison Officers, Rest Centre Managers or other roles depending on the incident in question. You will receive specific training in relation to these roles and will be given specific guidance on how to fulfil them.

In addition to the roles mentioned above it is expected that you will promote resilience within your communities and assist the relevant parish council with their emergency response plans. Further advice and guidance can be obtained from the Emergency Planning Officer.

Definition of a Major Incident

A major incident is any incident that requires the implementation of special arrangements by one or more of the emergency services, the NHS or a local authority for:

- The rescue and transportation of a large number of casualties
- The involvement either directly or indirectly of large numbers of people
• The handling of a large number of enquiries likely to be generated from both the public and the news media usually to the police

• Any incident that requires the large scale combined resources of the emergency services

• The mobilisation and organisation of the emergency services and supporting services to cater for the threat of death, serious injury or homelessness to a large number of people.

**Joint Emergency Services Interoperability Programme**

The Joint Emergency Services Interoperability Programme (JESIP) has been established to ensure closer joint working between the emergency services. The programme establishes a co-ordinated and efficient command structure at the scene of major incidents to make sure the integration of the activities of wider responders more beneficial for all concerned.

**METHANE Reports**

As part of the JESIP response to major incidents a set shared situational awareness model has been established to assist all organisations when initially declaring a major incident. This uses the mnemonic METHANE:

- M Major incident declared?
- E Exact Location
- T Type of incident
- H Hazards present or suspected
- A Access – routes that are safe to use
- N Number, type, severity of casualties
- E Emergency services present and those required

A METHANE report is also very useful when making any sort of report to the emergency services, particularly at the scene of a road traffic collision or fire.

Further information on JESIP and METHANE reports can be obtained from the Emergency Planning Officer or via the JESIP website: www.jesip.org.uk.
9. PROSECUTIONS AND ENFORCEMENT

Introduction

The following pages are intended for use by you as wardens who are authorised to issue fixed penalty notices in relation to certain crime offences. It sets out what members of the public can expect from Horsham District Council and its officers in terms of the enforcement of such offences. It also establishes the framework within which enforcement action will be taken and the procedures to be followed.

The Legislative and Regulatory Reform Act 2006 introduced a Statutory Code of Practice for Regulators that came into force on 6 April 2008. This code replaced the 1998 Enforcement Concordat and sets out the way in which compliance and enforcement actions must be undertaken, including the publication of the enforcement policy. It states that the District Council’s enforcement policy should:

- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit for non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance, where appropriate;
- Aim to deter future non-compliance.

The Code also states that when formal enforcement action is taken, the individual or entity against whom the action is being taken must be given clear reasons why that action is being taken at the time it is being taken. The interpretation of this policy and other legal requirements must be done in a fair and consistent manner by authorised officers who in turn must act courteously and efficiently when dealing with enforcement issues.

Legal Powers

The aim of the Council is to continually improve the health, safety, welfare and quality of life of people who live in, work in, or visit the Horsham District. To achieve this, the Council has a number of powers and duties which are enforced in an equitable, practical and consistent manner. Wardens are authorised by the Chief Executive in respect of the following via a Fixed Penalty Notice:

3 Statutory Code of Practice for Regulators, paragraph 8.4. (http://www.bis.gov.uk/files/file45019.pdf)
4 Statutory Code of Practice for Regulators, paragraph 8.5. (http://www.bis.gov.uk/files/file45019.pdf)
<table>
<thead>
<tr>
<th>Code</th>
<th>Offence</th>
<th>Legislation</th>
<th>Amount of penalty if paid within 15 days</th>
<th>Amount of penalty if paid within 20 days</th>
<th>Maximum penalty on conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Depositing litter</td>
<td>S.88 Environmental Protection Act 1990</td>
<td>£50</td>
<td>£75</td>
<td>£2,500</td>
</tr>
<tr>
<td>2</td>
<td>Waste Deposit Offence</td>
<td>S.32CA Environmental Protection Act 1990</td>
<td>£250</td>
<td>£400</td>
<td>5 Years Prisons and/or unlimited fine</td>
</tr>
<tr>
<td>3</td>
<td>Unauthorised distribution of free printed matter on designated land</td>
<td>Schedule 3A paras. 1(1) and 7 Environmental Protection Act 1990</td>
<td>£50</td>
<td>£75</td>
<td>£2,500</td>
</tr>
<tr>
<td>4</td>
<td>Breach of Public Space Protection Orders (PSPCO)</td>
<td>S.68 Anti-Social Behaviour Crime and Policing Act 2014</td>
<td>£30</td>
<td>£100</td>
<td>£1,000 (5.07) £500 (5.63)</td>
</tr>
<tr>
<td>5</td>
<td>Breach of Community Protection Notice (CPN)</td>
<td>S.52 Anti-Social Behaviour Crime and Policing Act 2014</td>
<td>£80</td>
<td>£100</td>
<td>£5,000</td>
</tr>
<tr>
<td>6</td>
<td>Failure to furnish written descriptions of waste (written information)</td>
<td>S.34A(2) Environmental Protection Act 1990</td>
<td>£180</td>
<td>£300</td>
<td>£5,000 (or on indictment an unlimited fine)</td>
</tr>
<tr>
<td>7</td>
<td>Failure to produce Authority (waste carriers license)</td>
<td>S.58 Control of Pollution (Amendment) Act 1989</td>
<td>£180</td>
<td>£300</td>
<td>£5,000</td>
</tr>
<tr>
<td>8</td>
<td>Failure to comply with a waste receivers notice (Commercial)</td>
<td>S.47ZA and S47ZB Environmental Protection Act 1990</td>
<td>£80</td>
<td>£110</td>
<td>£1,000</td>
</tr>
<tr>
<td>9</td>
<td>Nuisance Parking</td>
<td>S.8(1) Clean Neighbourhoods and Environment Act 2005</td>
<td>£50</td>
<td>£100</td>
<td>£2,500</td>
</tr>
<tr>
<td>10</td>
<td>Abandoning a vehicle</td>
<td>S.2A Refuse Disposal (Amenity) Act 1979</td>
<td>£120</td>
<td>£200</td>
<td>£2,000 and/or 3 months in prison</td>
</tr>
<tr>
<td>11</td>
<td>Graffiti and fly posting</td>
<td>S.43 Anti-social Behaviour Act 2003</td>
<td>£50</td>
<td>£75</td>
<td>£1,000 to £5,000</td>
</tr>
<tr>
<td>12</td>
<td>Failure to display no smoking signage in a smoke-free premises</td>
<td>S.9 Health Act 2006</td>
<td>£150</td>
<td>£200</td>
<td>£1,000</td>
</tr>
<tr>
<td>13</td>
<td>Smoking in a smoke-free place</td>
<td>S.7 Health Act 2006</td>
<td>£30</td>
<td>£50</td>
<td>£200</td>
</tr>
<tr>
<td>14</td>
<td>Waste and/or recycling container and contamination</td>
<td>S.45 Environmental Protection Act 1990</td>
<td>£40</td>
<td>£80</td>
<td>£80</td>
</tr>
</tbody>
</table>
In addition to the local government powers and duties, Officers accredited by the Chief Constable of Sussex Police under Section 41 of the Police Reform Act 2002 can exercise the following powers:

- Power to require the name and address of a person whom an accredited person has reason to believe has committed a relevant offence (an offence that causes injury, alarm or distress to another person or loss of or damage to another person’s property) - Paragraph 2 of Schedule 5 to the Police Reform Act 2002.

- Power to stop cycles: Powers of a Constable in uniform to stop a cycle when an accredited person has reason to believe that a person has committed the offence of riding on a footpath - Section 163(2) of the Road Traffic 1988 & Paragraph 8A of Schedule 5 to the Police Reform Act 2002.

- Power to require name and address for anti-social behaviour: Powers of a Constable in uniform to require a person whom he has reason to believe to have been acting, or to be acting, in a manner likely to cause harassment, alarm or distress to give his and name and address - Section 50 and Paragraph 3 of Schedule 5 to the Police Reform Act 2002.

- Power to require persons aged under 18 to surrender alcohol: Power to require a person who he reasonably believes is aged under 18 or is or has been supplying alcohol to a person under 18 to surrender any alcohol in his possession and to give their name and address. Power to require such a person to surrender sealed containers of alcohol if the accredited person has reason to believe that the person is, has been or intends to consume alcohol. Power to dispose of alcohol surrendered - Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (as amended) and Paragraph 5 of Schedule 5 to the Police Reform Act 2002.

- Power to seize tobacco from a person aged under 16 and to dispose of that tobacco in a manner directed by the employer of an accredited person. Section 7 of the Children and Young Persons Act 1933 and Paragraph 6 of Schedule 5 to the Police Reform Act 2002.

**Authorisation**

You must carry with you at all times your Authorisation Card, signed by the Chief Executive. This is your authority to deal with those matter outlined above. It contains the following wording:

```
“AUTHORITY TO ISSUE FIXED PENALTY NOTICES

This is to certify that the Officer whose photograph is shown overleaf has been authorised by Horsham District Council to issue fixed penalty notices for environmental crime offences; to enforce District Byelaws; & require the name & address of persons believed to be committing a relevant offence.”
```

This card must be presented to members of the public upon their request.
Enforcement Principles

Environmental crimes are just that, crimes. The aim of this policy is to change the behaviour of the offender to increase the quality of life and the environment of the District. This can be done through education as well as enforcement. Indeed the issuing of a fixed penalty notice for an offence should be seen as the last resort prior to a prosecution and authorised officers should aim to generate voluntary compliance by the suspected offender.

Each authorised officer is responsible for his or her decisions regarding enforcement action and as such there is a clear need to demonstrate that decisions are taken in an objective and responsible way in order that there is confidence in the fairness of those decisions. Factors that will be taken into account in deciding the appropriate enforcement action include:

- Seriousness of the offence
- Risk to public safety or the environment
- Public expectation
- Consequences of non-compliance
- Likely effectiveness of enforcement actions
- Be proportionate to the nature of the offence and the harm caused

Human Rights Act 1998

In deciding to institute enforcement action, particularly prosecution, officers will consider the rights and freedoms given to individuals under the Human Rights Act 1998, in particular taking account of Article 6, the right to a fair trial and Article 8 the right to respect for private and family life, home and correspondence. In taking enforcement action staff must ensure that their actions are Proportionate, Legal, Accountable and Necessary (PLAN).

Equality Act 2010

All officers undertaking enforcement duties will ensure that all recipients of the service receive fair and equitable treatment irrespective of their race, ethnicity, gender, disability or other protected characteristic.

Proportionality

The Council will ensure that the actions it takes are proportionate to the risk, are consistent in application and are targeted to areas where problem analysis has revealed the greatest area of risk or level of complaint.
Enforcement action will relate to the risk to safety, health, welfare, public tranquillity and the quality of life of the community and wider environs and any enforcement action will be proportionate to the risk. Action will also be guided by the general aim of using the lowest level of action consistent with achieving efficient and effective compliance with the legislation and securing adequate protection of the public interest in health, safety and the environment.

**Procedures**

In dealing with the offences detailed above an initial approach will be to offer appropriate advice and guidance and, where appropriate, a verbal warning. Where the matter involves a juvenile or the offence has been witnessed by the Officer then a written ‘Yellow Card’ warning will be given. The ‘Yellow Card’ warning ensures that the offender’s details are formally recorded and passed to the Anti-Social Behaviour Coordinator who will generate a letter to the offender, or in the case of a juvenile, to the parents of the juvenile, pointing out the details of the offence and offering suitable advice. The details of the offender will be recorded on the ASB database, but will not be recorded on the Police National Computer.

In the case of a repeat offender, or where the officer considers the circumstances surrounding the offence to be particularly serious, shows evidence of intent, or is carried out in a reckless or offensive manner or where the public or environment are put at risk of danger or other circumstances outlined above exist then a FPN will be issued.

**Uniform**

In addition to carrying your authorisation card, you will wear your uniform when carrying out enforcement activity and will clearly display your identification badge at all times. It is viewed as best practice for officers to wear high visibility jackets when carrying out enforcement duties.

**Covert Enforcement**

The Regulation of Investigatory Powers Act 2000 (RIPA) governs the use of covert surveillance by various public bodies, including local authorities. In circumstances where it is deemed appropriate and the circumstances justify such an approach, officers may apply for authority to undertake covert surveillance in accordance with the Horsham District Council RIPA policy which can be found on the intranet. No form of covert surveillance or enforcement must be undertaken without prior approval in line with this policy.

Further guidance should be sought from Legal Services prior to any activity that could be deemed to be covert surveillance under the terms of the Act.

**Fixed Penalty Notices**

Fixed Penalty Notices will only be issued where the level of proof would be sufficient to secure a conviction at Magistrates’ Court. In the majority of circumstances FPNs will only
be issued by staff wearing uniform identifying themselves as authorised officers of Horsham District Council.

Fixed Penalty Notices will not be issued to young offenders under the age of eighteen, however a ‘yellow card’ warning will be issued and a letter sent to parents. Depending upon the seriousness of the offence other interventions (including court action) will be considered by the ASB Team.

In the case of sixteen and seventeen year olds, once their age has been ascertained they may be issued with an FPN as set out above, however no further conversation can take place without a parent, guardian or ‘appropriate adult’ present.

If the offence witnessed is particularly serious then the officer will consider whether the matter should be dealt with by means of court action. In such circumstances the offender may be reported in accordance with PACE guidelines and a written statement submitted to Legal Department for consideration. Where the identity of the offender is unknown or the offender refuses to give his details to the officer then a further offence is committed and the offender should be reported (where practicable) for the original offence and the further offence. Enquiries can then take place to establish that person’s identity.

**Appeals & Court Action**

Whilst there is no obligation for an authority to offer an appeals process, where someone wishes to dispute an FPN, a review of the circumstances will be made by the Director of Community Services. This will not affect any discount offered by the Authority, providing the appeal is made in writing within the early payment period.

Where the FPN remains unpaid after the expiration of 15 days then a reminder letter will be sent to the offender. If it remains unpaid 7 days after that then a final demand will be sent.

The decision to prosecute an offender who fails to pay the FPN will be taken by the Director of Community Services who will have to be satisfied that:

- There is a case to answer
- There is enough evidence to support a successful prosecution
- That the prosecution is in the public interest
- That the action proposed is consistent with any adopted authority policy.

Once that decision is made then Legal Department will arrange for a Summons from the Magistrates’ Court to be issued to the alleged offender requiring them to appear at a given court on a given time and date.

