



Port Health & Environmental Services Committee

Date: TUESDAY, 18 NOVEMBER 2014
Time: 11.00 am
Venue: COMMITTEE ROOM 2, 2ND FLOOR, WEST WING, GUILDHALL

12. **NEW ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 - DELEGATED POWERS**
Report of the Director of the Built Environment.

For Decision
(Pages 1 - 38)

Revised Item received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Committee(s):	Date(s):
Port Health and Environmental Services - For decision	18 November 2014
Police Committee - For information	08 December 2014
Policy and Resources - For information	11 December 2014
Community And Children Services - For decision	12 December 2014
Safer City Partnership - For information	12 January 2015
Court of Common Council - For decision	16 January 2015
Subject: New Anti-social Behaviour, Crime and Policing Act 2014 – Delegated Powers	Public
Report of: Director of Built Environment	For Decision
<p style="text-align: center;">Summary</p> <p>This report informs the Committee of the relevant provisions of the Anti-social Behaviour, Crime and Policing Act 2014.</p> <p>The Act replaces the various measures previously available to tackle anti-social behaviour within the Anti-social Behaviour Act 2003 with a new set of powers, intended to provide a simpler and more streamlined framework. It introduces new mechanisms with the aim of giving victims and local communities a greater say in the treatment of anti-social behaviour and low-level crime, and it strengthens the ability of landlords to terminate tenancies on grounds relating to anti-social behaviour.</p> <p>The reforms set out in Parts 1-6 of the Act are intended to ensure that professionals from a number of agencies dealing with a variety of anti-social behaviours have effective powers that are quick, practical and easy to use to provide better protection to victims and communities whilst acting as a deterrent to perpetrators. 19 powers in the previous act are replaced with 6 simpler and more flexible ones but their implementation will require effective and coordinated consideration by all the agencies involved. (Appendix 1). In setting out the new powers, the City Corporation will always to seek restorative solutions to issues and only use these powers as a last resort.</p> <p>In adopting the Anti-social Behaviour, Crime and Policing Act 2014, it will be necessary to amend the City's Scheme of Delegation and also require close and coordinated working with partner organisations.</p> <p>The long-standing position under the City Corporation's Constitution and Terms of Reference is that the promotion of byelaws is authorised by the Court of Common Council. Given that Public Space Protection Orders (PSPO's) are intended to be of a similar nature, and may concern issues which fall under the remit of several committees and therefore, it is not currently proposed that Court of Common Council delegate authority to make PSPO's. However, this can be kept under review.</p> <p>Members are asked to note the contents of this report and approve amendments to the Scheme of Delegation to enable authorised Officers, as detailed in recommendations and the amended Scheme, appendices 2 and 3, to fulfil the requirements of the Anti-social Behaviour, Crime and</p>	

Policing Act 2014. Members are advised that the responsibilities pertaining to the Open Spaces have been addressed in a separate report.

Recommendations: That -

(i) the Court of Common Council delegate authority, for the certain areas of responsibility relating to the Anti-social Behaviour, Crime and Policing Act 2014, to the

1. Port Health and Environmental Services Committee and the Community and Children Services Committee, with responsibility for Housing Services, and that the Scheme of Delegation be amended accordingly.

(ii) That the Port Health and Environmental Services Committee and Community and Children Services Committee, for their respective areas of responsibility, delegate authority as follows:

1. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.
2. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services, or their authorised Deputy, be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014.
3. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services be granted delegated authority to authorise Officers to serve Community Protection Notices, and Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.
4. that approval be granted to enable the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to designate Registered Social Landlords to issue Community Protection Notices , in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014; and
5. that approval also be granted to the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to authorise Police Community Support Officers and other Police staff to serve Community Protection Notices and Fixed Penalty Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.
6. that the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to

seek Criminal Behaviour Orders, in accordance with Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014.

It is also recommended that:

7. That the Community Safety Team, within the Town Clerks Department be the 'Single Point of contact for the Community Trigger as required under the Act and the Safer City Partnership oversee/scrutinise any community triggers and appeals.
8. That the Police Committee, in partnership with the City Of London Police, be responsible for the production of a Community Remedies document.

Main Report

Background

1. The Anti Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014 and came into effect on the 20th October 2014 (some parts being delayed until January 2015). The Act proposed a number of reforms to existing legislation and to put the victim at the heart of the response to anti social behaviour by providing professionals and organisations with greater flexibility to deal with any given situation. The implications of the Act, as they impact upon the remit of the Policy & Resources, Police, Housing Management and Almshouses, and the various Open Spaces Committees and Sub-committees have already been reported to those bodies.
2. The reforms set out in Parts 1-6 of the Act are intended to ensure that professionals have effective powers that are quick, practical and easy to use to provide better protection to victims and communities and act as a deterrent to perpetrators. 19 existing powers are replaced with 6 simpler and more flexible ones.
3. In setting out the new powers, this City of London Corporation will always to seek restorative solutions to issues and only use these powers as a last resort. This will mean that appropriate Service Units across the City Corporation and partners working with the people and communities affected by these powers must be engaged and involved in the decision making.
4. Attached to this report at Appendix 1 is a schematic which shows the old ASB powers (19) which will be replaced by the new powers (6). The new powers are:

Civil Injunctions to Prevent Nuisance and Annoyance.

5. The Injunction to Prevent Nuisance and Annoyance (IPNA) is a civil power which can be applied for to deal with anti social behaviour. It replaces six orders formerly available to local authorities/ the City and Police. An injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

6. A number of agencies can apply for Civil Injunction. These include:
 - i. Local Authority/ The City Corporation
 - ii. Housing provider
 - iii. The Chief of Police for the local area
 - iv. The Chief Constable of the British Transport Police
 - v. Transport for London
 - vi. The Environment Agency
 - vii. NHS Protect
7. Anyone seeking to apply for an Injunction must have evidence (to the civil standard of proof – on the balance of probabilities) that the respondent is engaged in or threatened to engage in those activities set out below:
 - i. conduct that has caused, or is likely to cause harassment, alarm or distress to any person;
 - ii. conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
 - iii. conduct capable of causing housing related nuisance or annoyance to any person.

Note: (ii) only applies where the injunction is applied for by a housing provider, local authority or Chief Officer of Police (iii) only applies where the injunction is applied for by a housing provider or local authority.
8. Unlike other proposals in the Act this process is applied through the County Court for persons over 18 and in the Youth Court for under 18's. Evidence and statements from witnesses will be required to support the application but will also vary depending upon the type of conduct which it is sought to restrict such as harassment or causing annoyance to the occupation of premises. It is clear that the latter would be of use to the authorities and to social housing providers. The procedure is indicated to be swift but a good deal of preparation will be required before going before the Court as well as ensuring an urgent date can be obtained.
9. Where any action is to be taken against a person under 18 years old in a Youth Court then the Youth Offending Team should be part of the decision making process.

