

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

14th April 2016

Report of the Head of Streetcare

M. Roberts

Matter for Decision

Wards Affected: All

Section S34B and 34C Environmental Protection Act 1990

Purpose of Report

- 1 To advise Members of additional powers in the Environmental Protection Act 1990 regarding the stopping and seizure vehicles, that are suspected of being used in specified waste crimes.
- 2 To seek Member approval for delegation of these powers to appropriate officers

Executive Summary

- 3 The Council has an active waste enforcement section and continues to take the highest level of enforcement action in Wales. These powers will assist officers in continuing to achieve this.

Background

- 4 During the course of their duties, the Waste Enforcement Officers have, in conjunction with Legal Services and the Police seized vehicles which they suspected of being used in waste crimes under the S6 (1) of the Control of Pollution (Amendment) Act 1989.
- 5 The provisions under S6(1) of the Control of Pollution (Amendment) Act 1989 have now been repealed and replaced by provisions under Sections 34B and 34C of the Environmental

Protection Act 1990. These new provisions now give this Authority the power, in conjunction with the Police, to stop and if necessary seize a vehicle reasonably believed to have been used in a relevant offence. For the purposes of this report a relevant offence includes an offence under S33 Environmental Protection Act 1990 (the deposit of controlled waste)

- 6 The Proper Officer Provisions in the Constitution of Neath Port Talbot sets out legislation relevant to Waste Enforcement, including the EPA 1990 and are delegated to the Director of Environment, the Head of Streetcare and the Neighbourhood Services Manager.
- 7 These delegated powers need to be extended to include the revised provision under Sections 34B and 34C of the EPA 1990.

Financial Impact

- 8 There are no financial impacts associated with this report.

Equality Impact Assessment

- 9 There are no equalities impacts associated with this report

Workforce Impact

- 10 There are no workforce impacts associated with this report

Legal Impact

- 11 These powers require delegation to officers prior to implementation.

Risk Management

- 12 There are no risk management issues associated with this report.

Crime and Disorder Impacts

- 13 The Council will be able to use these new powers when investigating waste crime

Consultation

- 14 There is no requirement under the Constitution for external consultation on this item

Recommendation(s)

- 15 (i) It is recommended that Members approve the delegation of powers pertaining to Section 34B and 34C of the EPA 1990 to the Director of Environment, the Head of Streetcare and the Neighbourhood Services Manager
- (ii) The Constitution be updated to include the revised provisions

Reason for Proposed Decision(s)

- 16 To allow Officers, in conjunction with Legal Services and the Police the ability to legally seize any vehicle, trailer or mobile plant and its contents which is suspected of being used in waste crimes.

Implementation of Decision

- 17 The decision is proposed for implementation after the three day call in period

Appendices

- 18 There are no appendices to this report

List of Background Papers

- 19 There are no background papers to this report

Officer Contact

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