

<b>Committee:</b> Police Authority Board – For Decision	<b>Dated:</b> 13/12/2023
<b>Subject:</b> Roles and powers of community safety and constabulary services in the City	<b>Public</b>
<b>Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?</b>	#1 – People are safe and feel safe
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	<b>N/A</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report author:</b> Charles Smart, Police Authority team	

### Summary

This report brings together three issues raised at PAB over the course of 2023 which relate to the roles of, and the powers available to, several “policing-adjacent” organisations in the City:

- a) An overview of the City Corporation’s various constabularies – the Hampstead Heath Constabulary, Epping Forest Keepers, and City of London Market Constabularies
- b) A review of the City’s crime and disorder byelaws
- c) A decision on the delegation of Community Safety Accreditation Scheme (CSAS) powers to the City’s community safety patrol provider, Parkguard

These are treated together for two reasons – there is a shared question across ‘a’ and ‘c’ about potential risks posed by ‘policing-adjacent’ organisations exercising enforcement powers where they may be confused with the police, and across ‘b’ and ‘c’ about which available powers are best employed to reduce crime and disorder (i.e. “byelaws and/or CSAS?”).

On the former question, this report identifies a risk of potential confusion between the City Police and the Hampstead Heath Constabulary, which might suggest that the appearance, and oversight, of the Constabulary should be reviewed. On the latter this report recommends the delegation of CSAS powers, both on its own merits and because successive legislation now means City byelaws are now of limited relevance to crime and disorder.

## Recommendations

Members are asked to:

- Note the information provided on City constabularies and byelaws
- Consider whether to recommend to the Hampstead Heath Committee that a review into the oversight arrangements for the Hampstead Heath Constabulary, and the form of the Constabulary uniform, be carried out, checking these are proportionate to their 'policing-adjacent' responsibilities
- Endorse the recommendation to delegate CSAS powers to the City Corporation's commissioned community safety patrol service (currently provided by Parkguard)

## Main Report

### Background

1. Over the course of 2023 PAB Members have raised three inter-linked issues:
  - a) *'Policing-adjacent' organisations* – Members were made aware of the Hampstead Heath Constabulary and requested further background on their role, powers, and oversight arrangements, asked if similar organisations existed within the Corporation, and for an assessment of this state of affairs.
  - b) *City byelaws* – Members requested a review of the City's bylaws, specifically whether their greater use might represent an opportunity to address low-level crime and disorder.
  - c) *Community safety patrol (Parkguard) CSAS powers* – Members received a paper in September about delegating CSAS powers to Parkguard, which was withdrawn with a request for more information on issues including oversight and their use of powers.
2. These three issues have common themes about which organisations have policing and enforcement powers in the City (/ Corporation), how their various work is overseen, and the merits and risks of extending or amending who is able to use which powers. As such, they are treated together in this report.

### Current Position

#### ***Policing-adjacent organisations***

3. Corporation officers have reviewed these organisations and a summary of their backgrounds, operations and powers, oversight, and appearances is included at *Appendix A*.
4. In brief, there are three constabularies overseen by the City Corporation:

