

**Agenda Item No:** **Report No:**  
**Report Title:** **Amendments to the Council's Constitution**  
**Report To:** **Council** **Date:** **4 December 2007**  
**Lead Councillor:** **Councillor I Eiloart (Chair, Travellers Working Group)**  
**Councillor D M Gray**  
**Councillor E N Collict**  
**Ward(s) Affected:** **All**  
**Report By:** **District Solicitor**  
**Contact Officer(s):** **Catherine Knight, District Solicitor and**  
**Ralph Harris, Senior Legal Assistant**

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**Purpose of Report:**

**To amend the Council's Constitution so as to enable the Director of Planning and Environmental Services, the Head of Housing Services and the Director of Finance and Community Services to exercise certain enforcement functions under delegated powers.**

**Officers Recommendation(s):**

- 1 That a new Paragraph G entitled "Travellers" be added to the functions of the Director of Planning and Environmental Services under Part 8 of the Constitution – Scheme of Delegation to Officers, as follows:  
  
G - Travellers  
  
To carry out the functions of the Authorised Officer as described in the two documents entitled **Internal Procedure for Responding to Unauthorised Encampments within Lewes District** and **The Unauthorised Camping Protocol between Sussex Police and Local Authorities**.
- 2 That a new paragraph be added where appropriate to the functions of the Director of Planning and Environmental Services, the Head of Housing Services and the Director of Finance and Community Services under Part 8 of the Constitution – Scheme of Delegation to Officers, as follows:

In consultation with the District Solicitor (and the Police and other agencies where this is required) to enter into Acceptable Behaviour Contracts/Agreements and authorise applications for Anti-social Behaviour Orders (ASBOs), Anti-social Behaviour Injunctions, post conviction ASBOs and County Court ASBOs where appropriate and to generally take whatever steps are necessary to enforce against anti-social behaviour/nuisance within the District.

## **Reasons for Recommendations**

- 1** To enable designated officers of the Council to authorise and take effective enforcement action against unauthorised traveller encampments and anti-social behaviour/nuisance.

## **Information**

### Unauthorised Traveller Encampments

- 2** On 23 July 2007, Cabinet resolved on the recommendation of the Travellers Working Group that the Internal Procedure for Responding to Unauthorised Encampments within Lewes District be adopted for use by the Council. This Procedure replaces an old policy dating back to 1988 and takes into account the provisions of the East Sussex Traveller Strategy which was produced by East Sussex County Council and adopted by Cabinet on 18 October 2006.
- 3** The Unauthorised Camping Protocol between Sussex Police and Local Authorities was produced by the Police and approved by the Travellers Working Group on 5 June 2007.
- 4** Both documents enable the Council's Authorised Officer in consultation with the District Solicitor, Sussex Police, the Traveller Liaison Officer and the Lead Councillor for Communities to make operational decisions with regard to the toleration or eviction of unauthorised encampments within the District.

### Anti-social Behaviour Orders

- 5** The Council needs to be able to take effective and sometimes urgent action in conjunction with the Police to combat anti-social behaviour within the District and particularly on the Council's housing estates. A number of remedies exist primarily under the provisions of the Crime and Disorder Act 1998 which enable the Council to take action either in support of the Police or alone.
- 6** It is felt that the existing delegation to the Director of Planning and Environmental Services is too narrow and that the Head of Housing Services and the Director of Finance and Community Services should be given their own delegations so that effective enforcement action can be taken against anti-social behaviour/nuisance occurring on all Council land and property and also as an adjunct to the powers that are available under Clean Neighbourhoods and Environment Act 2005.

## **Financial Appraisal**

- 7** There will be no additional cost to the Council arising from these proposals.

## **Environmental Implications**

- 8** I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

## **Risk Management Implications**

**9** The following risks may arise if the recommendations are not implemented:

- Officers will be unable to initiate swift enforcement action against unauthorised traveller encampments and anti-social behaviour/nuisance.

No new risks will arise if the recommendations are implemented.

## **Background Papers**

**10** Report to Cabinet dated 23 July 2007 and Minute.

## **Appendices**

**11** None.