

Committee(s):	Date(s):
Epping Forest and Commons	13 May 2013
Subject: Authorisation of an Epping Forest Officer	Public
Report of: Superintendent of Epping Forest SEF 8/13	For Decision

Summary

This report requests that your Committee exercises powers delegated by the Court of Common Council to authorise a new Forest Keeper, Glenn Mulleady, to appear on behalf of the City of London in Magistrates' Courts.

Under the "Courts Act 2003" sections 8 and 10, Forest Keepers that have been authorised by your Committee and sworn in by a Magistrate can present a case at any Magistrates Court that is chosen by the Local Authorities that have Epping Forest land within their boundaries. The Authorities are the London Borough of Waltham Forest, the London Borough of Redbridge, the London Borough of Newham and Essex County Council.

The opportunity to exercise constabulary powers via Forest Keepers can play a valuable role in supporting the Conservators duty to regulate and manage the public use of Epping Forest.

Recommendation(s)

Members are asked to:

- recommend that in accordance with Sections 101 and 223(1) of the Local Government Act 1972 and Section 31(4) of the Epping Forest Act 1878 that Glenn Mulleady be authorised to appear on behalf of the City of London in Magistrates' Courts.

Main Report

Background

1. All your Forest Keepers are sworn in as Constables under the Epping Forest Act 1878 to enable them to more effectively to carry out their duties in respect of enforcing the Epping Forest Byelaws.
2. Before they can appear on behalf of the City of London in Magistrates' Courts in respect of enforceable offences, Forest Keepers require to be authorised by

the Court of Common Council. In October 2002, the Court of Common Council agreed to your Committee's request for delegated responsibility for the authorisation of Keepers.

3. In addition, your Committee has authorised the Superintendent of Epping Forest to institute proceedings in Magistrates' Courts under the above legislation.

Current Position

4. Epping Forest currently has a team of 13 Forest Keepers, eleven of them are currently sworn in as Constables under the Epping Forest Act 1878.

Proposals

5. Forest Keeper, Glenn Mulleady commenced employment on 12 November 2012 and has satisfactorily completed his 6 month probation period. It is therefore proposed that your Committee agree to him being authorised to appear on behalf of the City of London in Magistrates' courts.

Corporate & Strategic Implications

6. The above meets The City Together Strategy: the Heart of a World Class City 2008-14 vision of a World Class City and, specifically theme 3 of its 5 themes for 'A World Class City which protects, promotes and enhances our environment'; and theme 5 'A World Class City which is safer and stronger' by contributing to ensure that Epping Forest is a safer place to visit.

Implications

7. **Financial** - There is a cost of £8.00 payable to the magistrates for this service.
8. **Legal** - Section 101 of the Local Government Act 1972 allows an officer of the Local Authority to discharge specified aspects of the authority's functions, in this case the appearance at Magistrates Courts on behalf of the local authority. Section 223 of the Act further empowers authorised officers to prosecute or defend or to appear in such proceedings.
9. Forest Keepers are able to enforce byelaw offences under Section 46 of the Epping Forest Act 1878, and under Section 9 - Regulation of Horse Riding - of the City of London (Various Powers) Act 1971, Section 4 of the City of London (Various Powers) Act 1971 - restriction of rights of common, Section 9 City of London (Various Powers) Act 1990 - riding of horses, Section 10 - new byelaws, also under Section 87 - leaving litter - and Section 88 - fixed penalty notices - of the Environmental Protection Act 1990.

10. **HR** - Staff receive full training on the enforcement of byelaws and associated legislation including the management of conflict situations.

Conclusion

11. The authorisation of Forest Keeper Glenn Mulleady to appear on behalf of the City of London at Magistrates Courts in relation to the exercise of constabulary powers provides a valuable tool in supporting the Conservators duty to regulate and manage the public use of Epping Forest.

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