- The Hampstead Heath Constabulary patrols the Heath, Highgate Wood, and Queen’s Park in Kilburn. Their 5 attested constables enforce Heath-specific and general “open spaces” byelaws in these areas, and have the power of arrest although this is used very rarely. They are accountable to the Assistant Director of North London Open Spaces, and have a uniform very similar to that of the City Police, including the red-white check detail.
  - Epping Forest Rangers (16 keepers, 4 enforcement officers, 2 managers) likewise enforce bespoke and general byelaws in the Forest, for example to protect its deer or prevent littering. They also have the power of arrest, also used very rarely. They are accountable to the Environment Director, and wear khaki uniforms that do not resemble police clothing.
  - The City of London Markets Constabularies (c. 45 personnel total) provide security in Smithfield, Billingsgate, and New Spitalfields markets. They do not have power of arrest. They are overseen by the Markets Director, and have uniforms similar to generic security guards (though with City red-white check detail).
5. Of these three, only the Markets Constabularies operate (partially) in the same geographic area as the City Police – i.e. within the City’s Smithfield markets complex. There are other uniformed officers with enforcement powers in the City – such as traffic, port health, Trading Standards officers – but these would not be considered policing-type or policing-adjacent. Parkguard, the City’s community patrol service, works in partnership with the City Police but at present has no enforcement powers (discussed further below).
  6. The conclusion of this overview is that oversight and accountability mechanisms are in place for all the City’s constabularies and, in practice, there are few overlaps with the City Police because the constabularies operate in distinct and separate areas and (operationally and physically) two of the three do not ‘look like’ police officers.
  7. An area potentially meriting further investigation is oversight of the Heath Constabulary, whose uniforms are most similar to City Police and where there may be risk of public confusion, including because the Heath Constabulary do have power of arrest. Oversight of the Heath Constabulary is the responsibility of the Hampstead Heath, Highgate Wood and Queen’s Park Committee. Members may wish to consider whether to recommend to that Committee that a brief review of those oversight arrangements – and the Constabulary’s uniform - is carried out, to assess whether these are appropriate for the role of the Constabulary, proportionate to their powers and responsibilities, and to considerations of public perception.

### ***City byelaws***

8. The City of London, like other local authorities, can implement byelaws to regulate and manage the use of City public spaces and these are (as above) used actively for Corporation-managed areas outside the Square Mile such as Hampstead Heath. The Police Authority Board commissioned Corporation

officers to review the byelaws available for tackling crime and disorder in the Square Mile, whether they are being used, and if this could be improved or change (potentially as an alternative or complement to delegating CSAS powers).

9. The conclusion of this review is that City byelaws now have limited practical application to tackling local crime and disorder. This is because these byelaws are largely historic, some dating back to 1898, and have since been superseded by other more appropriate statutory powers. As a result they are rarely if ever used, and in the majority of City public spaces the City Police and Corporation enforcement officers (such as street environment officers) enforce offences using powers derived from the Highways Act, the Road Traffic Regulation Act (traffic orders), the Environmental Protection Act, and criminal offences under the Highway Code. It is, for example, already an offence under the Highway Code to cycle on a pavement.
10. The only areas where this review concludes that existing City byelaws remain a viable enforcement 'tool' for crime and disorder are on City walkways, much the largest of which is the Barbican highwalk (others include the Riverside Walkway, the footway through Baynard House near Blackfriars and the Fyefoot Lane footway across Upper Thames St.). City Walkway byelaws derive from the City of London Various Powers Act 1967 and prescribe a specific set of offences such as bringing a vehicle onto the Walkway, skateboarding, playing music, dog walking without a lead and littering (see *Appendix 3*), but also require such offences to be dealt with by summary conviction to a fine not exceeding £20. That means only police officers can enforce City byelaws meaning enforcement is dependent on a policing presence.
11. City byelaws can be amended or extended to address specific issues on walkways or in public spaces not covered by existing statutory powers. For walkways, the enforcement powers and level of fine could also be reviewed but this may require the current byelaws to be revoked before new ones are brought in. Since the byelaws were created through primary legislation, the mechanism to change them also requires the approval of the Secretary of State (as a minimum) based on evidence to demonstrate the extent of the existing problem, the justification as to why that problem cannot be addressed through existing powers, consultation with external stakeholders and the support of the Court of Common Council.
12. As part of this process it would need to be demonstrated that any new provisions were justified, proportionate and reasonable. Such changes are uncommon – the last (to allow Civil Enforcement Officers to enforce vehicle parking) was made through a wider 'various City powers' piece of legislation in 2013. This means amending byelaws is unlikely to be the fastest or most proportionate (in terms of resources involved) means of addressing a given disorder issue.

### ***Delegation of CSAS powers to the Corporation's community safety patrol service (Parkguard)***

13. In September, PAB received a paper about delegating CSAS powers to the Corporation's community safety patrol service, Parkguard. In summary:

Parkguard currently deliver patrols on City-run residential estates and support the Corporation's homelessness outreach service. They have no enforcement powers (including enforcement of byelaws) and their main functions are providing reassurance and deterring crime through a visible presence, collecting intelligence, and communicating issues to the City Police.