In order to comply with Government requirements for an annual return of FPNs issued, a comprehensive record will be retained by the Community Safety Unit in the prescribed form.
The Caution

“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”

Whilst gathering evidence officers will be governed by the rules of the Police & Criminal Evidence Act 1984 (PACE). If any questioning takes place, over and above, establishing the identity, address, date of birth (and in the case of dog fouling establishing if a dog is with a particular person) then the suspected offender must be cautioned if any of his/her answers are to be admissible in court.

You may ask questions to find out whether an offence has been committed, whether anyone saw it being committed and whether anyone has any other information that might be useful in the investigation. Having determined that an offence has been committed, you may wish to question all those who might have been involved.

When an offence has been committed, but you do not suspect any person that you are questioning as being the possible offender for that offence, you do not need to caution any person under these circumstances prior to asking your questions.

Discretion and Offenders

As an accredited warden you have a fairly wide range of powers available to you. There will be times when it may not be necessary to use those powers. It will be a case of using your discretion.

The Meaning of Discretion

Discretion has been defined in a number of ways:

- Freedom of judgement and action
- Authority to decide and choose
- Selecting the best course of action, having recognised and considered all of the alternatives.

The proper use of discretion is recognised as a key skill for a warden. It is not your duty to indiscriminately prosecute every person who commits an offence.

Discretion versus Duty

By using discretion, you will sometimes be making a decision not to act in circumstances where it may seem that your duty requires you to act. Failure to act could be interpreted as favouring or discriminating against certain individuals or groups which can lead to accusations of neglect of duty, harassment or corruption.
The decision you make must therefore be based on an objective consideration of the factors surrounding an event. If called upon, you should be able to explain your actions to another person who, although not necessarily agreeing with your use of discretion, will be able to appreciate the grounds for your decision.

**Using Discretion**

You will frequently be presented with situations when it is necessary for you to take action. Once you have identified a need to take action you may then be faced with a number of choices. As every situation is different, it is impossible to apply rigid rules to the decision making process. You will have to determine how to proceed after evaluating all the circumstances surrounding the particular incident. *You will need to be able to show that you have not subjected any person to a detriment which cannot be justified.*

**Points to Consider in the Use of Discretion**

The following points are not comprehensive, but indicate the range of factors which may influence decisions. They should be considered in relation to each other rather than in isolation.

**With whom am I dealing?**

- How many people are involved?
- What is there attitude to the incident?
- What is the physical or mental state of the person?
- Is age a factor?
- Are they having difficulty in communicating?
- Might their behaviour be as a result of their culture or faith?

**What are the possible outcomes?**

- Risk of injury to others or myself?
- Harm to council/public relations by seemingly excessive enforcement?
- Will inaction be viewed as the soft option and the person being “Let off”?

**When did the incident occur?**

- Is the day of significance (e.g. market day, a festival or bank holiday)?
- What time of day (e.g. rush hour, during school hours, at night)?
Is it wiser to act now or delay until a more appropriate time?

**Is the incident taking place....**

- In a private or a public place?
- Are members of the public likely to witness the event?

**Why should or should not act?**

- What else do I know about the individuals, the locations or the incidents?
- What are my department’s objectives?
- Is there a specific policy for the circumstances?

**What course of action should I take?**

- Do nothing
- Persuade
- Advise
- Warn
- Fixed Penalty Notice
- Report for summons

**Remember PAW**

**Persuade**

**Advise**

**Warn**

**How would I assess my handling of the situation?**

From my own perspective:

- Was it appropriate to handle to incident alone?
- Should I have requested assistance?

From the perspective of the person(s) dealt with:

- Was there any unreasonable infringement of their liberty?
- Were they treated appropriately, fairly and with respect?
- Were my actions professional and likely to enhance the reputation of the service?
10. ANTI-SOCIAL BEHAVIOUR POLICY

The following is Horsham District Council’s Anti-Social Behaviour Policy that was adopted in January 2015. It is included in this manual in its entirety for reference and outlines how the Council deals with anti-social behaviour.

Introduction

This policy describes the role which Horsham District Council (HDC) has when it comes to dealing with anti-social behaviour (ASB) and the principles we will apply in our approach to the handling and management of reported incidents of ASB.

Anti-social behaviour is an overarching term which is used to describe a broad range of socially unacceptable behaviours including day-to-day incidents of crime, nuisance and disorder which can make many people’s lives a misery. In order to address incidents of anti-social behaviour Horsham District Council will engage in and play an active role in a multi-agency harm centred approach.

Purpose and Scope

The purpose of this policy is to ensure the protection of people from ASB and any harm caused by the same. It describes how Horsham District Council:

- Recognises and records reports of ASB
- Assesses the risk to individuals
- Prioritises the response required
- Takes action with partners to solve problems and prevent further harm from ASB

What is Anti-Social Behaviour?

Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

b) Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises; or

c) Conduct capable of causing housing-related nuisance or annoyance to any person.

7 "Housing-related" means directly or indirectly relating to the housing management functions of a housing provider, or a local authority.

These include functions conferred by or under an Act of Parliament; and the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.
How Does Horsham District Council Deal with Anti-Social Behaviour?

When a member of the public reports a case of Anti-Social Behaviour to an Officer or Councillor the following procedure should be followed:

Having listened to the complaint, the Officer or Councillor should determine whether or not the complaint meets one of the definitions of Anti-Social Behaviour as listed above. If it does not or is one of the following issues detailed below, then the caller should be advised that no further action will be taken in terms of Anti-Social Behaviour but advice given as to which agency or organisation may be best placed to help them. As with the enforcement of any legislation, Officers will always consider which powers best suit the situation and ensure it is a proportionate use to match the behaviour.

If the complaint does meet the definition of Anti-Social Behaviour, be the problem noise or another issue then details of the complaint will be recorded on the incident management systems (E-Cins) and the complainant given a reference number.

The call-taker will then carry out a risk assessment over the telephone which will indicate whether the case is standard, medium or high risk. A copy of the Risk Assessment can be found at Appendix F and a flow chart detailing the above process at Appendix E.

Where an incident of anti-social behaviour or another nuisance matter is reported out of normal office hours, Horsham District Council operates a 24/7 emergency duty officer scheme. It is the role of this on call officer to ensure that in an emergency situation the appropriate internal departments or external partners are alerted in order that immediate action can be taken. This includes complaints of noise nuisance which often accompany other reported anti-social behaviour (see overleaf for details).

Criminal Matters
Acts of criminality such as offences involving public order issues, physical assault, theft, harassment etc. are matters that are handled by Sussex Police.

Domestic Abuse Incidents
Domestic Abuse incidents are dealt with by Sussex Police and through Worth Services.

Animals
This policy is aimed at reducing harm to individuals, therefore, some incidents involving animals (e.g. sheep in someone’s garden) would not fall within its scope. However a common sense approach will be taken in this respect. Incidents such as allowing a dog to persistently bark/foul an area, and other animal related issues including, smell or risks of harm to health, may be construed as ASB.

Highway Parking Complaints
Complaints of unlawful or inconsiderate parking do not constitute anti-social behaviour and are dealt with by Horsham District Council’s Parking Services Department.
Driveway Ownership, Access and Boundary Disputes
Disputes between parties concerning ownership, access or boundaries are a purely civil matter and it is not the responsibility of HDC to intervene. Blocked access is considered to be obstruction and was not de-criminalised with other parking duties which Sussex Police have the powers.

Motoring Offences
Motoring offences are handled by Sussex Police. Reports of anti-social driving can be made via the Operation Crackdown website: www.operationcrackdown.org

High Hedges
Involving the Council in a high hedge dispute should be a last resort if a resident cannot resolve the matter locally. The Council will investigate the matter accordingly under its powers in Part 8 of the Anti-social Behaviour Act 2003. Such complaints should be made to the Council’s Arboriculture Officer within the Planning Department.

Common Lifestyle Differences
The following list although not exhaustive provides examples of lifestyle differences which are not in their own right considered to be anti-social behaviour and which if reported aside from logging the call to build a history, no direct action would be taken.

- Day to day living noise between domestic dwellings
- Children playing in and around the vicinity of their own home
- Cooking smells
- Disputes between children
- Talking too loudly
- Personal disagreements associated with social media and landline/mobile communication devices
- Groups of young people socialising/associating, in a lawful manner, in public places

Noise Nuisance
Horsham District Council is very experienced in dealing with noise nuisance with a legal duty to investigate complaints under the Environmental Protection Act 1990. If such nuisance is substantiated the District Council much also take action to remedy. In deciding whether a noise problem is a statutory nuisance, environmental health practitioners will consider a number of factors including; noise levels, origins, frequency and duration, timings, location and sensitivities.
To amount to a statutory nuisance, a matter complained of must either be prejudicial to health or a nuisance, either public or private, at Common Law. For a noise to be a statutory nuisance, it must be an unacceptable interference with the personal comfort or amenity of neighbours or the nearby community.

Not all noise nuisances are a statutory nuisance and there are some situations where noise can occur but where the Environmental Protection Act 1990 will not apply. In particular, to be a statutory nuisance, the noise must originate in a “premises” and be heard beyond those premises. So noise made for example, made by people in the street, will not be covered by statutory nuisance legislation.

As well as the Environmental Protection Act 1990, Horsham District Council has access to a range of other legislative powers designed to tackle particular kinds of noise, including:

- The Control of Pollution Act 1974
- The Noise Act 1996
- The Clean Neighbourhoods and Environment Act 2005

For persistent problems that cause you annoyance and that fall within the category of a statutory nuisance, an individual can complain to the Environmental Health Department who will require the complainants name and address and information on the source of the problem for an investigation to be initiated. Usually the complainant will be asked to complete a diary record of the times and dates when they are affected and what the impacts are on them. For noise nuisances, the environmental health officers may install sound recording equipment to monitor noise levels. Once the investigation has been concluded a decision will be made on whether a statutory nuisance is occurring and what, if any, would be the most appropriate action. In most cases the problem can be remedied informally, but if a statutory nuisance exists an abatement notice can be served on those causing the nuisance requiring them to stop it. If they fail to comply with the notice, then the local authority can prosecute the offenders.

In some cases despite all efforts, the Council will not be able to establish that the noise causing the problem is a nuisance. In these cases individuals can take their own action for noise nuisance via the Magistrates Court under Section 82 of the Environmental Protection Act 1990.

**Littering**

Two specific powers to deal with littering are being repealed by this legislation (the litter clearing notice and street litter clearing notice) and replaced by the Community Protection Notice. If littering is reported and or witnessed it is recommended that following a warning procedure in line with HDC’s Environmental Enforcement Policy be applied. One off littering offences can in the first instance be tackled through the issuing of fixed penalty notices under section 88 of the Environmental Protection Act 1990 as a CPN would be disproportionate.
Hate and ASB Risk Assessment (HARA)

Standard Risk
Standard risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker will agree a course of action with the victim where appropriate. The case will be reviewed by a manager within 28 days of receipt and closed following resolution.

Medium Risk
Medium risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker will agree a course of action with the victim where appropriate. The case will be reviewed by a manager within 7 days of receipt and will also be discussed at the multi-agency Anti-Social Behaviour Action Group.

High Risk
High risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker must hold a multi-agency case conference within 72 hours to agree an action plan to reduce the risk of harm to the victim. The case will be reviewed by a manager within 7 days of receipt and will also be discussed at the multi-agency Anti-Social Behaviour Action Group.

Case Management
The relevant caseworkers will take full responsibility for managing their cases according to the process outlined above and be accountable for their actions, primarily to victims and their line-manager.

All cases will be recorded and managed through E-CINS which has been adopted as the Sussex-wide Multi-Agency Case Management System.

Multi-Agency Meetings
In tackling anti-social behaviour Horsham District Council will work together with our partners to reduce the risk of harm to individuals and the community. We achieve this through a number of formal and informal meetings.

Anti-Social Behaviour Action Group
The Anti-Social Behaviour Action Group (ASBAG) is a monthly multi-agency meeting attended by practitioners from police, local authority, registered social landlords, social care and other interested parties. Referrals can be made by any practitioner within Horsham District who has a role in tackling anti-social behaviour.

All medium and high risk cases are reviewed at ASBAG meetings, actions are agreed and recorded. ASBAG is accountable to the Community Safety Partnership Board and also Horsham District Council’s Scrutiny and Overview Committee acting in its capacity

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8 Caseworkers can include Environmental Health Officers, Housing Officers or Anti-Social Behaviour Officers
as Crime and Disorder Committee under the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

**Street Community Operational Group**

Horsham District Council will work closely with a variety of agencies including housing services outreach workers and Sussex Police to reduce anti-social behaviour caused by the street drinking community and will apply a mixture of support and enforcement. It is widely accepted that enforcement alone will not stop those individuals who have addiction or are habitual drinkers from drinking. HDC will support a balanced and supportive delivery of measures to encourage drinkers to reduce the number of units they are drinking, so that they can start to address some of the contributing factors, for example secure accommodation & manage debt.

**Information Sharing**

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement making use of Section 115 of the Crime and Disorder Act 1998 and other relevant legislation, including the Anti-Social Behaviour, Crime and Policing Act 2014.

**Repeat Demand Callers**

In the case of regular and persistent calls to the District Council concerning anti-social behaviour, there is a monthly meeting to investigate such instances and these cases will be referred to the Repeat Demand meeting. An action plan will be developed to support such individuals and the necessary referrals made where it is suspected that the individual is suffering from a mental health condition.

**Service Standards**

Horsham District Council is committed to providing a high quality of service and the following standards outline what victims of ASB can expect from us:

- a) We have put in place a variety of reporting methods and systems which make it quick and easy for anyone to report ASB.

- b) HDC take all complainants of ASB extremely seriously and we will respond to such reports promptly and fully investigate all such reports in line with this policy.

- c) ASB Reports will be allocated to a named caseworker who will contact the victims or those reporting ASB using the preferred method of contact identified by the person making the report.

