

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Cabinet Board

13 October 2016

Report of the Head of Planning

N. 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 12.08.16]}; in order to add further legislation.

Executive Summary

- 2 This report seeks to:-
 - a. Add the following legislation to the list of legislation that is enforced by the Environmental Health and Trading Standards Service.
 - The Official Feed and Food Control (Wales) Regulations 2009
 - The Trade in Animals and Related Products (Wales) Regulations 2011
 - The Food Hygiene (Wales) Regulations 2006
 - The Law of Property Act 1925

Background

- 3 The European Communities Act 1972, under which this secondary legislation is made already appears in Schedule 1 of the Constitution (pages 3.131 – 3.136). 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. These include, the Official Feed and Food Control (Wales) Regulations 2009, the Trade in Animals and Related Products (Wales) Regulations 2011 and the Food Hygiene (Wales) Regulations 2006.
- 4 The Law of Property Act 1925 enables the Authority to serve notice on an owner of a property to seek it's enforced sale in order to re-coup any outstanding costs incurred through carrying out work in default at the property.

Financial Impact

- 6 None

Equality Impact Assessment

- 7 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

- 8 None

Legal Impact

- 9 None

Risk Management

10 None

Any Other Impacts?

11 *None*

Consultation

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

Recommendation(s)

13 That the delegation arrangements in respect of the Environmental Health and Trading Standards Service which are set out in version 2.08.16 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 :

- add the official Feed and Food Control (Wales) Regulations 2009, The Trade in Animals and Related Products (Wales) Regulations 2011 and the Food Hygiene (Wales) Regulations 2006 and the Law of Property Act 1925 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.
- delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation.
- delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the official Feed and Food Control (Wales) Regulations 2009, the Trade in Animals and Related Products (Wales) Regulations 2011, the Food Hygiene (Wales) Regulations 2006 and the Law of Property Act 1925 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.

- 14 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)

- 15 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

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

Appendices

- 17 *None*

List of Background Papers

- 18 None

Officer Contact

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