Recommendation:

10. That the Director of Built Environment, Director of Markets and Consumer Protection and Director of Community and Children Services or their authorised Deputy be given delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

Public Spaces Protection Order

11. Public Spaces Protection Orders (PSPO's) may be made in relation to activities carried on (or likely to be carried on) in a public place, which are reasonably considered to have a detrimental effect on the quality of life in the locality. This effect must be persistent or continuing in nature,

and must be such as to make the activity unreasonable. The PSPO may restrict the activity through prohibition or the imposition of requirements, although these restrictions may not go beyond what is reasonable and justified in relation to the detrimental effect sought to be tackled.

12. Consultation with the police and community representatives must be undertaken before a PSPO is made. A PSPO will have effect for periods of up to three years, but may be renewed indefinitely for so long as it is considered necessary.
13. Breaching a PSPO is a criminal offence punishable on conviction by a level 3 fine (currently £1000). Alternatively a fixed penalty notice of up to £100 may be issued by a Constable or by an authorised officer of the authority which made the Order. While the Order is in force any local byelaws which apply to the same activity cease to have effect.
14. The long-standing position under the City Corporation's Constitution and Terms of Reference is that the promotion of byelaws is authorised by the Court of Common Council. Given that PSPO's are intended to be of a similar nature, and may concern issues which fall under the remit of several committees it is not currently proposed that Court of Common Council delegate authority to make PSPO's. However, this can be kept under review.

Closure Power

15. The Closure Power allows the Police or the City of London Corporation to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. A Closure Notice is issued out of Court in the first instance. Flowing from this the Closure Order can be applied for through the Magistrates Court.
16. Both the City Corporation and City of London Police can issue a Closure Notice (CN) and guidance requires that it must be approved at an Inspector or above level for the Police or a suitably qualified and experienced Officer within local authority for those issuing CN's of 24 hours. Following the issue of a CN the legislation requires that a series of notifications must be undertaken once a CN has been served particularly if the intention is to seek a Closure Order (CO). The Magistrates Court is required to hear the application within 48 hours and this will require close working with the Court Service
17. In addition before serving a CN or seeking a CO the City Corporation and/or police must ensure that they consult widely including with the victim, community representatives other organisations and users of the premises under investigation. Record keeping and evidential matters will be a key consideration and an agreed procedure will need to be established with partner bodies.
18. A notice can close premises for up to 48 hours but cannot stop the owner or those who live there accessing the premises. An order can close premises up to 6 months and can restrict all access. Both the Notice and the Order can cover any land or any other place, whether enclosed or not including residential, business and licensed premises.
19. Breaching a Closure Order will be a criminal offence. Breaching a Notice can carry a custodial sentence of up to 3 months and breaching an

Order can result in 6 months in prison. Both carry an unlimited fine for residential and non-residential premises.

20. Prior to seeking a Closure Order, it will be important that appropriate service units in the City Corporation (e.g. Community and Children's Services who are responsible for Housing, where this relates to residential premises) are consulted.

Recommendation:

21. That the Director of the Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services, or their authorised Deputy, be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014

Community Protection Notice

22. A Community Protection Notice (CPN) is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. These include graffiti, rubbish and noise. A CPN does not discharge the City from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990.
23. The test to be applied in issuing a Community Protection Notice is broad and focuses on the impact anti-social behaviour is having on victims and communities. A CPN can be issued by the Police, City of London Corporation authorised officers or Registered Social Landlords if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:
 - (i) is having a detrimental effect on the quality of life of those in the community;
 - (ii) is persistent or continuing in nature; and
 - (iii) is unreasonable.
24. Under the procedure outlined in the Guidance which accompanies the Act, a written warning has to be served followed by the CPN then at a later stage a Fixed Penalty Notice (FPN) may be issued for non-compliance. In addition, the CPN can be appealed within 21 days of service. All these processes need to be recorded and evidenced and the City and its partners will need to ensure that there is an effective monitoring arrangement in place because of the appeal process and potential for prosecution. Some form of 'gate keeping' arrangement may be required in order to avoid duplicate actions by partner organisations. Coordination may fall to the responsibility of the Community Safety Team within the Town Clerks department who have the remit of the Safer City Partnership.
25. Failure to comply with a CPN can result in one of the following sanctions:
 - i. Fixed Penalty Notice
 - ii. Remedial Action
 - iii. Remedial Orders

iv. Forfeiture Orders

v. Seizure

Recommendation:

26. That the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services be given delegated authority to authorise officers to serve Community Protection Notices and, Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Recommendation:

27. That approval be granted to enable the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to designate Registered Social Landlords to issue Community Protection Notices , in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014

Recommendation:

28. That approval also be granted to the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to authorise Police Community Support Officers and other Police staff to serve Community Protection Notices and Fixed Penalty Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Criminal Behaviour Orders

29. Criminal Behaviour Orders may be issued following a conviction by the Criminal Courts. They are intended to rehabilitate offenders by tackling the underlying cause of the anti-social behaviour, such as misuse of drugs, and alcohol etc. For example, offenders may be obliged to attend alcohol/anger management courses etc. These are normally sought by Crown Prosecution Service but a Local Authority can also apply for these in cases of serious and persistent anti social behaviour and may occasionally be a useful adjunct to prosecution for criminal offences (e.g. persistent noise nuisance).

Recommendation:

30. that the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to seek Criminal Behaviour Orders, in accordance with Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014.

Dispersal Powers

31. Police Dispersal Powers require a person committing, or likely to commit antisocial behaviour or crime or disorder, to leave an area for up to 48 hours.

Community Trigger

32. Anti-social behaviour must be persistent, be harmful or potentially harmful to an individual or a community, and a victim, not satisfied with authorities' responses to complaints, may request a review of any action taken. If three complaints about anti-social behaviour are received within

a 6 month period, upon request, the City is obliged to formally review the actions taken/planned with relevant Partners (Police, Housing Associations etc.) and inform the victim of the outcome.

33. This part of the law could impact on many Departments across the City Corporation and any partners. For example, the response to noise complaints, irresponsible dog owners, planning enforcement, open spaces management and housing matters, could all come under scrutiny.
34. If a 'Trigger' request is made, a formal review would have to be held and the case scrutinised. A multi-agency panel would ultimately review the case and make recommendations for action, for the City, the Community Safety Team within the Town Clerks Department will act as the single point of contact for the Community Trigger where they will coordinate any processes with other departments.
35. The Safer City Partnership and the Police Committee will provide oversight/scrutiny of the City Corporation's arrangements and the outcomes. All Community Trigger cases will be reported to the Safer City Partnership and the Police Committee who will confirm that the responses from the relevant agencies are appropriate and may make recommendations.
36. If an Appeal is made, a review will be carried out on behalf of the the decision making bodies and a senior officer/manager will be appointed to undertake the review on their behalf. Information on how to access the Community Trigger is already available on the City's website.

<http://www.cityoflondon.gov.uk/services/community-and-living/Pages/community-trigger.aspx>

Recommendation:

37. That the Community Safety Team, within the Town Clerks Department be the 'Single Point of contact for the Community Trigger as required under the Act and the Safer City Partnership and the Police Committee oversee/scrutinise any community triggers and appeals.

