

# COUNCIL

## Amendment of the Executive Scheme of Delegation to Officers – Anti-Social Behaviour, Crime and Policing Act 2014

17<sup>th</sup> December 2014  
Report of the Chief Officer (Governance)

### PURPOSE OF REPORT

To give notice of an amendment made by the Leader to the Scheme of Delegation to Officers.

This report is public

### RECOMMENDATIONS

(1) That the report be noted

#### 1.0 Introduction

1.1 The current delegations of executive functions to officers were approved by Council in May 2014, and are set out in Part 3 of the Constitution.

1.2 Rule 1.4(b) of the Cabinet Procedure Rules provides as follows:

“The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Officer (Governance) and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Chief Officer (Governance) will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.”

1.3 The Leader has amended the Scheme of Delegation to ensure that officers are able to exercise new powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014.

#### 2.0 Proposal Details

2.1 The Anti-Social Behaviour Crime and Policing Act 2014 amends some of the existing powers and introduces new powers to deal with anti-social behaviour, focusing in particular on the impact the behaviour has on the community as a whole. The Council, in partnership with the police, has an important role in

exercising these powers.

- 2.2 The Act introduces the Community Protection Notice (CPN), which may be served on an individual whose unreasonable conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life in the locality. Examples of matters that may be dealt with by way of CPN are noise, graffiti and litter. A notice may be issued by a police officer, PCSO or authorised council officer. Enforcement is by way of fixed penalty notice or prosecution. Where a CPN requires work to be carried out, and this is not complied with, there is provision for the Council to serve notice of intention to carry out works in default and to arrange for that work to be carried out.
- 2.3 The Council has power under the Act to make Public Spaces Protection Orders (PSPOs). These are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the quality of life of those in that locality, by imposing conditions which apply to everyone using that area. In particular the PSPO will be used to replace dog control orders and orders designating zones where alcohol may not be consumed. It is envisaged that the making of a PSPO will be approved by Cabinet or Individual Cabinet Member Decision. Once made, the PSPO will be enforced by way of fixed penalty notice, which may be issued by an authorised council officer, police officer or PCSO.
- 2.4 The Act also provides for the Council and the police to issue closure notices to protect victims and communities by quickly closing premises that are causing nuisance or disorder. A closure notice, issued for up to 48 hours will be followed by a closure order made by the Magistrates' court. A closure notice for a period of up to 24 hours may be issued by an authorised council officer or a police officer of at least the rank of inspector. A notice may be extended or issued for a period of up to 48 hours by a police officer of at least the rank of superintendent or if signed by the Council's Chief Executive or an officer designated by the Chief Executive.
- 2.5 In order to implement all these provisions, it was necessary for the officer Scheme of Delegation to be amended to authorise officers who may issue the appropriate notices, and take the appropriate enforcement action.
- 2.6 Accordingly, the Leader has amended the Scheme of Delegation to provide as follows:

That the Chief Officer (Environment) and the Chief Officer (Health and Housing) and any officer designated by either of them in writing:

- (a) be authorised persons for the purposes of section 53 of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCPA), with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) be authorised to issue notices under Section 47(3), Section 47(6) and 49 (6) of the ASBCPA in respect of Community Protection Notice works in default;
- (c) have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3) of the ASBCPA;
- (d) be authorised persons for the purposes of Section 63 and Section 68 of ASBCPA (enforcement of Public Spaces Protection Orders); and
- (e) be authorised to issue a Closure Notice for a period of up to 24 hours.

### **3.0 Details of Consultation**

3.1 There has been no consultation.

### **4.0 Conclusion**

5.1 The report is for noting

#### **CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The delegations authorised by the Leader will ensure that appropriate action can be taken in the interests of community safety

#### **LEGAL IMPLICATIONS**

Legal Services will be able to advise in individual circumstances on the appropriate use of the powers contained in the Act.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report. Many of the powers replace existing legislation, and the powers will be exercised within existing staff resources

#### **OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

#### **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

#### **MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her role as Chief Officer (Governance).

**BACKGROUND PAPERS**

None

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