14. The aim of delegating CSAS powers is to give Parkguard officers more tools to deal with low-level disorder and ASB – the recommendation is to delegate powers to issue Fixed Penalty Notices (as a credible enforcement tool, although in practice used infrequently elsewhere), to require a name and address, to require the surrender of alcohol and tobacco, and to stop cycles riding on a footway. Full details on the proposals are available in the September paper (see *Background papers* section).
15. In response Members raised several questions, which are addressed below:
  - *The process for extending Parkguard's contract* – This is a separate issue to CSAS delegation. Parkguard's existing contract (held by Dept. Communities & Childrens Services) for patrolling social housing estates and supporting homelessness outreach was extended in July, prior to the September PAB meeting. Its value was within officer delegations and followed all internal clearance processes. Since September, the Corporation has been awarded grant funding from the Home Office to temporarily expand community safety patrolling, as part of a wider multi-borough bid to tackle crime on bridges. This expansion is also within officer delegations for approval by the relevant Category Board and is reported to relevant Members.
  - *A 'make or buy' analysis of Parkguard's services* – Members queried if funding could be better invested in the City Police. At present, this is not a live question – CSAS delegation carries no cost, the current contract is funded by DCCS budgets, and the temporary expansion is funded from a Home Office Safer Streets Fund grant that cannot be used for core policing services. A theoretical scenario involving a choice between Parkguard and City Police would depend on the objectives (with Parkguard being a service for lower-level crime and disorder), but in like-for-like personnel terms Parkguard is cheaper, more flexible, and faster to (de)mobilise than City Police officers.
  - *Powers available to Parkguard, including use of handcuffs* – At present, without CSAS powers, Parkguard officers operating in the City are in terms of powers no different to members of the public. Delegating CSAS powers would give them the powers listed at paragraph 13, but no more – they are not able to enforce byelaws and would not have powers of arrest or search. Parkguard officers do carry handcuffs but can use them only as could any member of the public – as a restraint in self-defence or as the least intrusive use of force. In practice their use of handcuffs (in the City and in other areas in which they operate) is exceptionally rare, and subject to automatic 'trigger codes' with incident reports sent to Parkguard's senior managers and supervisors.
  - *Oversight of the use of CSAS powers* – It is recommended that delegation of CSAS powers is accompanied by greater oversight and scrutiny of Parkguard,

linked also to the Home-Office funded expansion. This will entail: fortnightly working-level reporting to the multi-agency 'bridge crime' tasking group (comprising Corporation officials, City Police, other borough representatives, and the Safer Business Network) , quarterly reporting on use of CSAS powers to the Corporation, and quarterly reporting on both use of powers and wider operational activity to PAB and CSS committees. There is, as above, also pre-existing internal scrutiny of use of powers and all complaints are automatically sent to the Corporation for review. Lastly, the recommendation is for a *trial* of CSAS powers, to be evaluated in detail (with a report to Members) after one year.

16. Members should lastly be aware that Parkguard has, since July 2023, been delivering community safety patrols on Hampstead Heath in support of the Hampstead Heath Constabulary (under a separate contract to the one that funds patrols in the Square Mile). They are able to use CSAS powers on the Heath (which is under Metropolitan Police jurisdiction, within which Parkguard have held CSAS delegation since 2013). This is overseen (and approved by) the Hampstead Heath Committee, which by the time of December PAB, will have considered a report on their activities on the Heath to date, including data on their use of CSAS powers (the paper at item 8 on the agenda of the Heath Committee's meeting on 29 November refers).

