



COUNCIL - 19TH JULY 2016

SUBJECT: AMENDMENTS TO AUTHORISATION OF OFFICERS WITHIN THE PUBLIC PROTECTION DIVISION

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report which advises of changes to the legislation applicable to Officers of the Public Protection Division to amend the Council's Constitution to include Psychoactive Substances 2016 and the Children and Families Act 2014, and sought additional authorisation for Officers under the above Acts, was considered by Cabinet on 29th June 2016 and is referred to Council for consideration.
 - 1.2 Officers within the Public Protection Division require additional authorisation under Acts of Parliament in order to enforce the legislation and carry out their duties.
 - 1.3 At the meeting of Cabinet, Members discussed the implications of the changes in legislation and noted that the legislation now includes New Psychoactive Substances or anything producing a "legal high" (excluding alcohol, tobacco, nicotine, caffeine), "proxy purchasing" of tobacco products and cigarette papers, as well as under age sales of nicotine products such as e-cigarettes and liquids. The report provides for local authority Enforcement Officers to have the flexibility to issue fixed penalty notices in relation to the proxy sales of tobacco products if they believe an offence has been committed. Members were advised at that time that should they have any specific concerns they should notify Officers and investigations and/or "Test Purchases" could be implemented where required.
 - 1.4 Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the Officers report it be recommended to Council that: -

- (i) the implementation of the legislation and the recommended changes to the Council's Constitution be referred to Council for determination;
- (ii) the Council's Monitoring Officer make the necessary amendments to the Council's Constitution;
- (iii) the Council's Constitution and Terms of Reference be amended by adding the following: Psychoactive Substances Act 2016, Children and Families Act 2014;
- (iv) Officers within the Public Protection Division be authorised under the Psychoactive Substances Act 2016 and the Children and Families Act 2014 in order to enforce the legislation and carry out their duties.

1.5 Members are asked to consider the recommendations.

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Appendix:
Report to Cabinet dated 29th June 2016.