

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Regeneration and Sustainable Development Cabinet Board**

*20<sup>th</sup> April 2018*

### **Report of the Head of Planning and Public Protection**

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 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 14.01.17]}; in order to add further legislation.

#### **Executive Summary**

- 2     This report seeks to add Public Health (Wales) Act 2017 to the list of legislation that is enforced by the Environmental Health and Trading Standards Service.

#### **Purpose of the new legislation**

- 3     The Public Health (Wales) Act 2017 aims to address a number of specific public health concerns. For Environmental Health and Trading Standards purposes, the legislation will deal with the following areas:

## **Tobacco and nicotine products**

- 4 Further to the existing controls restricting smoking in enclosed and substantially enclosed public and work places, the Act places additional restrictions on smoking in outdoor care settings for children, school grounds, hospital grounds and public playgrounds. The restriction of smoking in non-enclosed spaces would contribute to the de-normalisation of smoking and promote behaviour change, by providing fewer opportunities for the activity of smoking to be seen.
- 5 The Act also establishes a national register requiring all retailers who sell either tobacco products or nicotine products to register. It is an offence to sell tobacco/nicotine products from premises (including mobile units) if they are not on the national register.
- 6 The national register will also aid enforcement of tobacco and nicotine legislation, such as that relating to age of sale (tobacco and nicotine products) and the display of tobacco products. The register will also be used to disseminate information and guidance to retailers.
- 7 The Act prohibits the handing over of tobacco and/or nicotine products to a person under the age of 18. This relates to situations where, for example, a delivery driver knowingly hands over tobacco or nicotine products to someone under the age of 18 who is unaccompanied by an adult.

## **Licensing of special procedures**

- 8 The Act creates a mandatory licensing scheme for practitioners and businesses carrying out special procedures in Wales. The four special procedures specified in the Act are acupuncture, body piercing, electrolysis, and tattooing.
- 9 It will be an offence for a practitioner to carry out any of these special procedures without a licence, or to perform any procedure from premises or vehicles that are not approved. The overall purpose is to ensure that where special procedures are carried out, this is done in a manner which will not cause any harm to health and reduce the risks of infection.

## **Intimate piercing**

- 10 The Act prohibits the intimate piercing of a person who is under the age of 18 in Wales, in any setting. It will also be an offence to

make arrangements to perform such a procedure on a person under 18. 'Intimate piercing' includes piercings of the nipples, breast, genitalia, buttocks, or tongue. The aim is to protect children and young people from the potential health harms which can be caused by an intimate piercing, and to avoid circumstances where children and young people are placed in a potentially vulnerable situation.

## **Financial Impact**

11 None

## **Equality Impact Assessment**

12 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**

13 The legislation places a new enforcement duty on the authority where persons do not comply with the requirements of the Act. This new duty will have an impact on the workforce

## **Legal Impact**

14 None

## **Risk Management**

15 None

## **9 Any Other Impacts?**

16 None

## **Consultation**

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

## **Recommendation(s)**

- 18 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 Public Health (Wales) Act 2017 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 Public Health [Wales] Act 2017 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.
- 19 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)**

- 20 To ensure that the Constitution reflects further legislation has been added.

## **Implementation of Decision**

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

## **Appendices**

- 22 *None*

## **List of Background Papers**

- 23 None

## **Officer Contact**

- 24 Nicola Pearce, Head of Planning and Public Protection.  
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