



Belfast City Council

Report to:	Strategic Policy & Resources
Subject:	Committee's approval for the nomination of 'authorised persons' under Article 23 of the Public Order (N.I.) Order 1987
Date:	24 May 2013
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services Ext 3260
Contact Officer:	John Walsh, Legal Services Manager ext 6042

1	Relevant Background Information																						
1.1	Under the Public Order (N.I.) Order, Article 23 deals with offences in relation to public buildings and activities therein. In order for an individual to give direction for the removal of a person from a building they must have formal authorisation. In the case of Belfast City Council, such authorisation must be confirmed formally by Council. Article 23 of the Order has been included as Appendix 1.																						
1.2	This matter was previously considered by the Policy and Resources Committee on the 22 nd April 2005 when the Committee approved a list of staff who may act as an "authorised person". Due to retirements and changes in the designations/post holders, an updated list of relevant staff is presented for approval by the Committee.																						
1.3	<p><u>Persons to be authorised:</u></p> <table border="0"> <thead> <tr> <th><u>Post</u></th> <th><u>Name</u></th> </tr> </thead> <tbody> <tr> <td>Chief Executive</td> <td>Peter McNaney</td> </tr> <tr> <td>Town Solicitor & Assistant Chief Executive</td> <td>Ciaran Quigley</td> </tr> <tr> <td>Legal Services Manager</td> <td>John Walsh</td> </tr> <tr> <td>Director of Finance & Resources</td> <td>Ronan Cregan</td> </tr> <tr> <td>Director of Property & Projects</td> <td>Gerry Millar</td> </tr> <tr> <td>Director of Development</td> <td>John McGrillen</td> </tr> <tr> <td>Director of Health & Environmental Services</td> <td>Suzanne Wylie</td> </tr> <tr> <td>Director of Parks & Leisure</td> <td>Andrew Hassard</td> </tr> <tr> <td>Assistant Director of Parks & Leisure</td> <td>Rose Crozier</td> </tr> <tr> <td>Head of Information Services</td> <td>Paul Gribben</td> </tr> </tbody> </table>	<u>Post</u>	<u>Name</u>	Chief Executive	Peter McNaney	Town Solicitor & Assistant Chief Executive	Ciaran Quigley	Legal Services Manager	John Walsh	Director of Finance & Resources	Ronan Cregan	Director of Property & Projects	Gerry Millar	Director of Development	John McGrillen	Director of Health & Environmental Services	Suzanne Wylie	Director of Parks & Leisure	Andrew Hassard	Assistant Director of Parks & Leisure	Rose Crozier	Head of Information Services	Paul Gribben
<u>Post</u>	<u>Name</u>																						
Chief Executive	Peter McNaney																						
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Assistant Director of Parks & Leisure	Rose Crozier																						
Head of Information Services	Paul Gribben																						

	Head of Facilities Management Head of Cleansing Services Senior Markets Supervisor Security Manager (<i>acting</i>) Security Duty Officers:	George Wright Sam Skimin Ian Carmichael Gerry Fleming Samuel Young John Linklater Ron Galbraith Jonathan Wheeldon
1.4	It is also requested that the Director of Property and Projects be given delegated authority to issue temporary authorisations in the event that circumstances would require such action to be taken.	

2	Key Issues
2.1	It is requested that the Committee recommends to the Council that each of those nominated in the report be designated an “authorised person” under the provisions of the Public Order (N.I.) Order 1987

3	Resource Implications
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	Members are asked to note the information provided.

6	Documents Attached
6.1	See Appendix 1

Appendix 1

Extract from the Public Order (Northern Ireland) Order 1987

Offences in relation to public buildings and activities therein

Article 23

(1) A person who -

- (a) Enters any public building as a trespasser; or
 - (b) Not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in a public building wilfully neglects or fails to comply as soon as is practicable with a direction to leave that building given by an authorised person or by a constable, at the request of an authorised person; or
 - (c) knowingly interferes with the carrying on of any lawful activity in any public building,
- shall, without prejudice to the operation of any other statutory provision or rule of law, be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable -

- (a) On summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) On conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(3) A constable, if so requested by an authorised person, may remove from a public building any person who commits an offence under paragraph (1) in that building.

(4) An authorised person who gives a direction under paragraph (1)(b) to any person shall, if so required by that person, produce his authorisation to give such a direction.

(5) In this Article "authorised person", in relation to a public building, means a person authorised in writing by the body or person owning, or lawfully occupying or using, the building to give directions under paragraph (1)(b) with respect to that building.

(6) In this Article "public building" includes—

- (a) Any building or part of a building which—
 - (i) Is owned, occupied or used for any purpose by or on behalf of a public body or for the purposes of any grant-aided school or institution of further or higher education; or
 - (ii) Is occupied or used for judicial or police purposes or for the purposes of the Assembly;

(b) Any place or thing which is within the curtilage of such a building.

(7) For the purposes of this Article any place which is—

(a) Part of the Stormont Estate within the meaning of the Stormont Regulation and Government Property Act (Northern Ireland) 1933; or

(b) Part of the demesne and other lands referred to in section 1 of the Government Property (Amendment) Act (Northern Ireland) 1955,

shall be deemed to be within the curtilage of a public building.

(8) In this Article “public body” includes—

(a) A department of the Government of the United Kingdom or a Northern Ireland department;

(b) A district council or any committee appointed wholly or partly by a district council;

(c) Any board, commissioners or other body authorised to supply services under any statutory provision, whether of a general or special nature; and

(d) Any other public authority, board, commissioners or body of any kind constituted by or under any statutory provision, whether of a general or special nature.