

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

27th March 2020

Report of the Head of Planning and Public Protection – Mr C Morris and Head of Legal Services – Mr C Griffiths

Matter for Decision

Wards Affected: All

Environmental Health And Trading Standards and Licensing 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, Countryside and Wildlife Service and Licensing in order to add further legislation.

Executive Summary

- 2 This report seeks to add the The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 to the list of legislation that is enforced by the Environmental Health and Trading Standards Service, Countryside and Wildlife Service and Licensing team.

Background

- 3 Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

- 4 On the 26th March 2020, the Welsh Ministers passed the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (“the Regulations”) which impose restrictions on individuals and businesses and others in respect of the Covid19 pandemic.
- 5 Neath Port Talbot County Borough Council (“the Council”) is categorised as a “relevant person” under the Regulations capable of enforcing four elements of the Regulations, namely:
 - a) The requirement to close premises and businesses during the emergency period.
 - b) Restrictions on certain other businesses and services during the emergency period.
 - c) Restrictions on places of worship, crematorium and community centres.
 - d) The unauthorised use of footpaths that have been declared closed for the duration of the emergency period.
- 6 Under the Regulations, the Council may serve a prohibition notice to a person that it deems is in breach of the requirements listed in paragraph 5 above and to direct that the person follow such instructions as the Council considers necessary.
- 7 The Council is also provided with the power to issue a fixed penalty notice up to the value of £120 (dependant on the breach that has arisen).

Financial Impact

- 8 None

Integrated Impact Assessment

- 9 An integrated impact assessment is not required for this decision as this is an administrative process only to ensure officers have the necessary authority in place.

Workforce Impact

- 10 None.

Legal Impact

- 11 Requirement must be had at all times with the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

Risk Management

- 12 None.

Consultation

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

Recommendation(s)

- 14 That the delegation arrangements and powers to take action in respect of the Environmental Health and Trading Standards Service, Countryside and Wildlife Service and Licensing Service which are set out in the Council's Constitution be amended to include the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, the Director of Environment and Regeneration or Director of Finance and Corporate Services be granted delegated authority to authorise individual competent and qualified officers to act under that legislation and 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 immediately.

Appendices

- 17 None.

List of Background Papers

18 None.

Officer Contact

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