Community Remedy

38. This new power allows the Police to choose an alternative punitive/rehabilitation action against offenders, other than proceeding through the courts. The victim and perpetrator of the crime would be involved in deciding the reparation action required.
39. The Chairman of Police Committee and Community Safety Partnership in partnership with the City Of London Police will produce a Community Remedies document. This will contain a list of:
 - Restorative actions – achieving restitution/reparation for the victim
 - Punitive actions – reflecting the effect on the victim or the community
 - Rehabilitative actions – addressing the causes of the behaviour
 - All or any part of the above in combination

40. These are considered appropriate for those who have engaged in ASB, but whose actions do not merit proceedings through the criminal justice systems. Examples of actions that may be included in the community remedy document are as follows:
- A requirement to make a formal apology (oral or written)
 - A requirement to make good criminal damage
 - A requirement to sign an Acceptable Behaviour Contract
 - A requirement to take part in structured activities that are either educational or restorative
 - To take part in unpaid work for the benefit of the community
41. Corporation partners, appropriate Agencies and the Public will be consulted about these proposed remedies before the document is published.
42. The use of the Community Remedy will be restricted to Police Officers, PCSO's (if authorised by the Police Commissioner) and Investigating Officers (who are persons employed by a police force or by the Office of the PCC) who are authorised to offer and give conditional cautions or youth conditional cautions.

Conclusion

43. The provisions of the 2014 Act will give the City of London Corporation and its partner organisations a more effective means of tackling anti-social behaviour in certain areas if/ where it is prevalent. However there will be a need for an effectively coordinated monitoring process to be established with partner bodies and the requirement for a single point of contact within the City Corporation. It will be essential that all officers involved in these new process are effectively trained and that the additional workload is monitored in the first year of operation.

Corporate & Strategic Implications

44. The proposed changes to the Scheme of Delegations are intended to support the effective governance of the City of London Corporation and ensure that decision making is effective and transparent. The proposed amendments are set out in Appendices 2 and 3.

H.R. Implications

45. There are no envisaged HR implications as officers already have similar powers and this updates their powers.

Legal Implication

46. The Comptrollers and City Solicitor Department have been consulted on this report.

Financial Implications

47. No direct financial impact is envisaged at this stage.

Background Papers

The Anti-social Behaviour, Crime and Policing Act 2014 and Statutory Guidance Notes

Reports of the Remembrancer:

Anti-social Behaviour, Crime and Policing Bill 2014. Police Committee, 5 July 2013

Anti-social Behaviour, Crime and Policing Bill 2014. Policy and Resources, 25 July 2013

Anti-social Behaviour, Crime and Policing Act 2014. Epping Forest and Commons, 12 May 2014. Hampstead Heath, Highgate Wood and Queen's Park, 19 May 2014, Open Spaces and City Gardens, 2 June 2014, West Ham Park, 2 June 2014.

Anti-social Behaviour, Crime and Policing Act 2014. Housing Management and Almshouses Sub Committee, 25 September 2014.

Appendices

1. Appendix 1 - Diagram showing old and new powers
2. Appendix 2 - Scheme of Delegations (Amended November 2014) PHES
3. Appendix 3 - Scheme of Delegations (Amended November 2014) CCS

Doug Wilkinson MBA CMgr MCM

Assistant Director

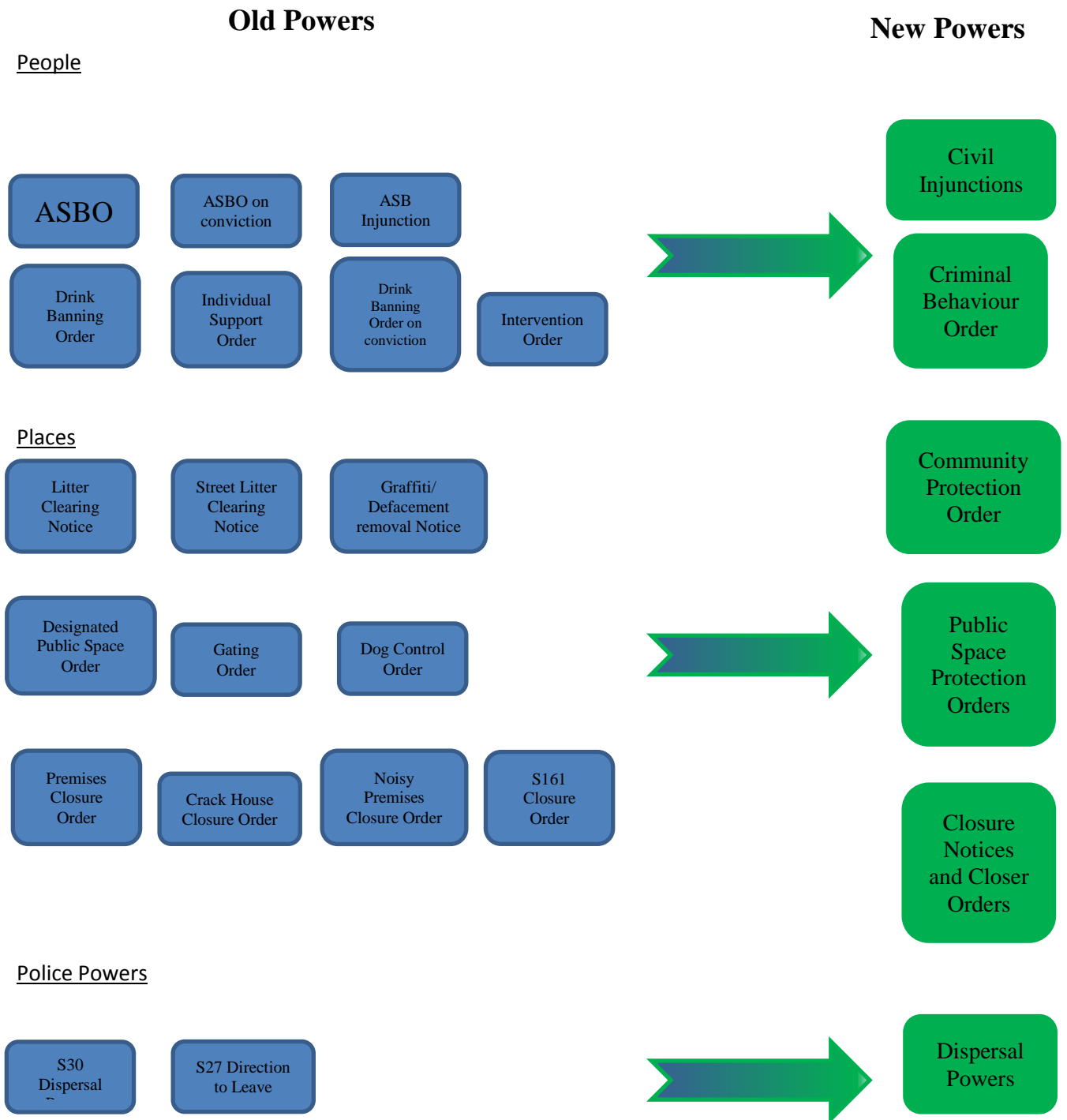
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Anti-social Behaviour, Crime and Policing Act 2014

Changes in powers – 19 down to 6



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CITY OF LONDON CORPORATION

SCHEME OF DELEGATIONS TO OFFICERS

(Amended November 2014)

DIRECTOR OF THE BUILT ENVIRONMENT

The following general powers are delegated to the Director of the Built Environment.

