

## Appendix 2. Proposed amendments to scheme of delegation

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
<i>Anti-Social Behaviour, Crime and Policing Act 2014 Functions</i>		
<b>Part 1 Injunctions</b>		
	<p><i>Injunctions</i>  <i>Application for Injunction/Interim injunction/Variation of Injunction/Discharge if injunction (Part 1 sections 5, 6, 7, 8)</i></p> <p><i>Arrest warrant and prosecution of injunction</i>  <i>Application for arrest warrant and authority to prosecute (Part 1, section 10)</i></p> <p><i>Consultation on injunction</i></p>	<p>Corporate Director – Development and Neighbourhood Services</p>
<b>Part 2 Criminal Behaviour Orders</b>		
	<p><i>Application for CBO, Interim order, variation, discharge</i>  <i>Application for criminal behaviour order / interim order / Variation of order / Discharge of criminal behaviour order (Part 2 sections 23, 26, 27)</i></p> <p><i>Consultation with YOT prior to application for CBO on under 18's</i>  <i>Requirement to consult with YOT if offender is under 18 (Part 2 section 29)</i></p> <p><i>Review of CBOs imposed on under 18's</i>  <i>Duty to cooperate with chief officer of police in review of orders imposed on under 18's (Part 2 sections 28/29)</i></p>	<p>Corporate Director – Development and Neighbourhood Services</p>
<b>PART 4 CHAPTER 1 - COMMUNITY PROTECTION NOTICES</b>		
	<p><i>Issuing and consulting on CPN's prior to service</i>  <i>Power to issue community protection notices to persons over 16 or a body (Part 4 Chapter 1 section 53)</i></p> <p><i>Obligation to inform anybody or individual that the serving officer sees fit prior to issuing a community protection notice (Part 4 Chapter 1 section )</i></p>	<p>Corporate Director – Development and Neighbourhood Services</p> <p>Director of Public Health</p> <p>NES and Environmental Health Officers</p>
	<p><i>Authority to take remedial action to comply with CPN</i></p> <p><i>Authority to undertake remedial action for failure to comply with a community protection notice section (Part 4 Chapter 1 section 47)</i></p>	<p>NES and Environmental Health Officers</p> <p>Corporate Director – Development and Neighbourhood Services</p> <p>Director of Public Health</p>

## Appendix 2. Proposed amendments to scheme of delegation

	<p>Power of entry in respect of CPN  Power of entry to undertake remedial action work under  (Part 4 Chapter 1 section 47)</p>	<p>All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the Local Authority</p>
	<p>Cost recovery for remedial action in default of CPN  Issue of notice of costs to defaulter for remedial action  (Part 4 Chapter 1 section 47)</p>	<p>Corporate Director – Development and Neighbourhood Services    Director of Public Health</p>
	<p>Prosecution proceedings in respect of CPN  Authorisation of proceedings for failing to comply with a community protection notice (Part 4 Chapter 1 section 48)</p>	<p>Corporate Director – Development and Neighbourhood Services    Director of Public Health    Director of Law and Democracy</p>
	<p>Remedial order  Application to court for a remedial order  (Part 4 Chapter 1 section 49)</p>	<p>Corporate Director – Development and Neighbourhood Services    Director of Public Health    Director of Law and Democracy</p>
	<p>Seizing items involved in breach of CPN  Seizure of items used in the commission of suspected offence under section 48 (Part 4 Chapter 1 section 51)</p>	<p>Environmental Health Officers, appropriately qualified Technical Staff and Neighbourhood Enforcement Officers authorised in writing</p>
	<p>Fixed penalty notice for non-compliance with CPN  Service of fixed penalty notice for offence of failing to comply with a Community Protection Notice which is an offence under section 48 (Part 4 Chapter 1 section 52)</p>	<p>Environmental Health Officers, appropriately qualified Technical Staff and Neighbourhood Enforcement Officers authorised in writing</p>
<p><b>PART 4 CHAPTER 2 PUBLIC SPACES PROTECTION ORDERS</b></p>		
	<p>Making a PSPO  Power to make Public Spaces Protection Orders (Part 4 Chapter 2 section 59)</p>	<p>Corporate Director – Development and Neighbourhood Services    Director of Public Health</p>

