

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**  
**SOCIAL CARE, HEALTH AND HOUSING CABINET BOARD**  
**REPORT OF THE DIRECTOR OF ENVIRONMENT – G.NUTT**

**18 FEBRUARY 2016**

**SECTION A – MATTER FOR DECISION**

**WARDS AFFECTED: ALL**

**TRANSFER OF DELEGATED AUTHORITY FROM THE DIRECTOR OF SOCIAL CARE, HEALTH AND HOUSING TO THE DIRECTOR OF ENVIRONMENT FOLLOWING THE TRANSFER OF THE ENVIRONMENTAL HEALTH AND TRADING STANDARDS FUNCTION TO THE ENVIRONMENT DIRECTORATE**

**Purpose of Report**

1. To seek approval for the transfer of delegated authority to make decisions associated with the Environmental Health and Trading Standards function of the Authority to the Environment Directorate.

**Executive Summary**

2. Approval was granted by the Personnel Committee on the 11th January 2016 to transfer the Environmental Health and Trading Standards service from the Social Services Directorate to the Environment Directorate. It is now necessary to transfer all the associated delegated authorisations to officers over to the Environment Directorate to ensure that the service can continue to be delivered. Such a transfer needs to be authorised by the Social Care, Health and Housing Cabinet Board.

**Background**

3. On the 11<sup>th</sup> of January 2016, Personnel Committee approved the transfer of the Environmental Health and Trading Standards Service from the Social Services Directorate to the Environment Directorate.

The transfer of responsibilities also included the need to restructure the service to secure improvements in service delivery and to deliver the associated savings required as part of the Council's Forward Financial Plan. In order for the Environment Directorate to manage the service going forward, it is now necessary to transfer delegated responsibilities from the Director of Social Services, the Head of Business Strategy and Public Protection and the Principal Officer of Environmental Health and Trading Standards to the Director of Environment and the Head of Planning and Public Protection. It should be noted that the pest control function currently undertaken by Environmental Health will be transferred to the Head of Streetcare, however it is not necessary to transfer the legislative powers associated with this function as they are already held by the Head of Streetcare due to the existence of similar functions responsible to this post.

4. The transfer of responsibilities referred to above will enable the delivery of the service going forward within the Environment Directorate. All of the Powers listed below will need to be transferred to the Director of Environment and the Head of Planning and Public Protection. These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed. For ease of reference the powers to be transferred are as follows:
5. **Powers to be transferred from the Director of Social Services, Health and Housing to the Director of Environment**
6. The following Proper Officer Provisions set out on page 3.114 of Part 3 of the current Constitution (Version 13.08.15)
  - (1) Proper Officer Appointments
    - (iii) Public Health Act 1936 Section 79 - removal of noxious matter.
    - (iv) Clean Air Acts - authentication of notices thereunder.
    - (v) Food Safety Act 1990 Section 19 - registration of premises used as a food business.
    - (vi) Public Health (Control of Disease) Act 1984 Section 46 - Burial and Cremation.
    - (vii) Local Government Act 1972 - Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.

7. **Powers to be transferred to the Director of Environment, the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager**
8. Paragraph “(c) Environmental Health and Trading Standards” of the Delegation Arrangements to the Director of Social Services Health and Housing set out in Pages 3.122 to 3.139 of Part 3 of the current Constitution (Version 13.08.15) sets out the legislation relevant to the Environmental Health and Trading Standards functions of the Authority and currently delegated to the Director of Social Services, Health and Housing; the Head of Business Strategy and Public Protection; the Principal Officer – Environmental Health and Trading Standards.
9. These powers are now to be transferred as follows:
10. (A) The Director of Social Services delegated powers are to be transferred to the Director of Environment
11. (B) The Head of Business Strategy and Public Protection’s powers are to be transferred to the Head of Planning and Public Protection.
12. (C) The Principal Officer Environmental Health and Trading Standards’ powers are to be transferred to the Environmental Health and Trading Standards Manager.
13. **Animal By-Products (Enforcement) (Wales) Regulations 2014**
14. The European Communities Act 1972, under which this secondary legislation is made already appears in Schedule 1 of Paragraph (c) of the delegation arrangement to the Director of Social Services Health and Housing in the Constitution (pages 3.130 – 3.139 of the current Constitution (Version 13.08.15)) . Legal advice that has been received recommends that as there are likely to be a large number of pieces of secondary legislation made under this Act that there is a need to be specific in terms of the secondary legislation that we delegate to Officers. We also request that Members agree to add this legislation to Schedule 1 and to delegate authority under this legislation to the Director of Environment the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager so that they in turn may authorise competent staff to act under this legislation.

## **Financial Impact**

15. The budget associated with the delivery of the Environmental Health and Trading Standards service is to be transferred to the Environment Directorate with effect from the 1<sup>st</sup> April 2016. The Forward Financial Plan proposed for 2016/17 identifies the need for £200,000 to be saved as a consequence of the transfer of responsibilities to the Environment Directorate. A schedule of savings are being pursued to secure this target whilst also ensuring a continuation of service delivery.

## **Equality Impact Assessment**

16. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

## **Workforce Impact**

17. The staff currently working within Environmental Health and Trading standards have been transferred to the Environment Directorate following approval by the Personnel Committee in January 2016.

## **Legal Impact**

18. The transfer of delegated arrangements as described within this report is essential to enable the council to continue to deliver the services of Environmental Health and Trading Standards in accordance with the legislation.

## **Risk Management**

19. All risks and associated measures to address those risks relating to the Environmental Health and Trading Standards function as specified within the Head of Business Strategy and Public Protection's Business Plan will be transferred to the Head of Planning and Public Protection's Business Plan and if necessary the Corporate Risk register.

## **Consultation**

20. There is no requirement under the Constitution for external consultation on this item.

## **Recommendations**

21. (1). That the delegation arrangements currently in force and set out in Paragraph (c) of the delegation arrangements to the Director of Social Services Health and Housing in the current Constitution (Version 13.08.15) as reiterated in the report above be transferred to the Director of Environment, The Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager respectively  
  
(2). That the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course in order to reflect the above changes to the delegation arrangements within the Constitution [version 13.08.15]

## **Reason for Proposed Decisions**

22. To ensure that the Constitution reflects changes to responsibilities and as such identifies the delegated powers required to deliver on those responsibilities.

## **Implementation of Decision**

23. The decision is proposed for implementation after the three day call in period.

## **List of Background Papers**

24. Report to Personnel Committee on the 11<sup>th</sup> January 2016

## **Officer Contact**

25. Nicola Pearce, Head of Planning. Tel: 01639 686680 or email:n.pearce@npt.gov.uk