

Committee(s):	Date(s):
Epping Forest and Commons	12 January 2015
Subject: Authorisation of an Epping Forest Officer	Public
Report of: Director of Open Spaces SEF 06/15	For Decision

Summary

This report requests that your Committee exercises powers delegated by the Court of Common Council to authorise Superintendent, Paul Thomson, to appear on behalf of the City of London in Magistrates' Courts.

Under the "Courts Act 2003" sections 8 and 10, Officers 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 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 Paul Thomson be authorised to appear on behalf of the City of London in Magistrates' Courts.

Main Report

Background

1. The Head Keeper, Senior Forest Keepers and all Forest Keepers are sworn in as Constables under the Epping Forest Acts 1878 and 1880 to enable them to more effectively to carry out their duties in respect of enforcing the Epping Forest Byelaws.
2. Before staff can appear on behalf of the City of London in Magistrates' Courts in respect of enforceable offences, 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, and thirteen of them are sworn in as Constables under the Epping Forest Acts 1878 and 1880.
5. The Superintendent is equivalent to a Police Decision Maker under the Director of Public Prosecutions Guidance on Charging 2013 – fifth edition. The use of a Decision Maker with attested constable powers will complete the chain of custody for charging decisions.
6. The Superintendent has been involved in a series of incidents over the past few years, which indicate that byelaw enforcement power would help provide a definitive response in a number of instances.

Proposals

7. Superintendent, Paul Thomson, commenced employment on 1st September 2008 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

8. The City Together Strategy is directly supported by the enforcement of byelaws within the City of London Open Spaces. In particular this strategy matches the *City Together* theme of "a World Class City which – protects, promotes and enhances our environment:
 - To promote and enhance safe access to the City Of London Open Spaces;
 - To improve people's health, safety and welfare within the City Of London Open Spaces environment through proactive and reactive advice and enforcement activities;
 - To protect and enhance the City of London Open Spaces environment and public realm;
 - To conserve and enhance biodiversity within the City of London Open Spaces;
 - To continue to ensure the City of London Open Spaces are a safe place in which to do business, work, visit and live.

Implications

9. **Financial** - There is a cost of £8.00 payable to the magistrates for this service.

10. **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.
11. Epping Forest Officers 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.
12. Police decision makers may charge:
 - (i) any summary only offence (including criminal damage where the value of the loss or damage is less than £5,000) irrespective of plea.
 - (ii) any either way offence anticipated as a guilty plea and suitable sentence in a magistrates court provided that it is not:
 - a case requiring the consent to prosecute of the DPP or Law Officer;
 - a case involving a death;
 - connected with terrorist activity or official secrets;
 - classified as Hate Crime or Domestic Violence under CPS Policies;
 - an offence of Violent Disorder or Affray;
 - causing Grievous Bodily Harm or Wounding, or Actual Bodily Harm;
 - a sexual Offences Act offence committed by or upon a person under 18;
 - an offence under the Licensing Act 2003.
13. Staff receive full training on the enforcement of byelaws and associated legislation including the management of conflict situations.

Conclusion

14. The authorisation of Paul Thomson 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.

Appendices

None

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