## Appendix 2. Proposed amendments to scheme of delegation

	<p>Publishing PSPO Publishing of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 59(8))</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health</p>
	<p>Extension to PSPO Extension of Public Spaces Protection Orders beyond 3 years (Part 4 Chapter 2 section 60)</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health</p>
	<p>Publishing extension to PSPO Publishing of extension to Public Spaces Protection Order in accordance with regulations made by Secretary of State (section 60(3))</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health</p>
	<p>Variation and discharge of PSPO Variation and discharge of current Public Spaces Protection Orders (Part 4 Chapter 2 section 61)</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health</p>
	<p>Publishing of variation or discharge of PSPO Publishing of variation to or discharge of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2)</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health</p>
	<p>Power in relation to consumption of alcohol Power to require a person not to consume alcohol or to require surrender of alcohol or containers for alcohol contrary to requirements of public spaces protection order (Part 4 Chapter 2 section 63(2))</p>	<p>Environmental Health Officers, appropriately qualified Technical Staff and Neighbourhood Enforcement Officers authorised in writing</p>
	<p>Authorisation of prosecution proceedings relating to PSPO for alcohol Authorisation of prosecution proceedings for failure to comply with a requirement to not to consume alcohol or to require surrender of alcohol or containers for alcohol (Part 4 Chapter 2 section 63(6))</p>	<p>Corporate Director – Development and Neighbourhood Services Director of Public Health  in consultation with the Director of Law and Democracy</p>
	<p>Authorisation of prosecution proceedings for failure to comply with PSPO Authorisation of prosecution proceedings for failure to comply with anything either prohibited or required by a public spaces protection order (Part 4 Chapter 2 section 67)</p>	<p>Community Safety and Security Manager in consultation with the Director of Law and Democracy</p>

## Appendix 2. Proposed amendments to scheme of delegation

	<p>Fixed penalty notices for failing to comply with PSPO            Power to issue a fixed penalty notice for offences of not complying with a public spaces protection order under section 63 (Consumption of alcohol in breach of an order) or section 67 (failing to comply with an order) (Part 4 Chapter 2 section 68)</p>	<p>Environmental Health Officers, appropriately qualified Technical Staff and Neighbourhood Enforcement Officers authorised in writing</p>
<p><b>Part 4 Chapter 3 – CLOSURE OF PREMISES ASSOCIATED WITH NUISANCE OR DISORDER</b></p>		
	<p>Power to issue closure notices for up to 24 hours            Power to issue closure notices for up to 24 hours where use of particular premises has resulted , or is likely to soon result in nuisance to members of the public or there has been or is likely soon to be disorder associated with the use of premises (Part 4 Chapter 3 section 76)</p>	<p>Chief Executive or as designated by him the following:             Director of Public Health            Community Safety and Security Manager            Environmental Health Manager</p>
	<p>Duty to consult prior to service of closure notice            Duty to consult anybody or individual prior to service of closure notice (Part 4 Chapter 2 section 76(7))</p>	<p>Chief Executive or as designated by him the following:             Corporate Director – Development and Neighbourhood Services             Director of Public Health</p>
	<p>Power to extend closure notice beyond 24 hours to 48 hours            (Part 4 Chapter 2 section 76/77)</p>	<p>Chief Executive or as designated by him the following:             Corporate Director – Development and Neighbourhood Services             Director of Public Health</p>
	<p>Cancellation or variation of closure notice            Power to vary or cancel a closure notice            (Part 4 Chapter 3 section 78)</p>	<p>Principal Officer who originally signed notice or in their absence the Chief Executive or person designated by him</p>
	<p>Power of court to make closure orders            Application to a magistrates' court for a closure order within 48 hours of service of closure notice (unless closure notice has been cancelled (Part 4 Chapter 3 section 80)</p>	<p>Chief Executive or as designated by him the following:             Corporate Director – Development and Neighbourhood Services             Director of Public Health</p>

## Appendix 2. Proposed amendments to scheme of delegation

	Entry to premises to fix closure orders Fixing closure orders in at least one prominent place on premises, to each normal means of access and out buildings which appear to be associated with premises. (Part 4 Chapter 3 section 79(2))	All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service
	Extension of closure orders Application to the court for an extension of period of a closure order or further extension (Part 4 Chapter 3 section 82)	Corporate Director – Development and Neighbourhood Services  Director of Public Health
	Discharge of closure orders Application to the court to discharge a closure order. (Part 4 Chapter3 section 83)	Corporate Director – Development and Neighbourhood Services  Director of Public Health
	Enforcement of closure orders Access to a premises etc. to enforce closure order, to secure premises against entry and carrying out essential maintenance or repairs. (Part 4 Chapter 3 section 85)	Environmental Health Officers, appropriately qualified Technical Staff and Neighbourhood Enforcement Officers
	Proceedings for breach of closure notice / order Application to court for prosecution for breach of closure order (Part 4 Chapter 3 section 86)	Corporate Director – Development and Neighbourhood Services  Director of Public Health  in consultation with Director of Law and Democracy
	<b>FUNCTION</b>	<b>EXERCISED BY</b>
<b>The Dangerous Dogs Act 1991</b>		
	Section 5 Seizure / entry to premises and evidence	
	Seizure of dangerous dogs in any place power of entry onto premises to seize a dangerous dog	Environmental Health Manager or Principal Environmental Health Officer