Authorisations

1. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and of Department.
2. To sign the necessary warrants of authorisation for the above officers.

Charges

3. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

Transportation & Public Realm

4. To implement, waive or vary charges relating to traffic management and /or the Public Highway and/or pipe subways such as parking dispensations, private apparatus in the highway, temporary road closures and traffic orders, scaffolding hoarding and fencing licenses, and charges for pipe subways (including under S.73 of the London Local Authorities Act 2007).
5. To grant permission or consent with or without conditions or refusing to grant permission or consent as the case may be with respect to applications made to the City of London Corporation:
 - a. under Part II of the Road Traffic Act 1991, relating to dispensations from, or, the temporary suspension of, waiting and loading regulations or parking places regulations made in accordance with the Road Traffic Regulation Act 1984;
 - b. under Section 7 of the City of London (Various Powers) Act 1973, relating to new buildings;
6. To sign appropriate notices indicating that consent or refusal has been given, as the case may be under (a) above.
7. To sign and serve notices or granting of consents under the Highways Act 1980, City of London Various Powers Act 1900 and the City of London Sewers Act 1848 relating to the management and maintenance of streets within the City.
8. To exercise powers under the Road Traffic Regulation Act 1984 in respect of temporary traffic orders
9. To issue notices and, as necessary discharge the City of London Corporation's obligations under Part III of the New Roads and Street Works Act 1991, relating to the co-ordination and execution of street works by public utility companies and other licensed operators.
10. To enter into agreement with companies and statutory companies to allow the placement of plant within the pipe subways inherited from the Greater London Council in accordance with the London County Council (General Powers) Act 1958 and to determine applications for consent to place electricity substations in the street pursuant to the Electricity Act 1989
11. To enter into agreements with other traffic authorities to jointly exercise the City's traffic order making functions or to delegate those functions to them in accordance with S.101 Local Government Act 1972

12. To enter into agreements with other highway authorities under section 8 of the Highways Act 1980

Water and Sewers

13. The requisition of sewers under Sections 98 to 101 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaker within the City to adopt sewers).
14. The adoption of sewers under Sections 102 to 105 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaken within the City to adopt sewers).
15. To authorise and/or approve works under Section 112 of the Water Industry Act 1991 (relating to the power to exercise and discharge the requirements of the Undertaker within the City).
16. The closure or restriction of sewers under Section 116 of the Water Industry Act 1991, relating to the powers to exercise and discharge the functions of the Undertaker within the City to close or restrict the use of a public sewer.
17. The alteration or removal of pipes or apparatus of the Undertaker under Section 185 of the Water Industry Act 1991, relating to the power to exercise and discharge the functions of the Undertaker within the City to alter or remove any relevant pipe or apparatus.

Highways and Transport

18. To make all Traffic Orders under sections 6, 9, 10, 23 and 45 of the Road Traffic Regulation Act 1984, and to make modifications to or to revoke any experimental Traffic Regulation Order (following consultation with the Commissioner of Police for the City of London) where deemed necessary in the interests of safety, convenience or the expeditious movement of traffic.
19. To exercise powers under Part V of the Highways Act 1980 dealing with highway improvements.
20. To make representation or lodge objection, as appropriate, to applications for a Public Service Vehicle Operator's Licence, under Section 14A of the Public Passenger Vehicles Act 1981 or for a London Local Service Licence, under section 186 of the Greater London Authority Act 1999 and authorising in writing the appropriate officers in his Department to put forward objection or recommendation on behalf of the City of London Corporation at any Inquiry or Appeal arising out of an application for either of the recited licences.
21. To agree details of railway works in the City of London under the Transport and Works Act 1992.
22. To issue projection licences on, over or under streets pursuant to schemes where planning permission has already been agreed or renewing existing licences.
23. To be responsible for all functions under the Traffic Management Act 2004 and Regulations made thereunder that relate to the City of London as a local highway and local traffic authority.
24. To agree consents for temporary highway activities pursuant to the Crossrail Act 2009

25. To exercise through Civil Enforcement amongst other things, parking management and parking enforcement functions, under the Road Traffic Regulations Act 1984, the Road Traffic Act 1991, the London Local Authorities Acts 1996 – 2008 (LLAA), and the Traffic Management Act 2004 (TMA)

City Walkway

26. 25. Power to licence the temporary hoarding or enclosure of City Walkway pursuant to Section 162 of the City of London Sewers Act 1848 and Section 21 and Schedule 2 Part II to the City of London (various Powers) Act 1967.

Cleansing

27. The institution of proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part II, Part III and Part IV.
28. To institute proceedings and other enforcement remedies in respect of the Health Act 2006, section 6, 7, 8, 9 and 10.
29. To institute proceedings and other enforcement remedies in respect of offences under the Refuse Disposal (Amenity) Act. 1978.
30. To institute proceedings and other enforcement remedies in respect of offences under the City of London (Various Powers) Act 1987.
31. To institute proceedings and enforcement remedies in relation to part VI of the Anti-Social Behaviours Act 2003.
32. To institute proceedings in relation to Town and Country Planning Act 1990 section 224 and 225.
33. To institute proceedings in relation to Regulatory Investigator Powers Act 2000
34. To institute proceedings in relation to Control of Pollution Act 1974
35. To issue notices under section 6 London Local Authorities Act 2004 (abandoned vehicles).
36. To institute proceedings and enforcement remedies in relation to part 1 -6 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Added November 2014)

Delegations to other Officers

The following authorities are also delegated to the specified Deputies or Assistants:

Transportation and Public Realm Director – Items 4-36

Assistant Director (Highways) –5 -17 and Items 23 – 26

DIRECTOR OF MARKETS & CONSUMER PROTECTION

The following matters are delegated to the Director of Markets & Consumer Protection.

Markets

1. To agree the assignment of tenancies where, in their opinion, there are no complications.
2. To grant tenancies at will to suitably qualified applicants in a standard form previously approved by the Comptroller & City Solicitor.
3. To authorise the Comptroller & City Solicitor to institute proceedings under the City of London Corporation's Byelaws.

Delegations to other Officers

4. The above matters are also delegated to the Superintendents of Billingsgate Market, Smithfield Market and Spitalfields Market to be exercised either at the direction of or in the absence of the Director of Markets & Consumer Protection.

