

## **OFFICER DECISION RECORD**

1 October 2018

### **Subject**

Scheme of Delegation in relation to Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014

### **Type of decision (Key/Non Key)**

Non Key

### **Description**

The Anti Social Behaviour, Crime and Policing Act 2014 (the Act) introduced Closure Power. The power comes in two stages: the Closure Notice and the Closure Order which are intrinsically linked. The Closure Notice can be used by the council or the police out of court. Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a Closure Order, unless the closure notice has been cancelled.

Under the Act a Closure Notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The Closure Notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

Under Part 3 of the Constitution the Council's Chief Executive has delegated responsibility to exercise powers to issue a Closure Notice.

## **Nature of Delegation being Exercised**

Under the delegation scheme at part 3 of the Constitution, the Chief executive has specific authority to:

1. Exercise the powers to issue and sign a closure notice under Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.

The Chief Executive wishes to delegate this responsibility in the following way:

### **Up to 24hr Closure Notices**

The Chief Executive delegates responsibility for the signing and issuing of closure notices for periods of up to 24 hours to:

- 1) Denise Ogden, Director of Regeneration and Neighbourhoods
- 2) Tony Hanson, Assistant Director ((Environment and Neighbourhood Services)
- 3) Nicholas Stone, Neighbourhood Safety Team Leader
- 4) Ashleigh Wood, Anti Social Behaviour Officer
- 5) Marie Harland, Anti Social Behaviour Officer

### **Up to 48 Hour Closure Notices**

The Chief Executive delegates responsibility for the signing and issuing of closure notices for periods of up to 48 hours and the issuing of an extension notice (extending a 24 hr notice to up to 48 hrs) to:

- 1) Denise Ogden, Director of Regeneration and Neighbourhoods and in their absence;
- 2) Tony Hanson, Assistant Director ((Environment and Neighbourhood Services)

## **Decision**

Approve delegation set out above.

## **Reason for Decision**

Approval of the scheme of delegation ensures front line officers are able to exercise powers under the Anti Social Behaviour, Crime and Policing Act 2014 in an efficient way.

## **Alternative Options Considered**

The alternative option would be for each notice to be signed and approved by the Chief Executive. This would cause delay and be unnecessarily burdensome on a Chief Officer.

**Conflict of Interest(s)**

Not applicable

None

**OFFICER WITH THE DELEGATION – CHIEF EXECUTIVE**

NAME ..... 

POST TITLE ..... CHIEF EXECUTIVE

SIGNED..... GILL ALEXANDER

**OFFICER WITH THE DELEGATION – DIRECTOR OF REGENERATION AND NEIGHBOURHOODS**

NAME .....  D. G. OGDEN

POST TITLE ..... DIRECTOR R+N

SIGNED..... 