- d) The caseworker will meet with the victim/complainant at an agreed location where they indicate that they would prefer a face to face meeting.
e) Where the victim/complainant indicates that they wish to be sent an acknowledgement letter, this will be provided and will include a unique case reference number and the relevant contact details.

f) The caseworker after any initial contact will make further contact with victim/complainant and agree/confirm an action plan for dealing with their ASB issue.

g) The victim / complainant will on a case by case basis be provided with an ASB incident diary in order to record details of ASB incidents.

h) The caseworker will regularly review the case with victim / complainant, as agreed in the action plan and this will take place at minimum, at least once a month.

i) All active cases will be regularly reviewed jointly on a fortnightly basis by the caseworker and the Community Safety Manager.

j) Where appropriate mediation will be offered if it is considered the most effective way to deal with any problems.

k) HDC will provide support to the victim / complainant along with our partner agencies and other support services to ensure that a full package of support is provided.

l) The most appropriate tools and powers to resolve ASB cases will be utilised and where appropriate HDC will share information with others to ensure the best outcome for any victim of ASB.

m) Contact will be made with the ASB victim / complainant prior to closing their case. A case closure confirmation letter will be sent to the victim/complainant outlining the outcome of the case in writing.

n) An ASB case will only be closed where consent by the Community Safety Manager has been granted.

o) All information provided to HDC surrounding ASB cases will be treated in confidence and all records will be kept safe and secure in line with legal requirements, subject to safeguarding exemptions.

p) Where legally permitted to do so, HDC will publish in the public domain details of individuals who are subject to ASB enforcement sanctioned by the courts.

q) Where appropriate and with the consent of any victim / complainant, HDC will undertake customer satisfaction surveys to help find out what people think of the service and how it can be improved.
Anti-Social Behaviour Powers Available

In determining the appropriate course of action to deal with the reported anti-social behaviour, the relevant caseworker will consider a number of options that are available to them. These include low level intervention through warning letters or Acceptable Behaviour Contracts through to the use of formal powers including, but not limited to, those outlined below:

Civil Injunction (CI)
(Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The Civil Injunction is used to stop or prevent individuals engaging in further anti-social behaviour quickly and prevent its escalation. The CI is available in the county court for adults and the youth court for 10 to 17 year olds. Breach by someone aged 10 to 17 would result in a curfew, activity or supervision requirement, or as a last resort, custody for up to three months for someone aged 14 to 17. Breach by an adult could result in up to two years in prison.

The injunction is a civil power which can be applied for to deal with anti-social individuals. CIs can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person’s behaviour from escalating.

Although the CI is a civil power, it is still a formal sanction and HDC will consider early and informal approaches before resorting to court action, especially in the case of those under 18 years of age. However, where early and informal approaches have not worked or HDC decides that a formal response is needed more quickly, we will pursue the enforcement route.

It will not automatically be the responsibility of HDC to undertake responsibility to act as lead agency as a number of agencies can apply for a CI and this will ensure that the body which is best placed to lead on a specific case can do so. Other agencies who can apply for a CI are –

- A Non-Council Housing Provider (Registered Social Landlords)
- The Chief Officer of Police for the local area
- The Chief Constable of the British Transport Police
- Transport for London
- The Environment Agency and Natural Resources Body for Wales
- NHS Protect and NHS Protect (Wales)

There are two specific tests for a Civil Injunction. The first is for non-housing related ASB in that the person’s conduct has, or is likely to cause harassment, alarm or distress to any person. This will apply when the ASB has taken place in a public place and does not affect the housing management functions of a social landlord or people in their homes.

The second test relates to housing-related ASB. The test in these circumstances is that the conduct is capable of causing nuisance or annoyance to a person in relation to that
person’s occupation of residential premises; or the conduct is capable of causing housing-related\(^9\) nuisance or annoyance to any person

Where HDC are seeking to apply for a CI we must have evidence (to the civil standard of proof, that is, ‘on the balance of probabilities’) that the respondent’s behaviour has met either of the tests detailed above. HDC will also need to satisfy the court that it is just and convenient to grant the injunction.

HDC will communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this test ensure that victims and communities feel that their problem is being taken seriously, but it will also aid our evidence-gathering process for application to the court.

The test also allows for the CI to be used in cases where the perpetrator has allowed another person to engage in ASB, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person such as a visitor or a lodger was behaving anti-socially, HDC will consider seeking a CI against the problem visitor, lodger or owner, if applicable.

**Criminal Behaviour Order (CBO)**

(Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014)

A Criminal Behaviour Order (CBO) is issued by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

The CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

The prosecution, usually the Crown Prosecution Service (CPS), may apply for the CBO after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO at its own initiative or following a request from a council or the police. The CBO Hearing will occur after, or at the same time as, the sentencing for the criminal conviction. The CPS will rely on the police or council to build the case to be presented to the court.

For a CBO to be imposed, the court must be satisfied beyond reasonable doubt that –

- The offender has engaged in behaviour that caused/was likely to cause, harassment, alarm or distress to one or more persons; and
- That making the order will help in preventing the offender from engaging in such behaviour.

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\(^9\)“Housing-related” means directly or indirectly relating to the housing management functions of a housing provider, or a local authority. These include functions conferred by or under an Act of Parliament; and the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.
The CBO can deal with a wide range of anti-social behaviours following the individual’s conviction for a criminal offence, for example, threatening violence against others in the community or persistently being drunk and aggressive in public. HDC will make proportionate and reasonable assessments before applying for a CBO and the conditions of an order **should not** be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, serious harm to victims or communities. An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the ASB for it to be issued by the court. However, if there is no link this may increase the likelihood that an application will not be successful.

As with the CI, HDC will, where appropriate seek to include requirements where it is believed by and held by the court that such measures will help stop further ASB by the offender. HDC will ensure that any requirements placed on the offender will aim to tackle the underlying cause of the ASB and are tailored to the specific needs of each offender. They could include:

- Attendance at an anger management course or cognitive behavioural therapy where an offender finds it difficult to respond without violence.
- Youth mentoring.
- A substance misuse awareness session where an offender’s ASB occurs when they have been drinking or using drugs; or
- A job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit ASB.

It will **not automatically** be the case that HDC will undertake responsibility to act as lead agency. A number of agencies can apply for the CBO and this will ensure that the body which is best placed to lead on a specific case can do so. Each case will be considered by liaising with partners during the monthly anti-social behaviour action group meeting to establish which agency would be the best fit in terms of taking the lead.

**Community Protection Notice (CPN)**

*(Part 4, Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)*

The CPN is aimed at stopping a person, business or organisation committing persistent and continuing unreasonable behaviour that spoils the community’s quality of life, by targeting those responsible.

In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice. However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so Police Officers and Police Community Support Officers will also be able to issue CPNs.

In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of ASB every year. Where it is appropriate, local councils can designate social landlords in their area to issue CPNs. This designation is presently un-adopted but will be considered by the Council’s Scrutiny and Overview Committee (Crime and Disorder Working Group) in 2015.
A Community Protection Notice is a written warning that requires the perpetrator to stop the behaviour that is causing ASB. It can include a requirement to stop doing something, to positively do something (such as clear land of litter) and take reasonable steps to prevent the behaviour continuing. A CPN allows HDC to carry out works in default on behalf of the perpetrator.

Failing to comply with a CPN is an offence for which the individual or business can be subject to a fixed penalty notice or prosecution through the courts.

**Statutory Noise Nuisance and CPN’s**

Once an environmental health practitioner has decided that a statutory nuisance exists or is likely to occur or recur, the District Council is under a duty to serve an abatement notice to prohibit or restrict the recurrence of the noise. In light of this, it would be inappropriate to serve a community protection notice where a noise amounts to a statutory nuisance or an abatement notice has been service in the past or the restriction remains in force.

**Environmental Anti-social Behaviour**

Since 1998, the range of powers available to frontline professionals to deal with environmental ASB have grown substantially and become quite confusing and often limiting. Previous powers now repealed have tended to deal with specific issues, and include: litter clearing notices, street litter control notices, defacement removal notices, gating orders, dog control orders, designated public place orders, crack house closure orders and premises closure orders. Such a wide range of powers means the responsibility for dealing with environmental ASB has been shared between a number of agencies, in particular the police, HDC and social landlords. The CPN is intended to deal with particular, ongoing problems or nuisances and the test will be that the agency empowered reasonably believes that the behaviour is detrimental to the local community’s quality of life and is unreasonable and persistent. It becomes a criminal offence if the person or business does not comply with the notice and the sanction of a fine or fixed penalty notice can be applied in certain cases.

**Public Spaces Protection Order (PSPO)**
*(Part 4, Chapter 2 of the Anti-Social Behaviour Act 2014)*

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from ASB.

HDC are responsible for making PSPOs, in consultation with Sussex Police. In making an order the Council must be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
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- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

The Council can make a PSPO on any public space within the boundaries of Horsham District (the definition of a public space includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission).

It is an offence for a person, without reasonable excuse, to do anything that they are prohibited from doing by a PSPO or for them to fail to comply with a requirement to which they are subject to under a PSPO (this could be keeping a dog on a lead for example). Enforcement action can be undertaken by HDC officers, Police Officers and Police Community Support Officers.

Closure Power
(Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder and it comes in two stages, the closure notice and the closure order which are intrinsically linked. The closure notice can be issued by HDC or the police out of court. The short-term closure notice can then be extended upon application for a closure order to the magistrates’ court. The court will make the final decision as to whether to grant the order. A Head of Service with responsibility for: Environmental Health, Licensing, Anti-social Behaviour or Environmental Services must authorise the initial closure notice.

When deciding whether or not to issue a closure notice HDC will, in consultation with Sussex Police, need to be satisfied, on reasonable grounds:

- That the use of a particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice will be in effect for 24 hours but can be extended to up to 48 hours by the Chief Executive or his delegate at Director level.

Following the issuing of a closure notice HDC will apply to the magistrates’ court for a Closure Order. We will use this power in partnership with other relevant bodies to protect the community from ASB and criminality.
Absolute Ground for Possession
(Part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014)

HDC can use the absolute ground for possession in relation to its own housing stock in order to speed up the possession process in cases where ASB or criminality has been already been proven by another court.

As HDC will not need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. This will strike a better balance between the rights of victims and alleged perpetrators, and provide swifter relief for victims, witnesses and the community. The new absolute ground is intended for the most serious cases of ASB and HDC will ensure that the ground is used selectively.
11. THE COMMUNITY TRIGGER

Horsham District Council together with other Relevant Bodies\(^\text{10}\) are under a legal duty to have in place a process known as the Community Trigger and also a procedure to undertake case reviews when requested to do so and assuming the appropriate criteria have been met.

The Community Trigger allows victims, communities and those acting on their behalf, such as local councillors, to request action from the relevant bodies if they feel that they have complained about anti-social behaviour but have not received appropriate service or resolution to their complaint. The law requires Relevant Bodies to work together to address anti-social behaviour complaints made under the Community Trigger process (see Appendix E for the process diagram).

The Community Trigger process cannot be used to review decisions that have previously been taken by the Crown Prosecution Service. This can be done through the CPS complaints process and the Victims’ Right to Review scheme that can be found at: www.cps.gov.uk/contact/feedback_and_complaints/

Threshold

The law states that the Relevant Bodies must set a threshold for complaints in order for the Community Trigger process to be activated. Within Sussex it has been agreed that the threshold will be:

*If an individual has reported three separate anti-social behaviour or hate incidents in the last six months.*

When reviewing whether or not a particular compliant has met the threshold we will undertake a risk assessment that will take into account the persistence of the anti-social behaviour, the potential harm that has or could be caused as a result of the anti-social behaviour; and finally the response that agencies have given to that behaviour.

Qualifying Complaints

In order to be able to activate the Community Trigger and the subsequent case review process, complaints about anti-social behaviour need to have first been reported to the relevant agency. This allows for those agencies to investigate and take action where necessary. The Community Trigger exists to review previous actions and make recommendations through an action plan if appropriate but does not replace the need to report incidents when they happen.

\(^{10}\) Horsham District Council, Sussex Police, Horsham and Mid-Sussex Clinical Commissioning Group, Coastal West Sussex Clinical Commissioning Group, Registered Social Landlords
Making a Complaint through the Community Trigger Process

Individuals who wish to make a complaint through the Community Trigger Process must do so in writing by either completing the online reporting form that can be found at:

www.horsham.gov.uk/communitysafety/community-safety/the-community-trigger

Alternatively the form can be printed completed and posted to:

Community Trigger
Anti-Social Behaviour Unit
Police Station
Hurst Road
Horsham
West Sussex
RH12 2DJ

For any person unable to access a computer or printer a form can be requested from the Anti-social Behaviour Unit via the above and it will be posted out as a hard copy.

Complaints will be acknowledged in writing within three working days of receipt. This acknowledgement will include the details of the process for reviewing the complaint and the name and contact details of the nominated case worker.

All complaints made under the Community Trigger process will be assessed by the Anti-Social Behaviour Unit in conjunction with the relevant agency. We aim to carry out the initial assessment within ten working days. The applicant will be informed of the outcome of that assessment and the next steps as necessary in each case.

Complaints will be recorded using the E-Cins computer system and any subsequent action taken will be documented using this system, including any case reviews, action plans or recommendations that are made in connection with the complaint.

Anti-Social Behaviour Case Reviews

Those complaints that have met the threshold will be subject to an anti-social behaviour case review that will be led by a nominated caseworker who has not been previously involved with the matter. It will be fully reviewed at the monthly multi-agency Anti-Social Behaviour Action Group (ASBAG) meeting. The result of the review will be recorded on the appropriate case record on E-Cins will be discussed with the applicant by the nominated case worker after the ASBAG meeting.

Action Plans

If the review establishes the need for further work to address the anti-social behaviour then an action plan will be prepared in consultation with the applicant. We will adopt a problem solving approach to address the anti-social behaviour, working in partnership with the community and the relevant agency.
Recommendations

Following the case review at the ASBAG it may be deemed appropriate by those undertaking the review to make recommendations to other agencies (including the Relevant Bodies) relating to the case review. Any person that carries out a public function has a duty to have regard to the recommendations when carrying out these duties in the future. They are not, however, obliged to carry out the recommendations but they should be acknowledged and they may be challenged if they choose not to carry them out without good reason.

Applicants will be notified of the results of the case review and any recommendations that come may be made in connection to it in writing within ten days of the review.

Recommendations will not be made to the Crown Prosecution Service to take action in particular cases. The CPS are an independent body and are governed by the Code for Crown Prosecutors upon which their decisions to prosecute individuals are based.