Port Health and Public Protection Division

a) Administrative

5. To increase current charge rates for products of animal origin annually in line with inflation.
6. To enter into a Service Level Agreement with the Health Protection Agency and agree minor amendments from time to time if required.
7. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

b) Legislative

8. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and Department.

The Director of Markets and Consumer Protection and any staff authorised by him are indemnified against all claims made against them including awards of damages and costs arising out of acts done by them in the bona fide discharge or purported discharge of such functions.

	Legislation	Delegated Function
1.	Accommodations Agencies Act 1953	Institution of Proceedings and other enforcement methods
2.	Administration of Justice Act 1970	Institution of Proceedings and other enforcement methods
3.	Agriculture Act 1970 (as amended)	(i) Institution of Proceedings and other enforcement methods (ii) Section 67 – to enforce this part of the Act within the respective area; and the

		health authority of the Port of London shall have the like duty as respects the district of the Port of London
4.	Agricultural Produce (Grading & Marking) Act 1928 Agricultural Produce (Grading & Marking) Amendment Act 1931	Institution of Proceedings and other enforcement methods
5.	Animal Boarding Establishment Act 1963	(i) Institution of Proceedings and other enforcement methods (ii) Authorising of Officers to carry out inspections (iii) Granting of Licences
6.	Animal Health Act 1981 including all Orders and Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 52(1) – Appointment of Inspectors and other Officers as required for the execution and enforcement of the Act
7.	Animal Health & Welfare Act 1984	Institution of Proceedings and other enforcement methods.
8.	Animal Welfare Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Section 51 – Appointment of Inspectors and other Officers as required (iii) Service of Notices under Section 10
9.	Anti-Social Behaviour Act 2003	(i) Institution of Proceedings and other enforcement methods (ii) Section 48 – Issue of Notices (iii) Section 43 – Issue of FPN's (iv) Authorisation of Officers
10.	Breeding of Dogs Acts 1973 (as amended) & 1991 Including any regulations made there under and Breeding and Sale of Dogs (Welfare) Act 1999 (amendment	(i) Institution of Proceedings and other enforcement methods (ii) Section 2 – Authorisation of officers

	to the 1973 Act)	(iii) the Granting of Licences iv) Setting of Fees
11.	Building Act 1984 including all Orders & Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 126 – Authorisation of Officers (iii) Part I and Schedule 3 - Granting all authorisations and consents and issuing of notices
12.	Cancer Act 1939	Institution of Proceedings and other enforcement methods
13.	Children & Young Persons Act 1933 (as amended by Protection of Children (Tobacco) Act 1986	Institution of Proceedings and other enforcement methods
14.	Children & Young Persons (Protection from Tobacco) Act 1991 Including all Orders and Regulations made thereunder	Institution of Proceedings and other enforcement methods
15.	Christmas Day (Trading) Act 2004	(i) Institution of Proceedings and other enforcement methods. (ii) Section 3(2) – Appointment of Inspectors. (iii) Section 2(1) – Granting of Consents.
16.	City of London Sewers Act 1848 (as amended in 1851 and 1897)	(i) Powers of Inspection under Sections 70 and 71 (ii) Issuing of notices Sections 61 and 75
17.	City of London (Various Powers) Act 1954 – Section 4	Institution of Proceedings and other enforcement methods
18.	City of London (Various Powers) Act 1971 – Section 3	Institution of Proceedings and other enforcement methods
19.	City of London (Various Powers) Act 1973	To exercise the power to dispense with or relax any requirement of a sanitation byelaw
20.	City of London (Various Powers) Act 1977	Authorisation of Officers under Section 22
21.	City of London (Various Powers) Act 1987 – Part III	(i) Grant and renewal of annual licences (ii) Institution of Proceedings and other enforcement methods

		(iii) Section 26 – Designation of areas
22.	Clean Air Act 1993 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 56 – Authorisation of Officers (iii) Sections 24, 36 & 58 – Serving of notices (iv) Section 15 – Granting of approvals (v) Section 35 – Powers of entry
23.	Clean Neighbourhoods and Environment Act 2005	(i) Power to make dog control orders (ii) Issue Fixed Penalty Notices (iii) Setting the level of fees (iv) Authorising Officers
24.	Companies Act 2006 Including any regulations made thereunder	Institution of Proceedings and other enforcement methods
25.	Consumer Credit Act 1974 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Sections 162 & 164
26.	Consumer Protection Act 1987 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers under Sections 28 & 29 (iii) Part II – Serving of notices
27.	Control of Pollution Act 1974	(i) Institution of Proceedings and other enforcement methods. (ii) Part III and Section 93 – serving of notices.
28.	Copyright Designs & Patents Act 1988	Institution of Proceedings and other enforcement methods
29.	Courts & Legal Services Act 1990	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Section 106(6)

30.	Criminal Justice Act 1988	Institution of Proceedings and other enforcement methods
31.	Criminal Justice & Public Order Act 1994	Institution of Proceedings and other enforcement methods
32.	Dangerous Wild Animals Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Section 3 – Authorisation to carry out inspections (iii) Section 1 – Granting of licences
33.	Education Reform Act 1988	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of officers under Section 215
34.	Enterprise Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Serving of Notices (iv) Applying for Orders
35.	Environment Act 1995	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
36.	Environmental Protection Act 1990 (Part III)	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
37.	Estate Agents Act 1979	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
38.	European Communities Act 1972	Institution of legal proceedings, granting of authorisations/permissions, issuing of notices and authorisation of officers in respect of regulations made under the provisions of S.2(2) European

		Communities Act 1972 insofar as they apply to the Common Council of the City of London in its capacity as a local authority, weights and measures authority, food authority or port health authority.
39.	Explosives Act 1875 – Section 69	Discharge of duties
40.	Fair Trading Act 1973	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
41.	Farm & Garden Chemicals Act 1967	Institution of Proceedings and other enforcement methods
42.	Fireworks Act 2003	Institution of Proceedings and other enforcement methods
43.	Food and Environmental Protection Act 1985	Institution of Proceedings and other enforcement methods
44.	Food Safety Act 1990	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices (iv) Appointment of Public Analysts for the City of London Corporation acting as a Food Authority and/or a Port Health Authority
45.	Forgery & Counterfeiting Act 1981	Institution of Proceedings and other enforcement methods
46.	Fraud Act 2006	Institution of Proceedings and other enforcement methods
47.	Gambling Act 2005	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting applications, variations and transfers of premises licences (iv) Granting provisional statements (v) Endorsement of temporary use notices

		(vi) Issuing club gaming permits (vii) Issuing of club machine permits (viii) Granting and renewing family entertainment centre permits; Licensed Premises Gaming Machine permits; Prize Gaming permits
48.	Greater London Council (General Powers) Act 1967	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Certificates of Registration
49.	Greater London Council (General Powers) Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
50.	Greater London Council (General Powers) Act 1984, Part VI	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of refusing registration
51.	Hallmarking Act 1973	Institution of Proceedings and other enforcement methods
52.	Health Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
53.	Health and Safety at Work Act 1974 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of inspectors (iii) Issue of notices
54.	House to House Collections Act 1939 (Regulations 1947)	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences.
55.	Housing Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Granting of Licences