## Options

17. For the City's constabularies, there is an option to do a deeper review of governance, oversight, and operational coordination. This is outside of PAB's remit and at this stage there isn't a clear rationale from a policing perspective to go beyond examining the Heath Constabulary's oversight.
18. For byelaws, it is likely to be challenging to make a case to the Secretary of State for new byelaws on public highways that would be additional to existing primary national legislation. A case for amending and updating the byelaws relating to City walkways is potentially more likely to be successful but a decision to progress such a review would need to take into account the evidence base, the consultation required and the resources, cost & timescale involved. If Parkguard is granted CSAS powers then the possible review of the City Walkway bylaws could include a proposal for them to be able to enforce the bylaws in addition to the police. At this stage, however, Corporation officers do not believe there is a sufficiently strong case to commence such a review.
19. For CSAS, the lead alternatives are not to delegate any powers, or not to delegate the power to issue Fixed Penalty Notices (which is the only power that involves any form of punishment). Parkguard patrols will still be temporarily expanded regardless of the decision on CSAS, though the view of City Police and Corporation officers is that this will limit their effectiveness in tackling crime and disorder as they will lack a credible sanction and substantive powers to intervene in, for example, instances of dangerous cycling or drinking in prohibited places. As above, Fixed Penalty Notices are used rarely in practice by Parkguard in other areas so there is limited upside risk in delegating this power, the downside risk of

not doing so is the lack of a credible threat. Anecdotal evidence from other policing areas is that this is a useful tool for Parkguard / community safety patrols to have.

## **Proposals**

20. This report recommends:

- A) That PAB considers whether to recommend to the Heath Committee that it should review the Heath Constabulary's oversight and uniform
- B) That PAB agrees to delegate CSAS powers to the City's community safety patrol (currently Parkguard) to give them more tools to tackle crime and disorder, with additional oversight
- C) That PAB notes the other conclusions of this report – that there are few other overlaps between City constabularies and policing, and that byelaws do not appear to offer a useful suite of tools for tackling crime and disorder in the Square Mile

## **Conclusion**

21. This report has sought to answer two questions common to three issues – are there risks from the current (constabulary) or future (Parkguard) exercise of powers by “policing adjacent” organisations, and are there opportunities to use current (byelaw) or future (CSAS) powers to better effect to reduce crime and disorder.

22. On the first, it concludes that City constabularies and City Police are largely distinct (and differentiable), though with a question about the Heath Constabulary. On the second, it discounts the practical utility of City byelaws. In turn, it instead recommends delegating CSAS powers to Parkguard as a way to enhance their work to reduce crime and disorder, and that this should be accompanied by greater oversight and scrutiny (to balance the potential risks of giving a “policing adjacent” service some enforcement powers).

## **Appendices**

- Appendix 1 – Detail of City Constabularies
- Appendix 2 – 2023 Letter from City of London Police Commissioner endorsing delegation of CSAS powers to Parkguard
- Appendix 3 – City Walkway Byelaws

## **Background Papers**

Community Safety Patrolling and Delegation of Community Safety Accreditation Scheme powers – *September PAB paper* – Available [here](#)

## **Charles Smart**

Policy Officer, Police Authority

T: n/a

E: [Charles.smart@cityoflondon.gov.uk](mailto:Charles.smart@cityoflondon.gov.uk)