Information Sharing

The Act has created a duty to share information to allow case reviews to take place. The law allows the Relevant Bodies to request information from any person in order to carry out a review. Those who exercise a public function (such as the Police, District Council, Fire Service etc) are under a duty to disclose such information. The only exemption to this is where to share the information would contravene the provisions of the Data Protection Act 1998 or is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than the two exemptions detailed above, the disclosure of information in relation to case reviews does not breach any other restriction on the disclosure of information or breach any duty of confidence.

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement.

Appeals Process

Applicants, who are dissatisfied with the result of the assessment of their Community Trigger complaint or subsequent case review, may make an appeal via Horsham District Council to have the matter re-considered. Appeals must be made in writing within 14 days of receipt of the result of the review / application.

Appeals will be overseen by the Horsham District Council Scrutiny and Overview Committee (acting in its statutory role as Crime and Disorder Committee) in consultation with the Chair of the Horsham District Community Safety Partnership Board.

Publishing Data

The Relevant Bodies are under a duty to publish the following information in relation to the use of the Community Trigger and Anti-Social Behaviour Case Reviews:
A. The number of applications for Community Triggers received;
B. The number of times that the threshold was not met;
C. The number of Anti-Social Behaviour Case Reviews carried out; and
D. The number of Anti-Social Behaviour Case Reviews that resulted in recommendations being made.

This information will be published annually on the Community Safety pages of the Horsham District Council website and will also be published in the Horsham District Community Safety Partnership Plan for the following year.
12. LEGAL POWERS – POINTS TO PROVE

Part 9 of this manual outlines the powers available to Wardens and the procedures applicable in exercising them or not as the case may be. This section sets out some of those powers in greater detail and explains the points to prove in relation to each one.

Abandoning a Motor Vehicle

Contrary to Section 2(1) of the Refuse Disposal (Amenity) Act 1978.

Any person who, without lawful authority:

(a) abandons on any land in the open air, or on any other land forming part of a highway, a motor vehicle or anything which formed part of a motor vehicle and was removed from it in the course of dismantling the vehicle on the land;

or

(b) abandons on any such land anything other than a motor vehicle, being a thing which he has brought to the land for the purpose of abandoning it there, shall be guilty of an offence.

Points to prove:

- date and location
- without lawful authority
- abandoned* on any land in the open air or any other land forming part of a highway
- a motor vehicle or part of a motor vehicle
- removed from it in the course of
dismantling on the land or
- an item brought to the land for the purpose of abandoning it

*There is no legal definition of an abandoned vehicle although the following are generally common to abandoned vehicles and one or a combination of the following may assist Authorised Officers in making a decision on abandonment:

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11 "Any highway and any other road to which the public has access and includes bridges over which a road passes.” Section 192 of the Road Traffic Act 1988. Highways include footways adjacent to the road and are said to run from hedgerow to hedgerow. It does not ordinarily include car parks.
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- Untaxed, with
- No current vehicle keeper on the DVLA record
- Stationary for a significant amount of time
- Significantly damaged,
- run down or un-roadworthy
- Burned out
- Lacking one or more of its number plates
- Containing waste

Community Protection Notices

Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014

(1) An authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that:

(a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and

(b) the conduct is unreasonable.

A Community Protection Notice imposes requirements on an individual or body to

- Stop doing specified things;
- To do specific things;
- To take reasonable steps to achieve specified results.

Any requirement imposed must be reasonable in order to prevent the detrimental effect for continuing or recurring; or to reduce the detrimental effect or to reduce the risk of its continuance or recurrence.

You may only issue a Community Protection Notice if you have given a written warning that the notice will be issued unless the conduct referred to ceases and you are satisfied that the conduct is still having the detrimental effect despite having enough time to deal with the matter. Failing to comply with a Community Protection Notice is an offence.
Confiscation of Alcohol from Under 18s

The Confiscation of Alcohol (Young Persons) Act 1997 gives a constable the power to seize alcohol from anybody that they reasonably suspects to be under the age of 18 who is found in possession of it in a relevant place. It also gives officers the power to seize alcohol from any person aged over 18 if they believe that all or part of the alcohol is intended to be supplied to a person under 18. It is a criminal offence for a person to refuse to surrender the alcohol in their possession.

Section 29 of the Policing and Crime Act 2009 has given officers an additional power in relation to the confiscation of alcohol from under 16s. If an officer seizes alcohol from somebody that they reasonably believe is under 16 they now have the power to take that person home or to another place of safety. This new power allows officers to deal with those young people who are most vulnerable by virtue of their age and in effect formalises a long standing practice where officers have taken young people home.

“When a constable has reasonable grounds to suspect that a person in a relevant place is in possession of intoxicating liquor and either:

He is under the age of 18; or

He intends that any liquor should be consumed by a person under the age of 18 in that or any other relevant place; or

A person under the age of 18 who is, or has recently been with him has recently consumed intoxicating liquor in that or any other relevant place

The constable may require him to surrender anything in his possession which is, or which the constable reasonably believes to be intoxicating liquor, or a container for such liquor. A constable who imposes a requirement on a person under subsection (1) shall also require the person to state the person’s name and address.

(1AB) A constable who imposes a requirement on a person under subsection(1) may, if the constable reasonably suspects that the person is under the age of 16, remove the person to the person’s place of residence or a place of safety.”

Relevant places refers to

- Public places, not a licenses premises
- Any place, not a public place, to which the person has unlawfully gained access.

Any alcohol seizure made in relation to this act requires a Yellow Card to be issued, parents to be called to identify the youth and an MG11 statement (found at Appendix F) to be provided to the ASB Team to satisfy the terms of Section 30 of the Policing and Crime Act 2009 (See below).
Confiscation of Tobacco from Under 16s

Section 7(3) of the Children and Young Persons Act 1933 gives constables and uniformed park keepers the duty of seizure in respect of people under the age of 16 years old who have tobacco or cigarette papers in their possession in a public place who he finds smoking in a street or public place.

Tobacco includes:

- Cigarettes (manufactured or “roll-ups”)
- Chewing tobacco
- Snuff
- Smoking mixtures intended as substitutes

Whilst the Act allows for the constable to dispose of any item confiscated or seized, they will be recorded in the confiscated items book and retained with the Community Safety Unit store for a minimum of 28 days.

Criminal Damage (Graffiti)

Graffiti is a term commonly used to describe the practice of illegally marking property with paint or other such item; it is in effect an act of criminal damage. Section 1(1) of the Criminal Damage Act 1971 states:

“A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed shall be guilty of an offence.”

Whilst the power exists for Wardens to issue a fixed penalty notice in relation to graffiti, any person found spraying graffiti or committing criminal damage should be reported to the Police immediately.

Exposing Vehicles for Sale on a Road

Contrary to Section 3(1) of the Clean Neighbourhoods and Environment Act 2005.

A person is guilty of an offence if at any time:

(a) he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, or

(b) he causes two or more motor vehicles to be so left.
Points to prove:

- date and location
- while engaged in the business of selling motor vehicles
- two or more motor vehicles
- parked within 500 metres of each other
- on a road(s)\textsuperscript{12} where they are exposed/advertised for sale

There is a statutory defence to this offence in so much as if a person proves to the satisfaction of a court that he is not acting for the purposes of a business he will not convicted. Authorised Officers must satisfy themselves when investigating an offence under this section that the alleged offender is selling vehicles on the road as part of a business.

Fly Posting

The Anti-Social Behaviour Act 2003 empowers local authorities to issue fixed penalty notices in respect of fly posting. Horsham District Council as a principle planning authority only enforces the following offence:

Unlawful Display of an Advertisement

Contrary to Section 224(3) of the Town & Country Planning Act 1990.

If any person displays an advertisement in contravention of the regulations he shall be guilty of an offence.

Points to prove:

- date and location
- the owner or occupier of land displays an advertisement; or
- the advertisement gives publicity to his goods, trade, business or other concerns

A person shall not be guilty of an offence by reason only of his being the owner or occupier of the land on which an advertisement is displayed, of his goods, trade, business or other concerns being given publicity by the advertisement, if he proves that

\textsuperscript{12} “Any highway and any other road to which the public has access and includes bridges over which a road passes.” Section 192 of the Road Traffic Act 1988. Highways include footways adjacent to the road and are said to run from hedgerow to hedgerow. It does not ordinarily include car parks.
the advertisement was displayed without his knowledge; or he took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.

**Littering**

Section 87(1) of the Environmental Protection Act 1990 creates the offence of leaving litter (as amended by Section 18 of the Clean Neighbourhoods and Environment Act 2005). It states:

“A person is guilty of an offence if he throws down, drops or otherwise deposits any litter in any place to which this section applies and leaves it.”

This offence can be committed in any public open space which is a place open to the air and which the public are entitled or permitted to have access without payment and any covered place open to the air on at least one side and available for public use. It is immaterial whether the litter is deposited on land or in water.

The Act also covers land that is the property of the:

- Principle litter authority (District Council or National Park Authority)
- Crown
- Designated statutory undertaker (railway company)
- Designated educational institution

This means that if a person deposits litter in any open space (as described above) or other relevant place then they commit an offence.

No offence is committed under subsection (1) above where the depositing of the litter is:

(a) Authorised by law (such as landfill sites); or
(b) Done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.

Although there is no standard legal definition of litter, the Clean Neighbourhoods and Environment Act 2005 specifically states that cigarette ends, chewing gum etc is considered to be litter.
Repairing Vehicles on a Road

Contrary to Section 4(1) of the Clean Neighbourhoods and Environment Act 2005.

A person who carries out restricted works on a motor vehicle on a road is guilty of an offence.

Points to prove:

- date and location
- carried out restricted works*
- on a motor vehicle
- on a road

**“Restricted works”** means works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or of any part of or accessory to a motor vehicle; and works for the installation, replacement or renewal of any such part or accessory.

Again there is a statutory defence to this offence if a person proves to the satisfaction of the court that the works were not carried out in the course of, or for the purposes of, a business of carrying out restricted works; or for gain or reward. This does not apply where the carrying out of the works gave reasonable cause for annoyance to persons in the vicinity.

A person also has a statutory defence in relation to any works if he proves to the satisfaction of the court that the works carried out were works of repair which:

(a) arose from an accident or breakdown in circumstances where repairs on the spot or elsewhere on the road were necessary; and

(b) were carried out within 72 hours of the accident or breakdown or were within that period authorised to be carried out at a later time by the local authority for the area.

Riding on Footways

Originally enacted during the reign of King George IV, Section 72 of the Highways Act 1835 creates the offence of riding a pedal cycle on a footway.

If any person shall wilfully ride upon any footpath to causeway by the side of any road made or set apart for the use or accommodation of foot passengers; or shall wilfully lead or drive any horse, ass sheep, mule, swine or cattle or carriage of any description, or any truck or sledge, upon such footpath or causeway; or shall tether any horse, ass, mule, swine or cattle, on any highway, so as to suffer or permit the tethered animal to be thereon…
…every person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding level 2 on the standard scale, over and above damages occasioned thereby.

A footway is a part of a highway on which people are intended to walk. A carriageway is the part that you are intended to drive on. Therefore when people ride bicycles on pavements they ride on a footway.

Accredited Wardens have the powers of a Constable in uniform to stop a cycle when you have reason to believe that a person has committed the offence of riding on a footway.

**Persons Acting in an Anti-Social Manner – Power to Require Name and Address**

Accredited Wardens have the powers of a Constable in uniform in relation to persons acting in an anti-social manner under Section 50 of the Police Reform Act 2002.

"If a constable in uniform has reason to believe that a person has been acting, or is acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)), he may require that person to give his name and address to the constable."

Any person who fails, refuses or gives false details commits an offence.

**Public Spaces Protection Orders**

Horsham District Council, as a Local Authority, has the powers outlined in Section 11 of this manual to make Public Space Protection Orders within the district to prohibit behaviour that is detrimental to the community.

**Failing to Comply with a Public Spaces Protection Order**

Contrary to Section 67(1) of the Anti-Social Behaviour, Crime and Policing Act 2014

(1) It is an offence for a person without reasonable excuse:

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

Details of all prohibitions in place under Public Space Protection Orders can be found on the Horsham District Council website together with copies of the appropriate order.

For further advice when dealing with a potential breach of a PSPO please speak to the Community Safety Manager or member of the ASB Team.
Persistently Possessing Alcohol in a Public Place

Section 30 of the Policing and Crime Act 2009 created a new offence of Persistently Possessing Alcohol in a Public Place. The Act states that:

“A person under the age of 18 is guilty of an offence if, without reasonable excuse, the person is in possession of alcohol in any relevant place on 3 or more occasions within a period of twelve consecutive months” (a relevant place is defined as any public place or any place, other than a public place, to which the person has unlawfully gained access).

This now means that if a young person has alcohol seized from him/her at least three times they commit the offence for which they can be prosecuted. This legislation is directed at young people specifically and if found guilty they will be liable to a fine not exceeding £500. They will also have a criminal record.

In practice the Police will take a three stage approach to dealing with those found in possession of alcohol in a public place:

Stage One:

When dealing with a one-off instance, officers should confiscate the alcohol from the young person and, if felt necessary, take that young person home if they are under 16. A letter will then be sent to the young person’s parents giving details of the incident via the Anti-Social Behaviour Team. A copy of this letter will also be sent to the Youth Offending Team for their information.

Stage Two:

When dealing with a repeat instance of possession of alcohol underage, the young person will be made the subject of an Acceptable Behaviour Contract and other specifically targeted interventions, such as attendance at an alcohol misuse course, will be considered if appropriate. Again the Youth Offending Team will be informed. At this stage parents may be directed to parenting courses or other family support services. They may also be made subject to Parenting Contracts (much the same as an ABC).

Stage Three:

Young people who persistently drink or possess alcohol in a public place may be prosecuted for the offence. At this stage depending on the circumstances applications may be made for an Anti-Social Behaviour Order for the young person and also a Parenting Order for their parents.

The purpose of this offence is to reduce crime and disorder caused by persistent and unsupervised drinking by young people by making it clear that there are penalties to those who are causing problems in their community. The three stage approach has been adopted to highlight the consequences of their behaviour to the young people concerned and to also allow agencies to work together to intervene and support them where necessary. At all times during the process the Police and the Anti-Social Behaviour Team will be conscious of the welfare of the young people involved and this may result in referrals to Social Services and other agencies.
13. **FLY POSTING PROTOCOL**

A sign can be a poster, notice, advertisement of any kind.

A zero tolerance approach to any such advertising would be extremely resource intensive to manage as well as hindering the success particularly of community and charitable events. Such events often rely heavily on good publicity, including the use of posters. Horsham District Council is committed to supporting such events. There is however a balance to strike in providing a clean, safe, green and attractive environment for all. This means making a judgement based on common sense, reasonableness and discretion.

