

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

7 July 2016

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Wards Affected: All

Environmental Health And Trading Standards Changes To Officer Delegation Arrangements

Purpose of Report

- 1 To seek approval from Members to amend the authority's current constitution and delegation arrangements to officers in relation to the legislation enforced by the Environmental Health and Trading Standards Service {which are currently set out in the Officers of the Council Delegation Arrangements In Part 3 Of the Authority's Constitution [version 14.08.15]}; in order to add further legislation.

Executive Summary

2. This report seeks to:-
 - a. add the Housing (Wales) Act 2014 to the list of legislation that is enforced by the Environmental Health and Trading Standards Service.
3. b. update the constitution to remove or amend legislation that have been revoked.

Background

4. The Housing (Wales) Act 2014 is made up of a number of parts, and the aim of the act is to improve the supply, quality and standards of housing in Wales.

The key element of the Act which relate to Environmental Health is

Part 1 – Regulation of Private Rented Housing.

The introduction of a compulsory registration and licensing scheme for private rented sector landlords and letting of management agents, which will be delivered by Rent Smart Wales.

Amendments required to the constitution include:

Schedule 1

The legislation that should be included in schedule 1 is:

Antisocial Behaviour and Policing Act 2014

The Food Information (Wales) regulations 2014

The Food Supplements (Wales) Regulations 2003

The Nutrition and Health Claims (Wales) Regulations 2007

The Mobile Homes (Wales) Act 2013

Consumer Rights Act 2015

Companies Act 2006

Fraud Act 2006

The legislation that has been revoked and should be removed from the Schedule 1 is:

Companies Act 1985

Fair Trading Act 1973

Petroleum Consolidation Act 1928-1936

Property Misdescriptions Act 1991

Trade Descriptions Act 1968

Reference to Home Improvements Packs (page 3.126)

There are 2 entries in schedule 1 for Animal Health and Welfare Act 1984. Remove one entry.

The effect of the legislation in schedule 1 that should be amended include

1. Housing Act 1985 – remove reference to fitness of housing and condition of houses in multiple occupation and replace with demolition orders and overcrowding.
2. Consumer Protection Act 1987 - Prohibits the sale of goods not in compliance with the relevant safety regulations and the general safety requirements
3. Health and Safety at Work etc Act 1974 – appointed as an inspector under s.19 and authorised to exercise powers via petroleum Regulations

Schedule 2

Remove reference to :-

The Housing (Maximum Charge for Enforcement) Order 1996

The Housing (Fitness Enforcement Procedures) Order 1996

Houses in Multiple Occupation

Part VI section 197 – Repair notices

PartXI section 395 – Houses in multiple Occupation

All reference to the Housing Act 1985 (points 4 to 14) in schedule 2 should be removed.

Amend reference to :

Part IX section 319 to remove “ closing of premise” .`

Financial Impact

4. None

Equality Impact Assessment

5. 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

- 6 The legislation places a new enforcement duty on the authority where landlords or letting agents do not register / obtain a licence. This new duty will have an impact on the workforce

Legal Impact

- 7 None

Risk Management

- 8 None

Any Other Impacts?

9. *Crime and Disorder*

Consultation

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

Recommendation(s)

- 11 That the delegation arrangements in respect of the Environmental Health and Trading Standards Service which are set out in version 14.08.15 of the authority's Constitution [i.e. in Part 3 - Officer of

the Council Delegation Arrangements : {c} Environmental Health and Trading Standards - Schedule 1] are amended to :

[a] add the Housing [Wales] Act 2014 to the list of legislation [set out in the above referred to Schedule 1] delegated to the Director of Environment, the Head of Planning & Public Protection and the Environmental Health & Trading Standards Manager.

[b] delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation

[c] delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the Housing [Wales] Act 2015 in conjunction with the Head of Legal Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge.

12. 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 authority's delegation arrangements .

Reason for Proposed Decision(s)

- 13 To ensure that the Constitution reflects changes that have been made to certain legislation and that identified further legislation has been added.

Implementation of Decision

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

Appendices

15. *None*

List of Background Papers

16. None

Officer Contact

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