56.	Housing Act 2004	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Authorisation of Officers (iv) Power to make Orders (v) Exercising the licensing functions
57.	Insolvency Act 1986	Institution of Proceedings and other enforcement methods
58.	Intoxicating Substances (Supply) Act 1985	Institution of Proceedings and other enforcement methods
59.	Knives Act 1997	Institution of Proceedings and other enforcement methods
60.	Legal Services Act 2007	Institution of Proceedings and other enforcement methods
61.	Licensing Act 2003 Various provisions relating to granting or refusal or enforcement.	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting premises licences, variations to premises licences and transferring premises licences (iv) Issuing provisional statements (v) Granting club premises certificates, and variations to club premises certificates (vi) Issue of Notices (vii) Renewal of personal licences (viii) Determining representations
62.	Local Government (Miscellaneous Provisions) Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
63.	Local Government (Miscellaneous Provisions) Act 1982	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of registrations
64.	London County Council (General Powers) Act 1920 - Part IV	(i) Institution of Proceedings

		and other enforcement methods (ii) Authorisation of Officers
65.	London Local Authorities Act 1990	(i) Institution of Proceedings and other enforcement methods under Section 34 (ii) Granting, renewing, revoking or varying of licences under Part III
66.	London Local Authorities Act 2007	Institution of Proceedings and other enforcement methods under Section 75
67.	Malicious Communications Act 1988	Institution of Proceedings and other enforcement methods
68.	Medicines Act 1968 Including any Regulations and Orders made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
69.	Motorcycle Noise Act 1987	Institution of Proceedings and other enforcement methods
70.	National Lottery ETC Act 1993	Institution of Proceedings and other enforcement methods
71.	Noise Act 1996	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
72.	Olympic Symbol etc. (Protection) Act 1995	Institution of Proceedings and other enforcement methods
73.	Performing Animals (Regulation) Act 1925	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
74.	Pet Animal Act 1951	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers (iii) Granting of Licences
75.	Poisons Act 1972	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers

76.	Pollution Prevention & Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2010	(i) Institution of Proceedings and other enforcement methods. (ii) Undertaking of functions relating to permits (iii) Carrying out of Enforcement Actions (iv) Authorisation of Officers under Regulation 32 of the 2010 Regulations.
77.	Prevention of Damage by Pests Act 1949	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
78.	Prices Acts 1974	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
79.	Property Misdescriptions Act 1991	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
80.	Protection against Cruel Tethering Act 1988	Institution of Proceedings and other enforcement methods
81.	Protection from Harassment Act 1997	Institution of Proceedings and other enforcement methods.
82.	Public Health (Control of Disease) Act 1984	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Power to make Orders (iv) Applying to Courts for Closure Orders
83.	Public Health (Aircraft) Regulations 1979	Authorisation of Officers
84.	Public Health (Ships) Regulations 1979	Authorisation of Officers
85.	Public Health Act 1936	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
86.	Public Health Act 1961	Issue of Notices

87.	Riding Establishments Acts 1964 and 1970	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences and provisional Licences
88.	Road Traffic Act 1988 Including any Regulations made thereunder	Institution of Proceedings and other enforcement methods
89.	Scrap Metal Dealers Act 1964	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of suitable officers.
90.	Site Waste Management Plan Regulations 2008	i) Institution of Proceedings ii) Issue of Notices Authorisation of Officers
91.	Solicitors Act 1974	(i) Institution of Proceedings and other enforcement methods (ii) Powers of Entry
92.	Sunbeds (Regulation) Act 2010	i) Institution of Proceedings and other enforcement methods ii) Powers of Entry
93.	Sunday Trading Act 1994	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of Inspectors (iii) Consents
94.	Tobacco Advertising & Promotion Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
95.	Trade Descriptions Act 1968	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
96.	Trade Marks Act 1994	Institution of Proceedings and other enforcement methods
97.	Unsolicited Goods & Services Act 1971	Institution of Proceedings and other enforcement methods
98.	Video Recordings Act 1984	Institution of Proceedings and other enforcement methods

99.	Water Industry Act 1991	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices and Notifications (iv) Granting of Consents
100.	Weights and Measures Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Power to appoint Inspectors
101.	Zoo Licensing Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting, renewing, revoking, alteration and transferring of licenses (iv) Making zoo closure directions
102.	Anti-Social Behaviour, Crime and Policing Act 2014 (Added November 2014)	To institute proceedings and enforcement remedies in relation to parts 1 -6

Amended in line with the delegations approved by an Urgency report to PHES Committee on 13 May as follows:-

City of London (Various Powers) Act 1987 (as amended by the City of London (Various Powers) Act 2013))

1. To issue temporary street trading licences under the provisions of S.11A of the Act;
2. To authorise officers of the Department of Markets and Public Protection and the Department of the Built Environment to exercise the power of seizure under S.16A of the Act;
3. To authorise disposal order applications under the provisions of S.16G of the Act

Scrap Metal Dealers Act 2013

1. To authorise proceedings under S.1 of the Act;
2. To issue and renew licences under S.3 of the Act;
3. To issue notices and apply for closure orders under the provisions of S.9 and Schedule 2 of the Act;
4. To authorise officers to exercise the powers of entry and inspection contained in S.16 of the Act and to apply for warrants of entry where necessary;

DIRECTOR OF OPEN SPACES

The following matters are delegated to the Director of Open Spaces.

Strategic

1. To submit responses on behalf of the Open Spaces Committee to initiatives and consultative documents issued by the Government and its agencies.

Operational

Burnham Beeches and City Commons

2. To deal with the sale of agricultural and forestry produce by private treaty.
3. To issue all necessary licences, franchises and consents relating to the Beeches/Commons where a precedent has already been set and where the Epping Forest & Commons Committee have not indicated that they wish to consider any further applications.
4. To seek and obtain all requisite licences and consents required in connection with Beeches/Commons lands, activities or entertainments.
5. To take any action to protect or preserve the Beeches/Commons and to report to the Epping Forest & Commons Committee, as appropriate.
6. To enforce the Byelaws relating to the Beeches/Commons subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
7. To authorise individual officers to enforce the Byelaws appertaining to the Beeches/Commons subject to any decision to institute proceedings being taken in accordance with paragraph (8) above.
8. To grant licences for:
 - a. sale of refreshments
 - b. filming and commercial photography
 - c. events and entertainments
 - d. driving and parking vehicles
9. To grant minor wayleaves and licences in consultation with the City Surveyor.