In order to reconcile these potentially conflicting commitments the Council has created these guidelines for those seeking to place signs and advertisements in our District as well as for the Council Officers who have a duty to monitor the situation and, where necessary, take enforcement or remedial action. These guidelines are to ensure that authorised Officers make informed and balanced decisions that help to keep the district as clean and tidy as possible whilst still supporting local activity which the Council feels should be supported.

**Powers and the capacity to enforce**

The Town and Country Planning Act 1990 (section 224) creates an offence of displaying an advertisement without consent. It is punishable by a fine of up to £2,500. The Highways Act 1980 section 132 (1) A person who, without either the consent of the highway authority for the highway in question or an authorisation given by or under an enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway is guilty of an offence...This means that any sign not given consent by West Sussex County Council’s Highway department is a fly poster even if staked into the ground or hung from street light, pedestrian railing etc.

Horsham District Council can serve a notice that the advertisements must be removed within 48 hours, issue a £75 Fixed Penalty Notice for each sign or remove them and claim its costs of doing so.

The Department for Communities and Local Government has produced a useful guide for advertisers relating to outdoor advertisements and signs. There is a link to it from this webpage.

**The relationship between the County Council and Horsham District Council**

West Sussex County Council, as the Highway Authority, uses powers under the Highways Act to deal with signs or advertisements on to the Highway. For the sake of these guidelines, a Highway is defined as a public road, street or pathway owned or maintained by the local authority and available to the public for use for travel or transportation. This includes grass verges.
West Sussex County Council has developed operating procedures in consultation with local planning authorities which provide a standard policy across West Sussex enabling a proportionate response to be taken according to specific circumstances. Horsham District Council supports the County Council which has primacy over signs and advertisements on the Highway. Horsham District Council holds a delegated authority from West Sussex County Council under S.178 of the Highways Act 1980 to grant permission for the erection of lamppost banners and “apparatus” over or across a highway. This authorises the erection of Council advertising (e.g. Pantomime, ‘Horsham in Bloom’ banners).

The District Council encourages community advertisers to seek permission and advice from us on the best locations for local advertising and encourages the use of community notice boards. Please phone the District Council’s Marketing & Events Manager on 01403 215153.

**Horsham District Council’s Guidelines – the following will normally be tolerated:**

(a) we would not expect any sign or advertisement to be erected more than 21 days in advance of the start of the event

(b) we would normally expect signs and advertisements to be no more than 100cms by 60cms but provided all other aspects relating to these guidelines are observed slightly larger advertisements may be tolerated.

(c) any sign or advertisement for a charity or community event which includes the name and address or name and telephone number or a valid web address – but see point 2 below regarding roundabouts etc

(d) signs advertising a village fete, fun fair or a circus will be permitted without a name and address or phone number or web address provided they are sited in a suitable place without causing any safety issues – see point 2 below regarding roundabouts etc

(e) any signs advertising a business must be on the premises to which it relates. Information can be obtained from Horsham District Council as the local planning authority

**VERY IMPORTANT**

1. In the case of signs we regard as acceptable, we expect the signs together with any metal or plastic ties or string used to attach the sign to be removed within 48 hours after the end of the event. In any case they must be removed within 14 days from the end of the event otherwise the Council will either issue a £75 Fixed Penalty Notice for each sign still on display or will remove the sign(s) and claim back the cost of removal from the originator or beneficiary of the sign or from the company which put the signs up.

2. Any signs or advertisements which do not comply with the guidelines above are not acceptable. This includes any sign or advertisement which;
(a) is on a roundabout (unless it is a fixed sign sponsoring the roundabout)

(b) is obstructing a highway, impeding a driver’s sightline or obscuring (or hindering the interpretation of) a road, rail, waterway or aircraft sign

(c) is offensive

(d) has the likely potential to cause harm or which is considered to be a hazard because of its size, location or condition

(e) which does not include the beneficiary’s name and address or name and telephone number or a valid web address (see point 4 above).

3. In the case of signs which we do not regard as acceptable, these shall be promptly removed or the originator of the sign(s) will be contacted by Horsham District Council and given 48 hours to remove the sign(s). If a sign is not removed within 48 hours then the Council will either issue a £75 Fixed Penalty Notice for each sign or will remove the signs and claim back the cost of removal from the originator or beneficiary of the sign or from the company which put the signs up.

4. Any sign removed by Horsham District Council (HDC) shall be disposed of without reference to the originator. Horsham District Council shall not be responsible for storing signs, for any damage caused to the signs or for returning signs to the owner.

5. “A” Boards are the subject of a separate protocol managed by West Sussex County Council.

6. An Estate Agent’s board relating to the selling or renting of a property must only be kept on the land to which it relates.

Signs on private land

The Council encourages the use of private land for promoting community and charity events. It is permissible to place signs or advertisements on private land with the permission of the landowner but advertisers are encouraged not to keep such signs up for more than 21 days in advance of an event and to remove them promptly, ideally within 48 hours, of the event concluding. This covers for example the ‘South of England Show’ type boards placed in hedgerows or inside field boundaries. Such advertisements do not need to contain a name, address and telephone number. In the event that a District Council Officer perceives that any of these signs present a danger then Horsham District Council will liaise with the landowner to suggest a better location.
14. SAFEGUARDING CHILDREN AND ADULTS

The following section is taken from the Horsham District Council Safeguarding Children and Adults Policy 2015. A copy of the full policy can be found on the intranet under Corporate Toolkit – Safeguarding.

**Policy Statement**

Everyone has the right not to be abused. Horsham District Council recognises the need to ensure the welfare of all individuals when they come into contact with services provided by the Council. You have regular contact with the general public and are in a position to observe signs which might indicate that a person is at risk. If signs which cause concern are observed, you have a responsibility to refer suspected cases of abuse to an appropriate agency or person.

As a Warden you have a duty to report allegations, disclosures and suspicions of abuse or neglect. You are responsible for ensuring that the activities you undertake during the course of your work are carried out in accordance with this policy.

**Scope**

A range of services provided by or on behalf of the District Council have the potential to impact upon the lives of individuals. In respect of this policy the term ‘Child’ means a person under the age of 18 years.

An ‘Adult’ (formerly “Vulnerable Adult” or “Adult at Risk”) means any person age 18 years or over who meets the following criteria:

1. Has needs for care and support (whether or not the local authority is meeting any of those needs) and;
2. Is experiencing, or at risk of, abuse or neglect; and
3. As a result of care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

Carers are also included and are entitled to an assessment of their needs, where they meet the tests set out above.

The Council aims to safeguard and promote the welfare of all individuals irrespective of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief marital/civil partnership status, pregnancy/maternity status and/ or sexual orientation. There are three parts to safeguarding

- a duty to protect children from maltreatment
- a duty to prevent impairment
- a duty to safeguard adults in accordance with the Care Act 2014

The Council intends to safeguard children and adults from the following types of abuse:

- Physical Abuse
- Sexual Abuse and Exploitation (CSE & Modern Slavery)
Abuse and neglect are forms of maltreatment. Somebody may abuse or neglect by inflicting harm, or by failing to act to prevent harm. Individuals may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

Promoting welfare refers to creating opportunities to enable children to have optimum life chances in adulthood namely:

- Physical and mental health and emotional well-being
- Protection from harm and neglect
- Education training and recreation
- The contribution made by them to society
- Social and economic well being

The emphasis in the Council’s work with adults is to promote the empowerment and well-being of adults through the services it provides and; to act in a way which supports the rights of individuals to lead a life based on self-determination and personal choice as well as recognise people who are unable to take their own decisions and/or protect themselves and their assets.

**Key Guidance and Legislation**

This policy has been produced to meet the Council’s legal obligations in relation to following legislation and guidance for safeguarding of children.

- Working Together to Safeguard Children 2015 Statutory Guidance
- The Care Act 2014
- What To Do If You’re Worried A Child Is Being Abused 2006
- The Children’s Act 2004
- Department of Health ‘No Secrets’ 2000
- Modern Slavery Act 2015

The Care Act 2014 ensures a statutory duty with regard to adult safeguarding. This is to ensure an adult and/ or carer can live safely, comfortably and free from abuse.

**Procedures**

The primary responsibility of staff, Elected Members and volunteers is to ensure that any relevant information is passed to one of the Council’s Designated Safeguarding Officers, who will then discuss any action or referral to the relevant authority or authorities including the Police, West Sussex County Council Children’s Access Point and Adult Care Point without delay.
It is not the District Council’s responsibility to decide whether or not a child or adult has been abused. It is however, the District Council’s responsibility to report all concerns.

**Responding to Disclosures**

**IF A CHILD OR ADULT IS IN IMMEDIATE DANGER, TELEPHONE THE POLICE ON 999.**

Disclosure of details of abuse is likely to be to a trusted person, someone with whom an individual feels safe. By listening and taking seriously what is being disclosed, you are already helping the situation. The following points are a guide to help you respond appropriately.

If an individual discloses abuse to you, you must:

- Stay calm and be sensitive.
- Inform the individual that you may need refer this to one of the Council’s Designated Officer(s), and depending on the severity of the information disclosed, it may need to be referred to the Police and Children’s Access Point and Adult Care Point.
- Record all observations and everything that is said in your pocket notebook.
- Contact one of the District Council’s Designated Safeguarding Officers at the earliest possible opportunity.

**Responding to Observations and Suspicions**

If you suspect abuse, you must:

- Stay calm and be sensitive.
- Record all observations and everything that is said.
- Contact one of the District Council’s Designated Safeguarding Officers at the earliest possible opportunity. A full list is on the intranet.
Out of Hours Arrangements

IF A CHILD OR ADULT IS IN IMMEDIATE DANGER, TELEPHONE THE POLICE ON 999.

If you suspect abuse or abuse is disclosed to you outside normal office hours, you must:

For Adults:
Contact the West Sussex Adults’ Services out-of-hours service directly on 01243 642121.

For Children:
Contact the Children’s Access Point on 0330 226664 (out of office hours 5.00pm to 8.00am weekdays and for emergencies at weekends and bank holidays (24 hours))

- Record all observations and everything that is said.
- Report the disclosure / suspicions and subsequent action to one of the Council’s Designated Officers the next working day.

Designated Safeguarding Officers

All disclosures or suspicions must be reported to a Designated Safeguarding Officer.

The Designated Safeguarding Officer (DSO) is responsible for ensuring that all safeguarding and welfare concerns are reported to the relevant investigating agencies in accordance with the Council’s Safeguarding Policy, and ensuring that information is recorded appropriately.

The Designated Safeguarding Officers for Community Safety are:

- Greg Charman – 07734 231028
- Kirsty Lindgren – 07966 535561

A list of all Designated Safeguarding Officers can be found on the intranet under Corporate Toolkit – Safeguarding.

Incident Referral Form

If you have witnessed an adult or child being abused, suspect or otherwise made aware of it then this must be recorded using an Incident Referral Form, a copy of which can be found at Appendix L.
15. HEATH AND SAFETY

Horsham District Council has an extensive Health and Safety Policy which can be found on the Corporate Information section of the intranet. Everyone has a responsibility to take reasonable care for the safety of themselves and others with whom they come into contact in the course of their duties, including members of the public.

**Risk Assessments**

Detailed risk assessments are conducted on an annual basis to reduce the risk involved in your daily duties. These are all available to you on the “G” Drive under Community Safety – Risk Assessments. Section 4 gives details of the Rules of Engagement and the dynamic risk assessment process and safe working method.

**Immunisation**

Because of the nature of your work it is recommended that you have the following immunisations:

- **Polio** – recommend all wardens obtain immunisation. Can be obtained via GP free. Ideally requires ‘renewal’ every ten years.

- **Tetanus** – recommend all wardens obtain immunisation. Can be obtained via GP for free.

- **Hepatitis B** – recommended. Can be obtained via GP. Can be free but GPs will want to gauge the risk the member of staff may be exposed to. May require confirmation of risk from employer. May consider payment for immunisation if necessary.

**Lone Working**

By the very nature of the work that you do there will be times where you will be expected to lone work. Wardens must be prepared to work alone to fulfil the needs of the service at all times.

The HDC Lone Worker Policy places the emphasis on both management and the individual when it comes to lone working. The annual risk assessment covers the lone working aspect of your role and it is your responsibility to comply with the safe working practices identified within it. Likewise you should not put yourself in any position where you could be at risk.

You are provided with a mobile telephone and a Community Link Alarm which you can use if you feel you are in danger.
16. COMMUNITY LINK ALARMS

What is a Community Link Alarm?

It is a radio controlled box that is connected to the client’s phone line and to a power point. The unit is operated by a pendant or by pressing the red button on the front of the unit. When the unit is activated it is programmed to call Chichester control centre. Once the call is connected to the control centre the staff must answer within 60 seconds. When the call is answered the box works as a hands-free two-way radio. Other sensors can also be set up to trigger a call to be made.

The Pendant

It is most important that the client wears the pendant all the time when they are in their home. It will work up to 50 metres from the base unit covering the house and garden. The pendant is waterproof and it can be worn around the neck or on the wrist.

Testing the Alarm

The failure rate of the alarm unit is extremely low, but we recommend that the unit is tested every month. Press the pendant and when the operator answers the call, just say “I am testing”. The operator will thank you for testing and they will reset the alarm.

How to Recognise a Fault

If there is a fault the alarm unit will emit a series of beeps and the lights will flash. If the green C button is pressed it will stop the bleeping for short period of time.

Power Supply Failure

This can be caused by local power supply failure or by the unit being unplugged from the socket. The unit will emit a series of high-pitched bleep or say “The mains power is disconnected” repeatedly every few minutes until it is fixed. If the power failure faults are not rectified within 2 to 3 hours, the alarm will automatically call the control centre using the back-up batteries.

Telephone Line Failure

If the telephone line is faulty or unplugged the unit will not function. The unit will emit a series of lower level beeps or a message saying “the phone line is disconnected”. Check it is plugged in and that the client’s phone bill has been paid. If these are in place, the client’s telephone line supplier must deal with the fault on the line before the alarm will function again.

IMPORTANT: the repeated messages can be stopped by pressing the Yellow Button saying “Away”
Other Community Link Services

Telecare

Other sensors can be added to the basic unit to add extra support to enable people to stay in their own homes safely. Many of our clients have radio controlled smoke detectors that ring through to the control centre if there a fire.

