

GOVERNANCE COMMITTEE

11 NOVEMBER 2015

Subject Heading:	Changes to Delegated Powers – Culture & Leisure Services
CMT Lead:	Andrew Blake-Herbert Group Director Communities & Resources
Report Author and contact details:	Patrick Keyes Head of Regulatory Services
Policy context:	Monitoring Officer amendments to the Constitution
Financial summary:	The described changes to delegated powers would have no material financial implications.

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

The Head of Regulatory Services has delegated powers to issue directions and take any necessary action under the Criminal Justice & Public Order Act relating to the Control of Unauthorised Campers. These powers are most regularly used for action against unauthorised traveller encampments. This report recommends that these powers also be delegated to the Head of Culture & Leisure and in turn to the Parks Manager to widen the ability to authorise direction notices in early stages of an unauthorised encampment.

RECOMMENDATIONS

That the Committee **recommend to Council** that the following changes be incorporated into Sections 3.6.4 and 3.6.6(l) of the Constitution relating to the Head of Culture & Leisure and the Head of Regulatory Services.

To authorise and issue, on behalf of the Council, statutory directions requiring unauthorised campers to leave land and remove their property and vehicles

REPORT DETAIL

1. Existing Position

- 1.1 The Criminal Justice & Public Order Act 1994 contains provision for the control of unauthorised campers. This is the legislation under which the Council gives directions to require vacation of sites by unauthorised traveller encampments. A "Section 77" Direction is a statutory notice requiring those served to leave land as soon as practicable, failing which the Council applies to the Magistrates' Courts for an order. These powers are currently delegated to the Head of Regulatory Services.

2. Proposed Change

- 2.1 To delegate the above powers to the Head of Culture & Leisure as well as to the Head of Regulatory Services.

3. Rationale for Change

- 3.1 The above powers are principally used by Regulatory Services but there is an increased tendency for traveller incursions to take place on land controlled by Culture & Leisure, eg public parks and open space.
- 3.2 Delegating these powers also to the Head of Culture & Leisure will enable them to be sub-delegated to operational staff, particularly the Parks Manager whose staff are able to respond more swiftly to traveller incursions on Culture & Leisure land. Having staff authorised to issue directions should help improve the likelihood of securing an earlier removal of unauthorised caravans and vehicles.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no additional legal implications. The Culture & Leisure and Planning Services would continue to seek and incorporate legal advice where necessary.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Culture & Leisure and Planning Services would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity Team.

BACKGROUND PAPERS

None