Epping Forest

10. To take any action to protect or preserve the Forest, and to report to the Epping Forest & Commons Committee, as appropriate.
11. To authorise individual officers to enforce the Byelaws relating to the Forest, subject to any decision to institute legal proceedings for any offence being made in consultation with the Comptroller & City Solicitor, if appropriate, and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
12. To institute proceedings in Magistrates' courts under the Epping Forest Act 1878 (as amended) Section 87 of the Environmental Protection Act 1990, Section 9 of the City of

London (Various Powers) Act 1971 and Section 7(6) of the City of London (Various Powers) Act 1977>

13. To close, re-open and vary designated ways pursuant to Section 9(4) of the City of London (Various Powers) Act 1961.
14. To deal with the sale of Forest produce by private treaty.
15. To grant licences for –
 - e. sale of refreshments;
 - f. filming and commercial photography;
 - g. circus and fairs;
 - h. flying model aircraft;
 - i. driving and parking vehicles;
 - j. camping;
 - k. events and entertainments.
16. To let out recreational facilities in accordance with the current approved scale of charges.
17. To grant minor way-leaves and licences.
18. To fix fees for the sale of Forest produce and to fix licence fees for ice cream vans and other small scale refreshment facilities in the Forest.

Hampstead Heath, Highgate Wood and Queen's Park

19. To liaise with English Heritage pursuant to the provision of any agreement in this regard between the City of London Corporation and English Heritage.
20. To issue all necessary licences, franchises and consents relating to Hampstead Heath, Highgate Wood and Queen's Park where a precedent has already been set and where the Hampstead Heath, Highgate Wood & Queen's Park have not indicated that they wish to consider any further applications.
21. To seek and obtain all requisite licences and consents required in connection with Hampstead Heath lands, Highgate Wood and Queen's Park, activities or entertainments.
22. To act to protect or preserve Hampstead Heath, Highgate Wood and Queen's Park and to report to the Hampstead Heath, Highgate Wood & Queen's Park Committee, as appropriate.
23. To enforce the Byelaws relating to Hampstead Heath, Highgate Wood and Queen's Park subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Hampstead Heath, Highgate Wood & Queen's Park Committee.
24. To authorise individual officers to enforce the Byelaws appertaining to the Hampstead Heath Grounds, Highgate Wood and Queen's Park subject to any decision to institute proceedings being taken in accordance with paragraph 25 above.

25. To let out recreational facilities in accordance with the current approved scale of charges.

26. To grant licences for:

- l. sale of refreshments
- m. filming and commercial photography
- n. circus and fairs
- o. driving and parking vehicles
- p. events and entertainments
- q. minor wayleaves and licences

City Gardens and West Ham Park

27. To take any action to protect or preserve West Ham Park and the City Gardens, and to report to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

28. To enforce the Byelaws relating to West Ham Park and the City Gardens subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor, and to the result of any such prosecution being reported to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

29. To authorise individual officers to enforce the Byelaws appertaining to West Ham Park and the City Gardens, subject to any decision to institute proceedings being taken in accordance with paragraph 28 above.

30. To grant licences for:

- r. sale of refreshments
- s. filming and commercial photography
- t. events and entertainments
- u. driving and parking vehicles

31. To grant minor wayleaves and licences.

32. To seek and obtain all requisite licences and consents required in connection with West Ham Park and City Gardens lands, activities or entertainments.

33. To let out recreational facilities in accordance with the current approved scale of charges.

Cemetery and Crematorium

34. To re-purchase the Rights of Burial in unused graves.

35. To refund fees paid by City of London Corporation employees or their close relatives in respect of the purchase of the Rights of Burial in a grave or alternatively the crematorium fees.

36. Setting of contract conditions and burial and cremation fees, in conjunction with the Comptroller & City Solicitor.

Delegations to other Officers

37. The following authorities are also delegated to the Officers identified to be exercised either,

- v. at the direction of the Director of Open Spaces; or,
- w. in the absence of the Director of Open Spaces.

Superintendent of Burnham Beeches	-	Items 2 - 9
Superintendent of the City Commons	-	Items 2 - 9
Superintendent of Epping Forest	-	Items 10 – 18
Superintendent of Hampstead Heath, Highgate Wood and Queen’s Park	-	Items 19 – 26
Superintendent of Parks & Gardens	-	Items 27 – 33
Cemetery & Crematorium Manager	-	Items 34 – 36



CITY OF LONDON CORPORATION

SCHEME OF DELEGATIONS TO OFFICERS

DIRECTOR OF COMMUNITY & CHILDREN'S SERVICES

The following matters are delegated to the Director of Community & Children's Services.

1. The Director of Community and Children's Services (DCCS) is appointed as the Statutory Director of Children's Services in accordance with s18 of the Children Act 2004. Within the City of London, this post also has the additional responsibilities of Housing, Homelessness and Adult Social Care. Due to the volume of legislation and statutory duties that exist in relation to these functions, the Scheme of Delegation for the Director of Community and Children's Services has been founded on the principle of delegation "by exception". That is to say that the delegating body delegates everything that can lawfully be delegated, with the exception of those issues falling under Part A of the Scheme of Delegation to Chief Officers that may require a submission to be made to the relevant Committee or Sub-Committee.
2. The Director of Community and Children's Services may only exercise the delegated powers in this Scheme in accordance with Part A of the Scheme of Delegation to Chief Officers.
3. The Scheme provides for the delegation of authority to the Director of Community and Children's Services and (s)he may arrange for such delegated authority to be exercised on their behalf by an officer of appropriate experience and seniority. The Director of Community and Children's Services shall remain personally responsible for any decision taken on their behalf pursuant to the delegation arrangements. All delegated functions shall be deemed to be exercised on behalf of and in the name of the City of London Corporation
4. Key functions delegated to the Director of Community and Children's Services include, but are not limited to:

Services for Children

5. To be the City of London Corporation's statutory Director of Children's Services under section 18 of the Children Act 2004
6. To carry out the functions of the Corporation as a Children's Services Authority including those functions referred to in Schedule 2 of the Children Act 1989, Section 18 of the Children Act 2004 and the Adoption and Children Act 2002(as amended from time to time), including:
 - a. education functions conferred on or exercisable by the authority including the functions of the Corporation relating to child employment and the youth service, and functions relating to adult learning and further education, set out in the Section 18(3) of the Children Act 2004 (as amended from time to time).;
 - b. functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), so far as those functions relate to children;
 - c. the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (After care arrangements etc.) (c. 41) (so far as not falling within paragraph (b));
 - d. the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004.

- e. any functions exercisable by the authority under section 75 of the National Health Service Act 2006 on behalf of an NHS body (within the meaning of those sections), so far as those functions relate to children; and
 - f. the functions conferred on the authority under Part 1 of the Childcare Act 2006 in relation to Early Years
 - g. the functions conferred on the authority under any new or amended legislation in relation to education or children's social care.
7. To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.
 8. To arrange the use of Sir John Cass School premises for adult education classes, youth work and other after-school activities.
 9. To submit responses on behalf of the Committee to consultative documents issued by Government and its agencies, subject to their being copied to the Chairman and Deputy Chairman (Education Committee 15.03.93).