Selection of Other Sensors Available

- Flood Detector
- Carbon Monoxide Detector
- PIR
- Heat Detector
- Medication Dispenser
- Pillow Alert

For information on all the sensors available call the Community Link Team on 01403 215230

Key Safes

We also stock key safes and advise all clients to have one to keep a key to let in the emergency services. If emergency services are called and cannot access the property they will break in, and the repair cost will be for the client to pay.

These key safes are totally mechanical and come complete with fitting instructions, raw plugs, bolts and rubber cover to protect it from the elements.

Footprints are GPS tracking devices that enable the client to summon help from out an about. Ideal for those who walk dogs in remote areas and are prone to falls, or for those with dementia or acquired brain injuries who would like to remain independent but be able to call for help if lost. We are also able to mark safety zones on a map that will trigger an alert to a carer if the person goes past these pre-set zones. Also available in Pink Blue and green.
Virtual Reality for Health

Community link are able to hire out the use of virtual reality equipment for health. Specially designed calming scenes have very positive effects on the individual recipients. A trained adviser can bring it to people in their own homes, care homes or to clubs. More information is held on the community link section of the HDC website. Or phone Community Link on 01403 215230.

Information to Assist People to Stay at Home

We operate a holistic service and we hold a vast range of information/leaflets covering everything from Slips Trips & Falls to Carers Alert Cards. If you know of anyone who needs information or signposting to other services please call: The Community Link Team on 01403 215230.
17. **GRAFFITI REMOVAL KITS**

Each of the Warden vehicles is equipped with a Graffiti Removal Kit for use in the removal of small amounts of graffiti. Large amounts of graffiti should be reported to Environmental Services at Hop Oast Depot who will arrange for it to be removed.

**Contents**

The Nomix Anti-Graffiti Kit is easily carried (plastic toolbox size) and contains all products required to remove graffiti and chewing gum by hand. Each box should contain the following:

- 500ml Nomix Liquid Extra
- 2 x 500ml Nomix Gel Extra
- 2 x 500ml Nomix NPS
- Tool Box
- Scrubbing Brush
- Rinse Brush
- 4 x Paint Brushes
- 3 x Green Scourers

- 3 x White Scourers
- Gloves
- Safety Goggles
- 4 x Tubs
- Paint Scraper
- 500ml Water Bottle
- Trigger Spray Head
- 10 x J-Cloths

The box includes health & safety data sheets and operating instructions. The products are environmentally friendly and easy to use.

**Replacement Items**

To order replacement items telephone the supplier, Nomix Enviro on 01264 388050.

**Health and Safety**

Each kit contains specific COSSH data sheets for the products and operating instructions which it is your responsibility to read and understand. You should always ensure that you are wearing appropriate personal protective equipment (PPE) which includes both heavy duty rubber gloves and eye goggles. The kit should only be used in a well ventilated area.
APPENDIX A

OFFICERS’ CODE OF CONDUCT
CODE OF CONDUCT FOR COUNCIL EMPLOYEES
(Constitution Issue 38 Part 5B, April 2014)

INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees who work for local government. The Code is produced in the light of the challenges that employees face in the new and more commercially oriented environment, including the use of various approaches to service delivery (commissioning).

WHOM THE CODE IS AIMED AT

The Code applies to all Horsham District Council employees, temporary staff, consultants, contractors and partner representatives and anyone working on behalf of the Council (or individual service areas) in either a paid or voluntary basis.

1. STANDARDS

1.1 You are expected to give the highest possible standard of service to the public, and to provide appropriate advice to councillors and fellow employees with impartiality. You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. You must report to the appropriate manager any impropriety or breach of procedure. You should refer to the Confidential Reporting Code (Whistle-Blowing Policy) for information about reporting breaches of policy & procedure (See Appendix).

1.2 The Committee on Standards in Public Life promote The Seven Principles of Public Life. The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness
Holders of public office should act solely in terms of the public interest.

Integrity
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for
themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**
Holders of public office should be truthful.

**Leadership**
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**2. DISCLOSURE OF INFORMATION / CONFIDENTIALITY**

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to open other types of information. You must be aware of which information within the Council is open and which is not, and act accordingly.

2.2 You will, from time to time, be dealing with confidential matters. It is usually evident whether information is confidential or not. You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others unless required to do so by law or as directed by the appropriate manager. Any particular information received by you from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by you without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

2.3 Staffing, employment and organisational change issue relate to the internal operation and management of the council. These are confidential and there are existing policies and procedures to ensure that staff and their Trade Union representatives are consulted and engaged in dialogue on employment and organisational change issues. Speaking in public is not part of the procedure – this includes public meetings of the Council or its committees.
2.4 Similarly, discussion of employment matters outside the Council, for example press, social media, etc, is not part of the agreed procedure and policies.

2.5 The Media Protocol identifies which officers will speak directly to the press.

3. POLITICAL NEUTRALITY

3.1 You serve the Council as a whole. It follows that you must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 If you are required to advise political groups, you must do so in ways which do not compromise your political neutrality.

3.3 You must follow every lawful expressed policy of the Council and must not allow your own personal or political opinions to interfere with your work.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. RELATIONSHIPS

4.1 Councillors
You are responsible to the Council directly through your line manager. For some, your role is to give advice to councillors and senior managers and all are there to carry out the Council’s work. Mutual respect between you and councillors is essential to good local government. Close personal familiarity between you and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Staff should also refer to the Officer / Member Code of Conduct.

4.2 The Local Community and Service Users
You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

4.3 Contractors
All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded in accordance with the Council’s Constitution, Contract Standing Orders, and Procurement Code on merit, by fair and genuine competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering No part of the local community shall be discriminated against.

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or
domestic capacity with contractors, you shall declare that relationship to the appropriate manager.

4.4 Inter Staff Relationships
You should be mindful of how personal relationships with colleagues might be perceived by fellow workers, members and third parties. Any potential conflicts of interest should be reported to the appropriate manager and you take the necessary steps to ensure that the personal relationship does not affect your duties and responsibilities.

5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

5.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful for you to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal or business relationship outside work with him or her.

5.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or very close friend.

6. OUTSIDE COMMITMENTS / OTHER EMPLOYMENT

6.1 You have conditions of service which require you to obtain written consent to undertake any outside employment. You should be clear about your contractual obligations and shall not take outside employment which conflicts with the Council’s interests.

6.2 Any consent would normally take into account the additional time demands on your role with HDC and the potential for disruption or negative impact on your employment with HDC.

6.3 You should follow the Council’s rules on the ownership of intellectual property or copyright created during your employment.

7. PERSONAL INTERESTS

7.1 You must declare to the appropriate manager, any nonfinancial interests that could conflict with the Council’s interests (see paragraphs. 15 and 17).
7.2 You must declare to the appropriate manager any financial interests which could conflict with the Council’s interests (see paragraphs. 15 and 17).
7.3 You must declare to the appropriate manager any personal interests that could conflict with the Council’s interests, (e.g. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid from the authority, membership of another public body, involvement with an organisation or pressure group which may seek to influence the authority’s policies, and
membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct) (see paragraphs. 15 and 17).

8. EQUALITY ISSUES

8.1 You should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness.

9. SEPARATION OF ROLES DURING TENDERING (PROCUREMENT CODE)

9.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the Council, where this applies. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

9.2 If you are in contractor or client units you must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

9.3 If you are privy to confidential information on tenders or costs for either internal bidders or external contractors you should not disclose that information to any unauthorised party or organisation.

9.4 If you are contemplating a management buyout (or other internal transfer service arrangements) you should, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

9.5 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. CORRUPTION

10.1 You must be aware that it is a serious criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

11. USE OF FINANCIAL RESOURCES

11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

12. HOSPITALITY AND GIFTS

12.1 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or
sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. It should be properly authorised by the appropriate manager and recorded in the registers provided (see paragraphs 15 and 17).

12.2 Acceptance of moderate hospitality (e.g. a working lunch of a modest standard) is likely to be acceptable, but it is important to avoid any suggestion of improper influence. If you are in any doubt, please contact the appropriate manager. When hospitality has to be declined the offeror should be courteously but firmly informed of the procedures and standards operating within the Council.

12.3 It is possible that in the course of your duties you might be offered gifts. The acceptance of such gifts by Council employees can easily lead to accusations of corruption. The general rule is that you should refuse tactfully all offers of gifts from anyone who might provide work, goods or services to the Council or need some decision from the Council. The only exceptions are small gifts of a promotional nature given to a wide range of people, such as calendars, pens, diaries and minor articles of a similar nature for office use.

12.4 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

12.5 Acceptance by you of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where it is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13. SPONSORSHIP GIVING AND RECEIVING

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

14. FAILURE TO COMPLY WITH THE CODE

14.1 Breaches of any part of this Code of Conduct will be a disciplinary matter.
14.2 Some breaches of the Code, e.g. paragraphs 7.1 and 7.3, could lead to a finding of maladministration against the Council.

14.3 Certain breaches, e.g. paragraphs 7.2 and 10, could lead to criminal proceedings being brought against you.

15. APPROPRIATE MANAGER

15.1 In this Code where “appropriate manager” is referred to this shall mean the Line Manager, except where the officer concerned is a Line Manager, in which case it shall be their Director, and where the officer concerned is a Director, it shall be the Chief Executive.

16. NOTES FOR GENERAL GUIDANCE

16.1 Appendix B contains the Council’s Confidential Reporting Code (Whistleblowing Policy).

17. REGISTER OF PERSONAL INTERESTS, HOSPITALITY AND GIFTS, AND FINANCIAL INTERESTS

17.1 Each Director will hold a register for the proper recording of personal interests and gifts and hospitality received as referred to throughout this document. These registers will be confidential but can be inspected, from time to time, by the Council’s Monitoring Officer, Chief Internal Auditor and/or Head of Corporate Support Services.

17.2 You are required to declare a pecuniary interest in any contract and the Chief Executive will record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under the Local Government Act 1972 Section 117 of a pecuniary (financial) interest in a contract and the book will be open during office hours to the inspection of any member of the Council.

18. PLANNING APPLICATIONS

18.1 If you, or anyone to whom you are related, has an interest in any planning application submitted to the Council you are required to disclose the fact in writing to the Chief Executive, with a copy to the Head of Planning & Environmental Services, and to take no part in the consideration of any such application or in any connected processes.
CONFIDENTIAL REPORTING CODE
Whistle Blowing Policy

1. INTRODUCTION

1.1 This policy seeks to provide a process that gives anyone with a concern about the Council the confidence to bring that concern to our attention.

1.2 Horsham District Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is obliged and encouraged to report this activity. This policy also applies to contractors, consultants, partners, agency staff, volunteers and other stakeholders including Councillors.

1.3 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Other stakeholders are also in a position to identify concerns that affect Council services that may need to be addressed.

1.4 Individuals with a concern may fear that they will be victimised or harassed if they raise the concern. In these circumstances it may feel easier to ignore the concern rather than report what may be a suspicion of malpractice.

1.5 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages anyone with serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as “whistleblowing”.

1.6 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith. The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

1.7 It is recognised that certain cases will have to proceed on a confidential basis, but in accordance with the Freedom of Information Act this policy seeks to provide a transparent method for dealing with concerns. Whistle blowers can have confidence through this policy that they have the fullest protections afforded by the Public Interest Disclosures Act.

1.8 Specifically the code of practice set out in this policy makes it clear that staff and others can make reports without fear of reprisals and sets out what protections are in place under this policy. The purpose of this Code is to encourage and enable concerns to be raised within the Council so that they can be addressed, rather than overlooking problems or raising them outside the Council.
1.9 All Officers, Councillors and partners have a responsibility to protect the Council’s interests through the proper adherence to this policy.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This code of practice will:

- Encourage and enable any person to feel confident in raising serious concerns and to question and act upon concerns.
- Provide formal mechanisms for any person to raise concerns and receive feedback on any action taken.
- Ensure everyone making a referral receives a meaningful response to their concerns.
- Describe how to take the matter further if dissatisfied with the Council’s response.
- Reassure anyone making a referral that they will be protected from reprisals or victimisation.

2.2 For the avoidance of doubt if you have concerns that any person may be being mistreated / abused you can discuss your concerns in confidence with those listed on the front cover of this policy.

2.3 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, customers to complain about the service they receive (complaints procedure) and regarding concerns whether Councillors have breached the Member Code of Conduct. This policy should not be used for such matters; however, advice can be obtained from the contacts on the front cover of this policy if you have any doubts.

2.4 The Whistleblowing Policy is intended to cover concerns that fall outside the scope of the above procedures. A concern may be about:

- sexual, physical or emotional abuse of clients or other individuals;
- safeguarding children, young people, and vulnerable adults (to be considered in conjunction with the Council’s Safeguarding Policy which provides additional detailed guidance on this area);
- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as employees;
- damage to the environment;
- improper or unauthorised use of public funds;
• action that is against the Council’s Standing Orders or Procurement Code;
• action that is contrary to the Council’s Financial Regulations;
• possible fraud, corruption or financial irregularity;
• practice that falls below established standards or practice;
• other improper or unethical conduct;
• a control that isn’t being applied that exposes the Council to an unacceptable level risk.

2.5 The concern may be something that makes a person feel uncomfortable in terms of known and recognised standards, their experience or the standards to which they believe the Council subscribes.

2.6 Any disclosure of information that, in the reasonable belief of the person raising the concern, is made in the public interest, will be deemed a qualifying disclosure.

2.7 This policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998.

3. ROLES AND RESPONSIBILITIES

3.1 The responsibility for the efficient and effective operation of this policy rests with the Directors and Service Managers to ensure all staff are fully aware of its provisions. The Chief Internal Audit or must be advised of all referrals (but in a form which does not endanger confidentiality).

3.2 Investigations should be undertaken by appropriate officers with diligence and expertise and be appropriate for the issue raised. Internal Audit and Human Resources and Organisational Development will jointly ensure that investigations are swift and effective and undertaken by someone with relevant skills and experience. Internal Audit will maintain accurate records of all referrals.

3.3 Internal Audit will lead on all financial referrals, including those where there are significant financial implications to an allegation, whilst not explicit within the referrals. The Audit team will ensure that concerns raised through the informal process are logged in a timely manner.