Organisation	Background and legislative basis	Size, powers, and tasking	Oversight, accountability, and funding	Appearance, and relation to other police
<p>Hampstead Heath Constabulary</p>	<p>Originally part of the LCC Parks Authority (est. 1889), transferred to the Corporation along with Heath ownership in 1992.</p> <p>HHC are sworn as constables under Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.</p>	<p>5 attested constables (recently reduced from team of 12), plans to recruit additional rangers who will not be constables.</p> <p>Powers to enforce Heath and open spaces bylaws and regulations, though mainly reporting and taking of names and addresses of offenders – power of arrest is used very rarely.</p> <p>Tasked and controlled by themselves.</p>	<p>Accountable to the Asst. Director of North London Open Spaces, no formal reporting requirements, though ad-hoc reports produced for Hampstead Heath, Highgate Wood and Queen’s Park C’ttee.</p> <p>Complaints handled by Corporation, via Environment dept. Not inspected by HMICFRS, and there is no relationship to the IOPC, as they are Corporation/council officers.</p> <p>Funded from City Cash (Hampstead Heath ‘local risk’ budget)</p>	<p>Uniform very similar to City of London Police, including red-white check detail. <a href="#">Link</a>. Vehicles are in police colours with City of London logo.</p> <p>Work with Met Police, to whom any serious crimes are passed. Parkguard have been contracted to support the HHC, on the Heath.</p>
<p>Epping Forest Keepers</p>	<p>Established under the Epping Forest Acts 1878 and 1880 which formally transferred the forest to the Corporation.</p> <p>Keepers are sworn as constables under these Acts.</p>	<p>16 keepers and assistant keepers, 2 managers, 4 enforcement officers.</p> <p>Power to enforce Epping Forest bylaws (e.g. cycling, horse-riding, protecting deer) and LA bylaws on litter and dogs. Power to arrest, but used rarely. Can bring prosecutions in Magistrates and Crown courts.</p> <p>Tasked and controlled by the Head of Operations (Head Keeper).</p>	<p>Overseen by, and accountable to, the Corporation’s Executive Director of Environment and the Epping Forest and Commons C’ttee, to whom they report bimonthly.</p> <p>Current legal view (from 2012) is Keepers are not answerable to the IOPC, and complaints are handled by the Corporation. Not inspected by HMICFRS.</p> <p>Funded by Epping Forest Charity, which in turn is 50% funded by City Cash and 50% funded by locally-generated income.</p>	<p>Uniform is khaki, not police-like. Vehicles are in police colours but with black bonnets. <a href="#">Link</a></p> <p>Keepers work with Essex &amp; Met police, regularly attend tasking and briefing meetings, and have information sharing agreements.</p> <p>Occasional work with Border Force, water bailiffs, LA ASB officers.</p>
<p>CoL Markets Constabularies</p>	<p>No bespoke legislation – operate under the Local Government Miscellaneous Provisions Act 1982</p>	<p>1 general manager, 3 heads of security (1 for each market), 7 sergeants, 37 constables, 1 security administrator</p> <p>Power to enforce LG Misc. Provisions (e.g. around fire precautions) and Smithfield team have limited</p>	<p>Overseen by Markets Director, though ultimately report to Corporation’s Chief Operating Officer (Emma Moore)</p>	<p>Uniform like generic security guard, though with CoLP red-white check detail. <a href="#">Link</a>. Vehicles are white and clearly branded as ‘constabulary’ not police. <a href="#">link</a></p>

		<p>added powers under local authority status (e.g. no smoking, no fly tipping)</p> <p>Tasked, ultimately, by the General Manager (at Billingsgate, who is responsible for all 3 markets' security)</p>	<p>No public reporting requirements, and no current professional standards although SIA accreditation is about to be rolled out</p> <p>Funded by market service charges – i.e. market tenants fund them as security</p>	<p>Work with police mainly around protests and threats, and with CTSA. Criminal incidents and immigration cases (in vehicles) are reported to local forces (CoLP, Tower Hamlets, Waltham Forest).</p>
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## Appendix 3 – City Walkway Byelaws



### CORPORATION OF LONDON

BYELAWS made under Section 12 of the City of London (Various Powers) Act 1967, by The Mayor and Commonalty and Citizens of the City of London, acting by the Common Council, with respect to City Walkways.

1. In these Byelaws—

“the Corporation” means the Mayor and Commonalty and Citizens of the City of London, acting by the Common Council;

“Act of 1967” means the City of London (Various Powers) Act 1967;

“Act of 1969” means the City of London (Various Powers) Act 1969;

“balustrade” means any balustrade, wall, railing or fence comprised in or adjoining any City Walkway;

“City Walkway” means a place within the City of London declared to be a City Walkway by the Corporation in pursuance of Section 6 of the Act of 1967;

“invalid carriage” means a mechanically propelled vehicle, the weight of which, unladen, does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“vehicle” means a car, van, lorry, caravan, truck, motorcycle, cycle or any other vehicle whether mechanically propelled or not, but it does not include a perambulator, invalid chair or invalid carriage.