Adult Services

10. To be the Council's Statutory Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.
11. To carry out the functions of the Council in relation to Adult Social Services and Social Care including all social services functions under the Local Authority Social Services Act 1970 and the National Health Service and Community Care Act 1990 (as amended from time to time) so far as they relate to adults.
12. To be the principal point of contact for the conduct of business with the health service sector and carry out the functions of the Council under the Health Act 1999 and any other health legislation (as amended from time to time) so far as these functions relate to adults.

Adult Skills and Learning

13. To manage and run the apprenticeship scheme
14. To prepare and submit funding bids to the Skills funding agency and other sources as appropriate.
15. To enter into partnerships with businesses and educational institutions on behalf of the apprenticeship scheme and skills and training.
16. To participate in regional and sub-regional programmes to enhance skills and learning.
17. To determine fees for adult education, youth and early years/out of school provision.

Housing

18. To act on behalf of the Corporation in its capacity as a local housing authority on all matters relating to the Corporation's functions under the provisions of housing legislation, which include but are not limited to:
 - a. determining the strategic management and direction for Housing operational services;
 - b. exercising the Corporation's functions as Housing Authority in accordance with the Housing Strategy and other relevant housing policies and plans;

- c. exercising the Corporation's functions in respect of the preparation and development of appropriate strategies and plans, including those relating to housing investment, homelessness, social tenancy, tenancy related matters, leaseholders and allocations;
- d. undertaking the periodic reviews of housing needs and conditions within the City;
- e. preparing and reviewing an Asset Management Strategy for consideration by Members;
- f. maintaining the Housing Revenue Account in accordance with proper practices;
- g. discharging of all functions and responsibilities Procurement in relation to the Corporation's housing stock;
- h. incurring housing repair and improvement expenditure within budget levels and the programmed maintenance of City dwellings, garages and estates;
- i. incurring expenditure on adaptations to dwellings for people with disabilities within the approved budgets;
- j. securing effective housing and neighborhood management including the management of the Corporation's housing properties, housing estates and ancillary amenities, including rent collection, recovery of arrears and debit control;
- k. undertaking statutory and general consultations on housing matters with tenants, leaseholders and others
- l. exercising the powers of the Corporation relating to securing possession of City dwellings, demotion orders, eviction of secure tenants, introductory tenants, non-secure tenants and licensees in accordance with City of London policy;
- m. assessing and preventing homelessness in accordance with legislation;
- n. attending the Barbican Residents' Association meetings and discharging functions as set out in the agreed terms of reference of that Committee.

19. To institute proceedings and enforcement remedies in relation to part 1 -6 of the Anti-Social Behaviour, Crime and Policing Act 2014

Barbican Estate

- 20. In relation to the Barbican Estate:-
 - a. to approve lettings and sales between Committee meetings;
 - b. to authorise sale prices above or below consultant values;
 - c. to approve sales of residential property on the Estate;
 - d. to approve assignments, sub-tenancies and tenancies at will to suitably qualified applicants between Committee meetings;
 - e. to authorise signage on private areas of the Estate;
 - f. to approve the occupation of accommodation by Estate Office staff in and around the Barbican;
 - g. to approve the occupation of accommodation managed by the Barbican Estate to other City of London Corporation Departments.
- 21. To approve, where appropriate, filming and photography on the Estate.
- 22. To agree commercial rent levels in consultation with the City Surveyor, subject to reporting to the Barbican Residential Committee.
- 23. To approve valuations of flats submitted by consultant valuers.

24. To appoint consultants in accordance with Standing Orders.

Commercial Property

25. To approve all new lettings of commercial property at market value for a term of 15 years or less, with a minimum of five yearly upward only rent reviews. Such lettings to accord with the relevant approved commercial estate strategy.
26. To conclude all commercial property rent reviews, except where:-
- a. it is proposed that the rent is reduced;
 - b. the review is determined more than 12 months after the review date unless either (a) interest is payable on the reviewed sum, or (b) the matter has been referred for determination by a third party and has been so determined.
27. To approve all lease renewals of commercial property, where the lease is renewed by negotiation or where the lessee is entitled to renewal in accordance with Part II of the Landlord & Tenant Act 1954. Such renewal will be at market value for a term of 15 years or less, with a minimum of five yearly upwards only rent reviews.
28. To negotiate terms and accept surrenders of commercial leases where the level of income is maintained by the simultaneous grant of a new letting to either the existing or a new tenant.
29. To approve the grant of short term periodic tenancies, tenancies at will, licenses, easements, and wayleaves in respect of cables, cranes, scaffolding and hoardings and similar arrangements of a non-permanent and determinable nature, other than those involving capital payments totalling in excess of £10,000.
30. To deal with Rights of Light and Party Wall matters and other items of a similar nature, including those where, in the opinion of the Director capital payments are not considered appropriate or the quantum of such payments has been determined by external advice.
31. To authorise formal minor amendments to any lease, tenancy, licence or other agreement relating to property which does not in the opinion of the Director materially affect the duration of, or income from such agreements.

[NB. The definition of 'market value', as referred to above, is as stated in the RICS Appraisal & Valuation Standards (7th edition) – Practice Statement 33:-
'The estimated amount for which a property, or space within a property, should lease on the date of valuation between a willing lessor and a willing lessee on appropriate lease terms in an arms-length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion. Whenever Market Rent is provided the 'appropriate lease terms' which it reflects should also be stated.']

Proper Officer

1. To act as the Proper Officer for the London City Registration District (Registration of Births, Deaths, Marriages, etc.) pursuant to Section 29 of the Local Government Act 1972.

2. To act as the Proper Officer for the Rent Act 1997 (as amended by the Housing Act 1980).

Public Health

3. To discharge the responsibilities for public health within The City of London in accordance with the requirements of the Health and Social Care Act 2012 and the NHS Act 2006.
4. To manage the Corporation's Public Health functions (where these are not specially delegated to other Chief Officers).
5. Exercising the Corporation's functions in planning for, and responding to, emergencies that present a risk to public health.
6. To cooperate with the police, the probation service and prison service to assess the risks posed by violent or sexual offenders.
7. To provide the Corporation's public health response as a 'responsible authority' under the Licensing Act.
8. To develop and maintain the Joint Strategic Needs Assessment for the City of London and to discharge the responsibilities for research in relation to public health and wellbeing.
9. To produce an annual public health report

Miscellaneous

10. To enter into Commissioning arrangements for the provision of any of the functions of the Director of Community and Adult Services in so far as this is compatible with Part A of the Scheme of Delegation
11. To consider representations from persons seeking access to their files under the Data Protection Act 1998, and to grant such access as appropriate.

Delegations to other Officers

12. The following authorities are also delegated to the Officers as appropriate to the relevant skills and experience of each to be exercised either,

- (a) at the direction of the Director of Community & Children's Services; or,
- (b) in the absence of the Director of Community & Children's Services

Assistant Director People	- Items 5-11
Assistant Director Partnerships (and other items relating to commissioning of services)	- Items 14-18
Assistant Director, Housing & Neighbourhoods	- Items 18-19, 25-31
Assistant Director, Barbican & Property Services	- Items 20-31
Director of Public Health	- Items 34-40