3.4 HR & OD will lead on allegations regarding misconduct of Council employees. The HR & OD team will advise and support employees involved in the investigation process to ensure that the appropriate Council policy is applied (for example, disciplinary or grievance policy).

3.5 The Monitoring Officer (Head of Legal and Democratic Services) will lead on allegations regarding misconduct of Councillors.
3.6 Employees: In all contracts of employment there is an implied understanding of mutual trust and confidence between the employer and employee. All employees, therefore, have a responsibility to raise concerns about work and they may do so using the appropriate mechanism (or Grievance Policy) or in accordance with this policy.

3.7 Line managers: Must create an open and fair culture within their area of responsibility and ensure that staff concerns are properly listened to and appropriate action taken where necessary. Line managers are responsible for ensuring that there is a safe environment for staff to raise their concerns and that there is no retribution as a result of someone raising their concerns.

4. HOW TO RAISE A CONCERN

4.1 When an individual raises a concern, he or she will need to identify the issues carefully. They must be clear about the standards against which they are judging practice. Whilst not exhaustive they should consider the following:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Council’s guidelines?
- Is it about one individual’s behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the individual witnessed the incident?
- Did anyone else witness the incident at the same time?

4.2 Concerns from staff should normally be raised with their immediate manager, in the first instance. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

4.3 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate manager they are able to go directly to one of the officers named on the front cover of this policy. They may also do so if, having raised a concern with the immediate manager/contact, they feel there has not been an appropriate response.

4.4 Others wishing to raise a concern should consider whether to raise that concern directly with the relevant Service Manager.

4.5 Given possible contractual issues Appendix A of this policy gives specific guidance to contractors and partners of the Council in raising such concerns.
4.6 Concerns may be raised verbally or in writing. Anyone who wishes to make a written report should give the background and history of the concern (giving relevant dates if possible) and the reason why they are particularly concerned about the situation.

4.7 The individual may ask for a private meeting with the person to whom they wish to make the complaint and can be accompanied if they wish. If an employee feels they need support, they may invite their trade union or a work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

4.8 When making a complaint verbally, the individual should ensure that the relevant information is recorded and dated (assistance could be provided if necessary). They should keep copies of all correspondence and relevant information.

4.9 It should be noted that often the sooner a concern is expressed the easier it is to take appropriate action.

4.10 The individual should ask the person to whom they are making the complaint what the next steps will be and if anything more is expected from them.

4.11 Although a person is not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate that there are sufficient grounds for concern. It is not necessary or advisable for any person to undertake investigations into their concern prior to contacting the Council as this may undermine any ultimate action needing to be taken.

4.12 Advice and guidance on how specific matters of concern may be pursued can be obtained from one of the named officers on the front page of this policy.

4.13 In exceptional circumstances where a person feels that they cannot approach anyone in the Council, they may wish to report their concerns through the external independent reporting scheme called Public Concern at Work. PCAW are an independent charity providing a legal advice service designated by the Bar Council and information provided to PCAW is protected under the Public Interest Disclosures Act. Their helpline number is 0207-404-6609. Their address is CAN Mezzanine, 7-14 Great Dover Street, London, SE1 4YR. Their email is whistle@pcaw.org.uk where their lawyers provide confidential advice free of charge.

5. SUPPORTING THE INDIVIDUAL TO RAISE A CONCERN

5.1 Harassment or Victimisation
5.1.1 The Council is committed to good practice and high standards and to being supportive of you as an employee.

5.1.2 The Council recognises that the decision to raise a concern may be very difficult, not least because of the fear of reprisals. If you honestly and reasonably believe what you are saying is true you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

5.1.3 The Council will not tolerate harassment or victimisation and will take action to protect individuals who raise concerns. This does not mean that if the individual is
already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.1.4 It is the clear instruction to those officers (through this formal policy) of the Council who liaise with whistle blowers that they will not release information to identify a whistle blower to any other person within the Council during the investigation and will only release those details to a person outside the Council when there is a specific legal requirement to do so, e.g. a court order or safeguarding issue. The only exception to this will be where the whistle blower themselves gives explicit written permission to do so or it is otherwise deemed to be appropriate to do so (in the latter case the whistle blower will be notified).

5.1.5 Any person applying pressure upon such officers to identify whistle blowers will be subject to the same provisions as outlined in 5.1.6 below.

5.1.6 Where a whistle blower alleges they are / have been victimised / harassed as a result of raising a concern that matter will be reported to Chief Executive or S151 Officer (Director of Corporate Resources). Such allegations will be investigated by the Human Resources and Organisational Development Manager. Where the investigations may identify (either indirectly or directly) the whistle blower the way forward will be agreed with the whistle blower.

5.1.7 Each case will be considered on its merits. In the event that anyone is found to have victimised or harassed someone who has made a referral under this policy, the following actions would normally be considered:

- A matter of Gross Misconduct if done by an employee of the Council
- A matter for the Council to consider termination of a contract if done by or at the request of a contractor. If there are concerns that a contractor is victimising, or has victimised, a whistle blower an independent review of the contract may be requested.
- A matter that could affect the service provided to a customer if done by or at the request of that customer

5.2 Confidentiality

5.2.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person highlighting the concern if that is the wish of the individual. However, in certain circumstances, it may be appropriate to refer the matter to a senior officer. (See also 5.1.4 above).

5.2.2 Individuals are encouraged to put their name to any allegation. The Council will take appropriate action to protect the individual’s identity when they do not want their name disclosed. It must be appreciated that there may be occasions when investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence.
5.3 Anonymity

5.3.1 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:

- Seriousness of the issue
- Credibility of the concern
- Likelihood of being able to obtain the necessary information

5.4 Unproved or Untrue Allegations

5.4.1 Any individual who makes an allegation which is not subsequently confirmed by the investigation, will have no action taken against them and will continue to have protection under this policy from victimisation or harassment.

5.4.2 If, however, an individual makes malicious or vexatious allegations, action may be taken against them in line with the Council’s Disciplinary Policy and Procedure.

6. HOW THE COUNCIL WILL RESPOND

6.1 The action taken by the Council will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by management, internal audit, or other appropriate person
- be referred to the external auditor
- be referred to the police
- form the subject of an independent inquiry.

6.2 In order to protect individuals and the Council, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

6.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries being made to the person reporting the issue. If urgent action were required, this would be taken before any investigation is conducted.

6.4 The Council will write to the person (at an agreed address) raising the concern within 7 working days:
Neighbourhood Wardens – Manual of Guidance

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,

Optional, depending upon circumstances / relevance:

- giving an indication of when a final response or update will be provided,
- telling the person whether any initial enquiries have been made,
- supplying the person with information on staff support mechanisms, and
- telling the person whether further investigations will take place and, if not, why not.

6.5 In the interests of the Council, every effort will be made to resolve the matters raised in a reasonable timescale, with the person raising the concern and the person(s) being investigated.

6.6 The amount of contact between the officers considering the issues and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

6.7 Where any meeting is arranged, staff have the right, if they feel they need support, to be accompanied by a trade union or a work colleague who is not involved in the area of work to which the concern relates.

6.8 The Council will take appropriate steps to minimise any difficulties, which a person may experience as a result of raising a concern and provide advice and support should they be required to give evidence, e.g. at a disciplinary hearing. Support may be provided by a Trade Union or a work colleague who is independent of the area being reviewed.

6.9 The Council accepts that the person raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will be kept informed (including any action taken) as the investigation progresses unless they have requested otherwise.

7. HOW THE MATTER CAN BE TAKEN FURTHER

7.1 This Policy will provide an effective mechanism to raise concerns within the Council. The Council aims to ensure that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied and feel it right to take the matter outside the Council, the matter can be raised with:

- Public Concern At Work on 0207 404 6609 or whistle@pcaw.co.uk (This is an independent charity. Advisers can give free confidential advice on how to raise a concern about serious malpractice at work.)
7.2 In taking advice from sources outside the Council, a person must ensure that, so far as possible, it is raised without confidential information being divulged and would, other than in exceptional circumstances, be expected to have exhausted the internal routes available first.

7.3 Any individual has the right and responsibility to refer a concern immediately to the Police if they suspect a criminal act.

8. HOW THE POLICY WILL BE MONITORED

8.1 The Council has a responsibility for registering the nature of all concerns raised and to accurately record the outcome. The Council’s Internal Audit Service will produce an annual report, which will identify any patterns of concern and assess the effectiveness of the policy.

8.2 This policy will be publicised on the Council’s website and in addition:

- every new employee should be made aware of the policy when joining the council;
- every contract will require the contractor to communicate the policy to their staff and adopt its provisions when working for the Council;
- All newly elected members should be made aware of the policy.

8.3 Surveys may be undertaken from time to time to gauge the awareness of the policy, and individual whistle blowers may be asked more detailed questions about their perceptions of the policy in practice (see Appendix B for possible questions).

9. REVIEW

9.1 The Policy will be formally reviewed on an annual basis.


## APPENDIX C

### TIMESHEET – NEIGHBOURHOOD WARDENS

<table>
<thead>
<tr>
<th>DAY</th>
<th>DATE</th>
<th>HOURS WORKED</th>
<th>TIME FOR BREAK (mins)</th>
<th>TOTAL HOURS WORKED</th>
<th>WEEK TOTAL</th>
<th>LIEU HOURS ACCRUED</th>
<th>LEAVE DAYS</th>
<th>SICK DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>To</td>
<td>From To</td>
<td>From To</td>
<td>From To</td>
<td>From To</td>
<td>From To</td>
<td>From To</td>
<td>From To</td>
</tr>
</tbody>
</table>

Name:  
Dates: From to
## Weekly Vehicle Inspection Record

<table>
<thead>
<tr>
<th>Item</th>
<th>Checked?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine oil</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Coolant level</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Brake fluid level</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Steering fluid level</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Washer fluid level</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Washer and wipers</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Lights &amp; horn</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Tyre tread &amp; sidewalls</td>
<td>Y/N</td>
<td>(minimum tread depth 1.6mm)</td>
</tr>
<tr>
<td>Tyre pressures</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Vehicle washed</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Vehicle vacuumed</td>
<td>Y/N</td>
<td></td>
</tr>
</tbody>
</table>

### Vehicle Equipment

<table>
<thead>
<tr>
<th>Item</th>
<th>Checked?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First aid kit contents</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Fire extinguisher x1</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Sharps box x 1</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Amber warning beacon</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Traffic cones x 4</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Warning triangle x 2</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Dragon Lamp torch x 1</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Shovel x 1</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Broom</td>
<td>Y/N</td>
<td></td>
</tr>
</tbody>
</table>

### Defects Found

<table>
<thead>
<tr>
<th>Actions Taken</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX E

OFFENCES AGAINST ACCREDITED PERSONS

Section 46 of the Police Reform Act 2002 creates specific offences in relation to Accredited Persons. These are:

**Assault on an Accredited Person**

46(1) any person who assaults -

(b) an accredited person in the execution of his duty,\(^1\),

(c) or a person assisting an accredited person in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, a fine or both.

**Resist or Obstruct an Accredited Person**

46(2) any person who resists or wilfully obstructs –

(b) an accredited person in the execution of his duty,

(c) or a person assisting an accredited person in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month, a fine or both.

**Impersonating a Accredited Person**

46(3) any person who, with intent to deceive –

(a) impersonates an accredited person,

(b) makes any statement or does any act calculated falsely to suggest that he is an accredited person;

(c) makes any statement or does any act calculated falsely to suggest that he has powers as an accredited person that exceed the powers he actually has,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, a fine or both.

---

\(^1\) The reference made to the execution of duty relate to the exercise of any powers or performing any duty which comes by virtue of accreditation only.
APPENDIX F

Anti-Social Behaviour Process Flowchart

Complaint received
Is it ASB?

YES
Record on ECINS
Inform caller of
Complete Risk Assessment & Score

STANDARD RISK
Allocate caseworker
Liaise with victim & action plan
Implement actions & record on ECINS
Manager’s review within 28 days
When agreed close case

MEDIUM RISK
Allocate caseworker
Liaise with victim & action plan
Implement actions & record on ECINS
Manager’s review within 7 days
Case review at ASEBAG
Close via ASEBAG when appropriate

HIGH RISK
Allocate caseworker
Liaise with victim & action plan
Implement actions & record on ECINS
Multi-agency case conference within 72 hours
Manager’s review within 7 days
Case review at ASEBAG
Close via ASEBAG when appropriate

NO
Record on ECINS
Inform caller of reference number
Refer to other agency/NFA as appropriate
<table>
<thead>
<tr>
<th>Where did it occur?</th>
<th>Brighton and Hove</th>
<th>East Sussex</th>
<th>West Sussex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select which applies:</td>
<td>ASB</td>
<td>Hate</td>
<td>Both</td>
</tr>
<tr>
<td>STORM CAD and date:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NICHE occurrence no:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Is this a crime or crime-related incident (CRI)?**

1. How often do you experience ASB and/or hate problems?
   - Daily
   - Most days
   - Most weeks
   - Most months
   - Only occasionally/first occasion

2. Is the current incident linked to previous incidents?
   - Yes
   - No

3. Are these incidents happening more often and/or getting worse?
   - Yes (Specify: getting worse / more often)
   - No

4. Does the perpetrator (or others with them) have a history of, or a reputation for, intimidation or threats?*
   - Perpetrator/their associates have harassed the victim in the past
   - Perpetrator/their associates have harassed someone other than the victim in the past
   - Perpetrator/their associates have no known history or reputation for harassment or intimidation

5. Do you think the perpetrator’s behaviour is influenced by drugs, alcohol or mental health?
   - Yes (Specify:)
   - No / no known history

6. Has the perpetrator encouraged other people to commit incidents against you?
   - Yes
   - No

7. Do you feel this incident has deliberately targeted* ...?
   - Yes (Please complete the victim profile box on page 2)
   - No

8. Do you feel that this incident is associated with prejudice against your: Disability [ ] Ethnic Group [ ] Faith [ ] Gender Identity [ ] Sexual Orientation [ ] Other [ ]

9. Have you been threatened with physical harm?
   - Yes
   - No

10. How affected do you feel by what has happened?
    - Affected a great deal
    - Moderately affected
    - Affected a little

11. Has your physical or mental health been affected as a result of these incidents?
    - Yes (Specify:)
    - No

12. Do you have a disability? (Consider physical and mental health, visual/speech impairment, mobility etc)
    - Yes (Specify:)
    - No