2. Any act necessary for the proper execution of his duty by (1) an officer of the Corporation, (2) a Police Constable, (3) a Fire Officer, (4) an Ambulance Officer, or (5) any person, or the servant of any person, employed, engaged or appointed by the Corporation or any statutory undertaker for the purpose of carrying out any of their functions, or any act done with the consent of a Police Constable in uniform, shall not be deemed an offence against these Byelaws.

3. Any act required to be carried out by any person in or upon a City Walkway in pursuance of a statutory requirement or notice served by the Corporation under such a requirement, shall not be deemed an offence against these Byelaws.

4. Any act carried out by any person in or upon a City Walkway with the written consent of the Corporation given in pursuance of Section 18 of the Act of 1967 as amended by Section 14 of the Act of 1969, shall not be deemed an offence against these Byelaws.

5. No person shall, when on a City Walkway—
- (1) place or cause to be placed any article or substance on any balustrade;
  - (2) wilfully throw or drop, or cause to be thrown or dropped, upon or from that City Walkway, any article or substance;
  - (3) climb or sit on any balustrade;
  - (4) bring or cause to be brought any dog which is not on a lead and kept under effective control;
  - (5) allow any dog under his control or ownership to foul any part thereof by depositing its excrement thereon — Provided that a person shall not be liable to be convicted of an offence against this Byelaw if the fouling of the City Walkway by the dog was not due to culpable neglect or default of that person;
  - (6) play any instrument of music;
  - (7) use or operate any radio, record or cassette player or other similar instrument;
  - (8) bring or cause to be brought any vehicle;
  - (9) ride or cause to be ridden any horse or other animal;
  - (10) bring or cause to be brought any horse, pony, mule, ass, goat or cattle;
  - (11) importune any person for the purpose of taking or selling any photograph;
  - (12) set up any structure or erection;
  - (13) climb on any tree;
  - (14) enter or walk on parts thereof where entry or walking is for the time being prohibited by exhibited notices authorized by the Corporation;
  - (15) interfere with or obstruct any officer of the Corporation in the execution of his duty.

6. Every person who shall offend against any of the foregoing Byelaws shall be liable upon summary conviction for any such offence to a fine not exceeding £20.

Examined,  
(Signed) DESMOND HEAP,  
*Comptroller and City Solicitor.*



The Common Seal of the Mayor and Commonalty and Citizens of the City of London was affixed to these Byelaws at a duly constituted Meeting of the Court of Common Council held on the 29th day of November, 1973, and in my presence.

(Signed) EDWARD NICHOLS,  
*Town Clerk.*

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into operation on the 1st June, 1974.

(Signed) S.T. GARRISH  
An Assistant Secretary in the Department  
of the Environment.

Signed by the authority of the Secretary of State  
2nd May, 1974.



### CITY WALKWAY — ADDITIONAL BYELAW

ADDITIONAL BYELAW made under Section 12 of the City of London (Various Powers) Act 1967, by the Mayor and Commonalty and Citizens of the City of London, acting by the Common Council, with respect to City Walkways.

1. In this byelaw

“the Principal Byelaws” means the byelaws made by the Mayor and Commonalty and Citizens of the City of London on the 29th day of November, 1973 and confirmed by the Secretary of State on the 2nd May, 1974.

2. The following byelaw is inserted after byelaw 5(15) in the Principal Byelaws—

“(16) ride or cause to be ridden any roller skates or skateboard”.

Dated the 12th day of JUNE 1990.



The Common Seal of the Mayor and Commonalty and Citizens of the City of London was hereunto affixed in the presence of—

(Signed) T.C. SIMMONS  
*Deputy Town Clerk.*

DET 1335

The foregoing byelaws are hereby confirmed by the Secretary of State for Transport and shall come into force on 26th March 1991.

Signed by authority of  
the Secretary of State  
for Transport  
26 February 1991

(Signed) N.T. REES  
An Assistant Secretary  
in the Department  
of Transport

ENC 7447