13. Do you have anyone to support you?
    - The victim is isolated from people who can offer support
    - The victim has a few people to draw on for support
    - The victim has a close network of people

14. Is there anything that is increasing your household’s personal risk? (e.g. children within the family, your location)
    - Yes (Specify:)
    - No

**Total score:**

<table>
<thead>
<tr>
<th>Select which applies:</th>
<th>Standard 0 - 16</th>
<th>Medium 17 - 24</th>
<th>High 25 - 36</th>
</tr>
</thead>
</table>

*These scores are there as a guide and should be used in combination with other local resources, and your own judgement of what support and protection are required in any given situation. All action taken as a result of your assessment should be discussed with the victim to ensure it meets their needs.*
Review the risk based on the information you have, and your own professional judgement -

<table>
<thead>
<tr>
<th>Person completing:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Victim details**

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of birth:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Telephone number:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
</tr>
</tbody>
</table>

**How would the victim prefer contact?**
*E.g. only at certain times or locations, by telephone, in person or by letter*

**Does the victim require an interpreter?**
*YES / NO*

**If yes, what is the victim’s preferred language?**

**Victim profile**

<table>
<thead>
<tr>
<th>Disability</th>
<th>Ethnicity</th>
<th>White</th>
<th>Black</th>
<th>Asian</th>
<th>Mixed heritage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>British</td>
<td>British Caribbean</td>
<td>Bangladeshi</td>
<td>British</td>
<td>African</td>
</tr>
<tr>
<td></td>
<td>English</td>
<td></td>
<td>Chinese</td>
<td>British</td>
<td>African</td>
</tr>
<tr>
<td></td>
<td>Gypsy</td>
<td></td>
<td>Indian</td>
<td>Chinese</td>
<td>Caribbean</td>
</tr>
<tr>
<td></td>
<td>Irish</td>
<td></td>
<td>Japanese</td>
<td>Indian</td>
<td>Caribbean</td>
</tr>
<tr>
<td></td>
<td>Irish traveller</td>
<td></td>
<td>Korean</td>
<td>Japanese</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Irish</td>
<td></td>
<td>Pakistani</td>
<td>Korean</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scottish</td>
<td></td>
<td>Taiwanese</td>
<td>Pakistani</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Welsh</td>
<td></td>
<td></td>
<td>Taiwanese</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td>Prefer not to say</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Faith</th>
<th>Buddhist</th>
<th>Christian</th>
<th>Hindu</th>
<th>Jewish</th>
<th>Muslim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sikh</td>
<td>No faith</td>
<td>Prefer not to say</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender Identity</th>
<th>Is their gender identity the same as assigned at birth?</th>
<th>YES / NO / Prefer not to say</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES / NO / Prefer not to say</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sexual orientation</th>
<th>Bisexual</th>
<th>Gay/lesbian</th>
<th>Heterosexual</th>
<th>Unsure</th>
<th>Prefer not to say</th>
<th>Other:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**What is the victim’s desired outcome?**
*Ensure the victim is fully informed about out of court disposal options*
<table>
<thead>
<tr>
<th>Location type (Indicate all that apply)</th>
<th>Home</th>
<th>Place of Worship</th>
<th>Residential Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Authority /Health Authority/Police premises</td>
<td>Pub/Restaurant</td>
<td>Shops</td>
<td></td>
</tr>
<tr>
<td>Park/Beach</td>
<td>Public sex environment</td>
<td>Street</td>
<td></td>
</tr>
<tr>
<td>Place of Education</td>
<td>Public Transport</td>
<td>Work</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Incident type (Indicate all that apply)</th>
<th>Abuse - verbal/gestures</th>
<th>Emotional abuse</th>
<th>Missile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse via phone/text/email/social media</td>
<td>Extremist Organisation involvement</td>
<td>Physical violence</td>
<td></td>
</tr>
<tr>
<td>Arson</td>
<td>Gang involvement</td>
<td>Sexual</td>
<td></td>
</tr>
<tr>
<td>Criminal damage</td>
<td>Graffiti</td>
<td>Weapons</td>
<td></td>
</tr>
<tr>
<td>Dispute/threat</td>
<td>Harassment</td>
<td>Written/printed</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time / date of incident</th>
<th>Summarise the ASB/ hate incident being reported:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Location type (Indicate all that apply)</th>
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<td>Place of Education</td>
<td>Public Transport</td>
<td>Work</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Third party details | Name: | |
|---------------------|-------| |
| Address: | | |
| Telephone number: | | |
| Email address: | | |

<table>
<thead>
<tr>
<th>This report has been made by:</th>
<th>Victim</th>
<th>Third party</th>
</tr>
</thead>
<tbody>
<tr>
<td>If this report is made by a witness/third party, is this with the victim’s knowledge?</td>
<td>YES / NO / NA</td>
<td></td>
</tr>
</tbody>
</table>
### Safety considerations

<table>
<thead>
<tr>
<th>Question</th>
<th>YES / NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the victim safe? (if not consider immediate response)</td>
<td></td>
</tr>
<tr>
<td>Is the victim vulnerable or especially upset?</td>
<td></td>
</tr>
<tr>
<td>Are they a repeat victim?</td>
<td></td>
</tr>
<tr>
<td>Specify:</td>
<td></td>
</tr>
<tr>
<td>Does the victim know the perpetrator?</td>
<td></td>
</tr>
<tr>
<td>Specify relationship &amp; how well they know one another:</td>
<td></td>
</tr>
<tr>
<td>Has anyone else been affected by what has happened?</td>
<td></td>
</tr>
<tr>
<td>Specify:</td>
<td></td>
</tr>
<tr>
<td>Has the victim informed any other agencies about this?</td>
<td></td>
</tr>
<tr>
<td>Specify:</td>
<td></td>
</tr>
<tr>
<td>Is this report likely to affect community tensions?</td>
<td></td>
</tr>
<tr>
<td>Is a Community Impact Assessment (CIA) required?</td>
<td></td>
</tr>
</tbody>
</table>

#### What actions have been taken by the Initial Investigating Officer?

All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

---

You must take all reasonable steps to manage the immediate risk.

Use the RARA model (Remove, Avoid, Reduce, Accept the risk) when compiling safety plans for victims.

---

### Supervisors Review:

Detail any change of risk category, additional information, further risk management or recommendations

**Risk to Victim: Standard / Medium / High**

---

I have reviewed this form, the risks identified and the quality of the investigation to date. I confirm that they have been completed to a satisfactory standard and all reasonable risk management actions have been taken.

**Supervisor completing:**

**Date:**
APPENDIX H

Community Trigger Activation Flowchart

Community Trigger activation received

Record on ECINS
Inform caller of reference number

Lead officer considers activation within 3 working days

Threshold met?

YES
Lead officer advises victim/third party
Review officer allocated
Review officer advises victim of next step
Case review conducted within 10 working days
Meeting with victim to feedback review & recommendations

NO
Lead officer advises victim/third party
Lead officer offers advice where necessary
WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

Statement of:  

Age if under 18: ‘over 18’ (if over 18 insert ‘over 18’)  Occupation: Street Scene Warden

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: Date

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by Horsham District Council as a Street Scene/Neighbourhood Warden. I have been accredited by the Chief Constable of Sussex Police under the Community Safety Accreditation Scheme and as a result I am able to exercise a number of powers under the Police Reform Act 2002 which include the power to seize alcohol from persons under the age of eighteen.  

At (time) on (day and date) in (location i.e. Hurst Road, Horsham) I was on duty in uniform when I stopped (full name and date of birth of young person) in possession of alcohol, namely (specify the type of alcohol and amount). The alcohol was surrendered to me and their details were taken. The opened alcohol vessel(s) were poured away at the scene and the unopened alcohol vessels were returned to the Horsham District Offices where they were booked into the confiscated items store.
APPENDIX J

Sussex Police Community Safety Accreditation Scheme
Information Sharing Protocol

1. **PURPOSE**

1.1 The purpose of this protocol is to create a system for the formal exchange of information for Accredited Community Safety Operations under the Sussex Police Community Safety Accreditation Scheme in order to communicate intelligence regarding crime and disorder, public nuisance and anti-social behaviour.

1.2 The Accredited Community Safety Operation must accept full responsibility for safe keeping of all information. This protocol does not create a legal obligation on the Accredited Community Safety Operation or the Chief Constable of Sussex Police to disclose any information.

2. **ENFORCEMENT**

2.1 Accredited Persons of the relevant Accredited Community Safety Operation will during the course of the duties gather intelligence in respect of their enforcement activities. Any intelligence gathered will be submitted through their Supervisor to the police Liaison Officer identified in the Approved Operating Schedule.

2.2 Where an Accredited Person observes a crime being committed, they should not put themselves in danger but will inform the Police. This will be done via the 999 emergency telephone system, either directly from the Accredited Person or via the Accredited Community Safety Operation’s internal systems.

3. **IMAGES & INTELLIGENCE**

3.1 Images, information and other intelligence will only be released by Sussex Police in compliance with the conditions outlined within this protocol and in accordance with the ACPO Media Advisory Group guidance.

3.2 The release of all images and other intelligence will be authorised by the identified Liaison Officer.

3.3 All parties will keep a written record of all circulations.

3.4 Images:-

   i may be supplied by Sussex Police of convicted persons who intelligence suggests are involved in specific crimes within the area of the Scheme if the identified Liaison Officer deems it appropriate.

   ii of juveniles will not ordinarily be circulated by Sussex Police.
iii will only be released against the dated signature of an Accredited Person. Released images will be reviewed regularly, and in any case, at not longer than three-month intervals.

iv will only be retained by the Accredited Persons, if, after review, the individual concerned is still deemed to be an active criminal.

v must be collected and presented as evidence should an identification and legal process result from the supply of an image.

4. INFORMATION EXCHANGE

4.1 It is acknowledged that information shared is confidential and that all parties in the Accredited Community Safety Operation must abide by the conditions below:

i. the information is exchanged with the sole purpose of assisting the Accredited Community Safety Operation in helping to reduce crime and disorder, public nuisance and anti-social behaviour.

ii. the information is retained in a private secure area, not accessible to the public, and that it is only viewed by the relevant Accredited Person.

iii. the information will be provided to the relevant Accredited Persons whenever it is deemed appropriate by the Liaison Officer.

iv. lockable cabinets must be used to store any photographs, information and other intelligence supplied by Sussex Police.

v. a log will be kept of all people who have been shown the photographs. The log should contain the date, time, name and reason for showing the photograph.

vi. the information is not displayed publicly, nor will it be duplicated or further distributed to any unauthorised personnel or other parties outside the Scheme.

vii. the information will be returned to the Police on demand and in any event made available for review. Accredited Persons will only retain information for as long as it is necessary and for the purpose for which it was obtained, or where there is a requirement to retain it for a legal purpose.

viii. copyright and ownership of the information remain vested in the Chief Constable.

APPENDIX K

SUSSEX POLICE COMMUNITY SAFETY ACCREDITATION SCHEME

ACCEPTANCE OF INDIVIDUAL RESPONSIBILITY TO MAINTAIN SECURITY OF SUSSEX POLICE INFORMATION

Information is a vital component in the provision of an effective policing service. Sussex Police keeps and processes a large amount of information that is often sensitive in nature and is required to protect life and property, prevent and detect crime and assist in the apprehension and prosecution of offenders.

Whilst working with Sussex Police you will gather, use and disclose information for all sorts of reasons whilst undertaking your duties. You must be aware of the implications for both yourself and the organisation if you misuse that information. You will be advised how you should utilise Sussex Police information so that it is provided to the right people for the right purpose at the right time on a ‘need to know’ basis.

The following declaration must be signed to signify that you accept your responsibility to abide by Sussex Police requirements relating to security of information at all times.

DECLARATION

Information Security

1. I understand that I am personally responsible for the protection and security of all information that I handle, use and disclose during the course of my work with Sussex Police. I understand my personal responsibilities, including the fact that I may be held personally liable for non-compliance.

Official Secrets Acts 1911 to 1989

1. I have been informed that information, documents or other articles protected against disclosure by the provisions of the Official Secrets Act 1989 relating to security or intelligence, defence or international relations, may come into my possession as a result of my work for Sussex Police on terms requiring it to be held in confidence.

2. I understand that, knowing such information, documents or other articles are so protected against disclosure, I may be prosecuted for an offence under the Official Secrets Acts 1911 to 1989 should I disclose without lawful authority all or any part of such information, documents or other articles.

3. I understand the above declaration continues to apply when my work for Sussex Police has ended.

SIGNED: -

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------
APPENDIX L

Safeguarding – Incident Referral Form

Staff, volunteers and Elected Members should use this form if they have witnessed an adult or a child being abused, they suspect it or they are otherwise made aware of it, or an adult has disclosed that they are being abused. Please refer to the Safeguarding Policy before completing this form.

Name of person reporting the incident and contact details (including phone number)

Name of Adult / Child to whom this incident relates

Date of Birth of Adult / Child (if known)

Address of the Adult / Child

Date and time of suspicions or concern

Observation of the adult’s / child’s emotional state (or physical state if appropriate)

Short description of the suspicions or concern

Record of what the adult / child has said
Any other comments

Details of any other relevant information and where it is stored

Do you have the person’s consent (or if child, the parent/guardian consent) to send this referral?

Signature

Date

This form should be completed by you as soon as practicably possible after the concern has been raised. You must hand to a Designated Safeguarding Officer or Director of Community Services.

This referral should be sent ONLY via a secure GCSX e-mail account by the Designated Safeguarding Officer

If you suspect immediate danger, telephone the police on 999. Otherwise:

- For Adults: Contact the West Sussex Adults’ Services out-of-hours service directly on 01243 642121 or e-mail adults.CarePoint@westsussex.gcsx.gov.uk

- For Children: Contact the MASH ‘Multi-agency Safeguarding Hub’ 01403 229900. Out of office hours (5.00pm to 8.00am weekdays) and for emergencies at weekends and bank holidays (24 hours) 033 022 26664. email MASH@westsussex.gcsx.gov.uk

The Designated Safeguarding Officer must ensure that this referral has been received by MASH or Adult’s Services and as such must ensure that the referral and an e-mail receipt from them is filed in the V: drive.

A note to Adults Services and MASH: Horsham District Council takes its duty to report very seriously and as such we require that a receipt of this referral is e-mailed to the person who makes this referral by return.

A failure to provide a receipt of this referral will be reported to the Safeguarding Adults Board and/or the West Sussex Children’s Safeguarding Board.